

FEDERAL REGISTER

VOLUME 33 • NUMBER 89

Tuesday, May 7, 1968

• Washington, D.C.

Pages 6847-6906

Agencies in this issue—

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Conservation Service
Civil Aeronautics Board
Consumer and Marketing Service
Customs Bureau
Defense Department
Economic Development
Administration
Federal Aviation Administration
Federal Communications Commission
Federal Deposit Insurance
Corporation
Federal Maritime Commission
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Federal Trade Commission
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Interstate Commerce Commission
Land Management Bureau
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Administration
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CODE OF FEDERAL REGULATIONS

(As of January 1, 1968)

Title 7—Agriculture (Parts 1000–1029) (Revised) ----- \$1. 00
Title 7—Agriculture (Part 1500–End) (Revised) ----- 1. 00
Title 47—Telecommunication (Part 80–End) (Revised)– 1. 50

[A cumulative checklist of CFR issuances for 1968 appears in the first issue of the Federal Register each month under Title 1]

Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402



Area Code 202

Phone 962-8626

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.6, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1968

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926, as amended), hereinafter called the "Act", for the purpose of allotting the 1968 sugar quota for the Mainland Cane Sugar Area among persons who process sugar from sugarcane and market such sugar for consumption in the continental United States.

Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things (1) to prevent disorderly marketing of sugar or liquid sugar and (2) to afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on February 24, 1968 (33 F.R. 3345), of a public hearing to be held in Miami, Fla., at the Columbus Hotel on March 13, 1968, beginning at 10 a.m., e.s.t., for the purpose of receiving evidence to enable the Secretary (1) to affirm or revoke the preliminary finding of necessity for allotments, (2) to establish a fair, efficient, and equitable allotment of the 1968 quota for the Mainland Cane Sugar Area, (3) to revise or amend the allotment of the quota for the purposes of (a) allotting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department, and (c) substituting revised or corrected data where such data becomes a part of the official records of the Department, and (4) to make provision for transfer and exchange of allotments.

The hearing was held at the place and time specified in the notice and testimony was given with respect to all of the issues referred to in the hearing notice. In arriving at the findings, conclusions, and regulatory provisions of this order, all proposed findings and conclusions

were carefully and fully considered in conjunction with the record evidence pertaining thereto.

Omission of a recommended decision and effective date. The record of the hearing shows that the supply of sugar available for marketing is substantially in excess of the quota of 1,100,000 tons and that 1968 marketings of mainland cane sugar, unless restricted, would substantially exceed the 1968 quota for the Mainland Cane Sugar Area. The proceeding to which this order relates was instituted for the purpose of allotting the quota for the Mainland Cane Sugar Area to prevent disorderly marketing and to afford each interested person an equitable opportunity to market sugar within the quota for the area. In view of the need for allotments and the fact that several allottees have ample sugar to market their entire 1968 allotment, it is imperative that these processors know as soon as possible the approximate quantity of sugar each may market within the quota during the balance of the year in order to plan marketings and prevent disorderly marketing that could occur if the effective date of the allotment order is unduly delayed. Accordingly, in order to fully effectuate the purposes of section 205(a) of the Act it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is also hereby further found and determined for the reasons given above for the omission of a recommended decision that compliance with the 30-day effective date requirement of 5 U.S.C. 553 (80 Stat. 378), is impractical and contrary to the public interest, and consequently, this order shall become effective when filed for public inspection in the Office of the Federal Register.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent parts as follows:

*** Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugarcane or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. *** The Secretary is also authorized in making such allotments of a quota for any calendar year to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings, and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for the reasonably efficient operation of any nonaffiliated single

plant processor of sugarbeets or any processor of sugarcane and as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area: *Provided*, That *** the marketing allotment of a processor of sugarcane shall not be increased under this provision above an allotment equal to the effective inventory of sugar of such processor on January 1 of the calendar year for which such allotment is made: *** *Provided further*, That the total increases in marketing allotments made pursuant to this sentence *** to processors in the mainland cane sugar area shall be limited to 16,000 short tons of sugar, raw value, for each calendar year. In making such allotments, the Secretary may also take into consideration and make due allowance for the adverse effect of drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions seriously and broadly affecting any general area served by the factory or factories of such person. ***

The record of the hearing indicated that the prospective supply of mainland cane sugar available for marketing in 1968 exceeds the quota for that area to an extent that allotment of the quota is necessary (R. 8, 9).

The Government witness introduced for the record annual data on processings, marketings, and inventories for the most recent 5-year period (R. 9, 10; Ex. 6).

The three factors of "processings," "past marketings," and "ability to market," the adverse effect of storm, freeze, and other similar abnormal conditions and the provision of section 205(a) of the Act added by the Sugar Act Amendments of 1965 which provides for establishing an allotment for any processor as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area have been considered by the allotment method herein adopted as set forth in Finding 5.

The allotment method adopted is the same as that proposed by the Government witness at the hearing. The substantive features of the method adopted was also supported by the witness representing 48 of the 49 Mainland Cane processors.

The Government witness proposed that the factor "processings from proportionate shares" should be measured for each processor by the higher of either its production of sugar from 1967-crop sugarcane or 85 percent of his average production from the 1965 and 1966 crops of sugarcane in short tons, raw value, expressed as a percentage of the total of the measure for all processors and weighted by 60 percent. The witness representing 48 of the 49 Mainland Cane processors proposed that the factor "processings from proportionate shares" be measured for each processor only by the production of sugar from 1967-crop sugarcane and weighted by 60 percent. The primary purpose for using an alternative measure of "processings" (85

percent of his average production from the 1965 and 1966 crops of sugarcane) is to give protection against a crop failure or some other unavoidable occurrence which reduced processings of the crop used for the measure of processings. The alternative measure of "processings from proportionate shares" is included in the formula adopted herein, even though average processings from the 1967 crop exceeds the alternative measure for each processor.

Giving consideration to "past marketings" by using the average annual marketings for each processor for the three-year period 1965 through 1967 and giving this factor a weighting of 20 percent in determining allotments contributes to an orderly rate of change in the marketings of each processor relative to others. Measuring the factor "ability to market" as herein adopted and giving this factor a weighting of 20 percent in determining allotments gives recognition to the sugar produced from 1967-crop sugarcane which each processor will have available for marketing within the 1968 quota and also recognizes the relative sharing of each processor in past new-crop marketings within the quota.

The allotment method adopted herein gives consideration to the provision in section 205(a) of the Act which provides for increasing allotments for any processor to avoid unreasonable carryover of sugar in relation to other processors in the area. Processors' basic allotments which are less than their January 1, 1968, effective inventories of sugar are subject to upward adjustments by an aggregate of not more than 16,000 tons. Such adjustments reduce the quantity of 1967-crop sugar which could not otherwise be marketed under 1968 allotments and would have to be carried in inventory or marketed under bond for refining and storage until January 1, 1969.

As in past years an allotment of 100 short tons, raw value, is established for Louisiana State University.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) The quantity of sugar available for marketing in 1968, consisting of January 1, 1968, effective inventories of mainland cane sugar of approximately 1,033,000 tons plus 1968-crop sugar produced before January 1, 1969, of between 700,000 and 800,000 tons would substantially exceed the current 1,100,000-ton quota established for the area.

(2) The supply situation makes necessary the allotment of the 1968 sugar quota for the Mainland Cane Sugar Area to assure an orderly marketing of sugar, and to afford all interested persons equitable opportunities to market sugar within the quota.

(3) It is desirable to postpone the allotment of the entire 1968 calendar year sugar quota for the Mainland Cane Sugar Area until final processings from 1967-crop sugarcane are known for all allottees. Therefore, to prevent any allottee from marketing a quantity of sugar larger than eventually may be allotted to it, when the entire 1968 quota

is allotted on the basis of final 1967-crop data, allotments herein shall be limited to 95 percent of the allotment determined under finding (5) for all allottees except that the allotments for Cajun Sugar Co-op, Inc., Cora-Texas Manufacturing Co., Inc., Louisiana State Penitentiary, Meeker Sugar Coop., Inc., and Talisman Sugar Corp., shall be at the same level as preliminary allotments of the 1968 quota previously established for such allottees in Sugar Regulation 814 (33 F.R. 59), the full quantity of which may have been marketed.

(4) One hundred short tons, raw value, shall be set aside from the quota, and an allotment of 100 short tons, raw value, shall be established for the Louisiana State University.

(5) The remainder of the 1968 Mainland Cane Sugar Area quota for consumption within the continental United States, after setting aside 100 tons as provided in finding (4) shall be allotted to processors other than Louisiana State University by measuring and weighting each of the three factors of "processings," "past marketings," and "ability to market" specified in section 205(a) of the Act; and by giving consideration to the need for establishing an allotment for any processor as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area (within specified limits) as provided in section 205(a) of the Act; and by determining allotments as follows based on data in the hearing record and any revised or corrected final data of which official notice will be taken:

(a) The factor "processings" shall be measured for each processor by either his production of sugar from 1967-crop sugarcane in short tons, raw value, or 85 percent of his average crop-year production from the 1965 and 1966 crops of sugarcane in short tons, raw value, whichever is higher, expressed as a percentage of the total of the measure for all processors and weighted by 60 percent.

(b) The factor "past marketings" shall be measured for each processor by his average annual quota marketings for the years 1965 through 1967 in short tons, raw value, expressed as a percentage of the total of the measure for all processors and weighted 20 percent.

(c) The factor "ability to market" shall be measured by the sum of (i) each processor's January 1, 1968, effective inventory, and (ii) his share of the difference between the 1968 quota in short tons, raw value, for the Mainland Cane Sugar Area after deducting 100 tons set aside under finding (4) and the total of the effective inventories of all processors. Each processor's share of such difference shall be determined by applying to the area total difference the percentage that his average 1965 through 1967 new-crop marketings were of the total average new-crop marketings of all processors for such years. The sum of (i) and (ii) in short tons, raw value, expressed for each processor as a percentage of the total of the measure for all processors shall be weighted 20 percent.

(d) To determine each processor's basic allotment in short tons, raw value, the total percentage for each processor derived by measuring and weighting the three factors as heretofore proposed shall be multiplied by the quota for the Mainland Cane Sugar Area in short tons, raw value, less 100 tons set aside under finding (4).

(e) Basic allotments established pursuant to paragraph (d) of this finding which are less than the respective processors' January 1, 1968, effective inventories are subject to upward adjustments by a total not to exceed 16,000 short tons, raw value, and the basic allotments of processors having January 1, 1968, effective inventories less than their basic allotments shall be reduced proportionately as necessary to make total adjusted allotments equal to the area quota in short tons, raw value, less 100 tons set aside under finding (4), except, that no processor's basic allotment shall be reduced to a level less than the respective processor's January 1, 1968, effective inventory. The basic allotments of those processors having January 1, 1968, effective inventories larger than their basic allotments are subject to upward adjustments (not to exceed 16,000 tons) in the following manner: (i) The basic allotments of processors having January 1, 1968, physical inventories in excess of basic allotments shall be increased to the level of the physical inventories. (ii) The remainder of the 16,000 tons or lesser quantity (if such lesser quantity will provide adjusted allotments equal to January 1, 1968, effective inventories) shall be added to the basic allotments of the other processors in such a manner that will not permit any processor to market a larger percentage of its January 1, 1968, effective inventory by the use of this adjustment than other processors. No increased allotment established pursuant to this subdivision shall be larger than the respective processor's January 1, 1968, effective inventory.

(f) Any revision in allotments made to give effect to any increase or decrease in the Mainland Cane Sugar Area quota shall be determined by the full application of the formula for determining allotments as provided in paragraphs (a) through (e) of this finding (5).

(g) Any revision in allotments made to give effect to a release of all or a part of an allotment by an allottee shall be determined proportionately on the basis of adjusted allotments computed pursuant to paragraph (e) of this finding.

(6) Final adjustments in the data for the 1967 crop including January 1, 1968, effective inventories, will be made on the basis of sugar production and marketing reports covering the period ending April 30, 1968.

(7) The quantity of sugar and the percentages referred to in finding (5) based on data involving some estimates for 1967-crop processings and January 1, 1968, inventories which shall be used in determining allotments pending the availability and substitution of revised data are set forth in the following table:

Processor	Processings of sugar from 1967 crop cane		Average quota marketings within allotments 1965-67		Ability to market				Processors basic allotment ¹		Processor's adjusted allotment, ⁴ short tons, raw value	
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Effective inventory Jan. 1, 1968 ¹	New crop quota marketings		Measures used		Percent of total		Short tons, raw value
						Average 1965-67	Shares of difference ²	Col. (5) plus col. (7)	Percent of total			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Albania Sugar Co.	13,037	0.895	10,051	0.897	4,117	9,303	706	4,823	0.439	0.804	8,843	8,482
Alma Plantation, Ltd.	13,836	.950	9,922	.885	4,642	9,491	720	5,362	.488	.845	9,294	8,914
J. Aron & Co., Inc.	17,834	1.224	14,125	1.261	4,277	13,946	1,058	5,335	.485	1.084	11,923	11,436
Billeaud Sugar Factory	10,589	.727	10,159	.907	3,557	7,229	548	4,105	.373	.692	7,611	7,300
Breaux Bridge Sugar Co-op.	13,570	.931	8,817	.787	7,305	6,567	498	7,803	.709	.858	9,437	9,051
Wm. T. Burton Industries, Inc.	10,643	.731	8,507	.759	4,190	6,394	485	4,675	.425	.675	7,424	7,121
Caire & Graugnard	9,044	.621	5,343	.477	4,156	4,768	362	4,518	.411	.550	6,049	5,802
Cajun Sugar Co-op. Inc.	28,141	1.932	19,733	1.761	28,100	52	4	28,104	2.555	2.022	22,240	28,100
Caldwell Sugar Co.-op., Inc.	19,592	1.345	12,856	1.147	7,004	12,553	952	8,556	.778	1.192	13,111	12,575
Columbia Sugar Co.	10,967	.753	8,283	.739	4,510	6,851	520	5,030	.457	.691	7,600	7,289
Cora-Texas Manufacturing Co., Inc.	11,144	.765	7,565	.675	8,802	2,894	210	9,021	.820	.758	8,337	8,802
Dugas & LeBlanc, Ltd.	21,475	1.474	14,484	1.293	8,927	13,141	997	9,924	.902	1.323	14,552	13,957
Dube & Bourgeois Sugar Co.	13,635	.936	9,979	.891	4,425	9,620	730	5,155	.469	.834	9,173	8,798
Erath Sugar Co., Ltd.	7,336	.504	7,068	.631	1,570	5,785	439	2,009	.183	.465	5,115	4,906
Evan Hall Sugar Co-op., Inc.	32,805	2.252	22,266	1.987	12,680	21,102	1,600	14,280	1.298	2.008	22,086	21,184
Frisco Cane Co., Inc.	2,923	.201	2,834	.253	590	2,360	179	769	.070	.185	2,035	1,952
Glenwood Co-op., Inc.	23,191	1.592	15,650	1.397	8,955	14,867	1,128	10,083	.917	1.418	15,597	14,900
Helvetia Sugar Co-op., Inc.	17,877	1.227	11,682	1.043	7,802	10,589	803	8,605	.782	1.101	12,110	11,615
Iberia Sugar Co-op., Inc.	24,557	1.686	18,882	1.685	12,403	12,660	960	13,363	1.215	1.592	17,520	16,795
Lafourche Sugar Co.	24,670	1.693	17,537	1.565	9,353	15,884	1,205	10,558	.960	1.521	16,719	16,046
Harry L. Laws & Co., Inc.	20,968	1.439	16,411	1.405	8,076	11,927	905	8,981	.817	1.320	14,519	13,926
Leverett-St. John, Inc.	16,564	1.136	13,856	1.237	3,651	12,879	977	4,628	.421	1.013	11,142	10,687
Little Texas, Inc.	7,324	.503	4,426	.395	4,209	3,288	249	4,458	.405	.462	5,082	4,874
Louisiana Sugar Co-op., Inc.	14,839	1.019	11,425	1.020	6,119	9,134	693	6,812	.619	.939	10,328	9,906
Louisiana State Penitentiary	5,209	.358	3,480	.311	3,961	1,618	123	4,084	.371	.351	3,861	3,961
Meeker Sugar Co-op., Inc.	14,687	1.008	11,179	.998	12,848	2,298	174	13,002	1.184	1.041	11,450	12,028
Milliken & Farwell, Inc.	15,082	1.035	9,993	.892	6,738	8,965	650	7,418	.674	.934	10,273	9,853
M. A. Patout & Son, Ltd.	20,084	1.379	15,765	1.407	6,813	13,969	1,050	7,872	.716	1.252	13,771	13,208
Poplar Grove Planting & Refining Co.	12,366	.849	8,676	.774	5,922	6,622	502	6,424	.584	.781	8,590	8,239
Savole Industries	22,313	1.532	14,450	1.290	9,832	13,130	996	10,328	.985	1.374	15,113	14,496
St. James Sugar Co-op., Inc.	28,130	1.931	18,385	1.641	21,143	8,201	622	21,765	1.979	1.883	20,711	20,711
St. Mary Sugar Co-op., Inc.	19,977	1.371	14,469	1.291	7,381	13,233	1,004	8,385	.762	1.233	13,562	13,008
South Coast Corp.	84,720	5.816	65,543	5.849	68,409	15,370	1,166	69,575	6.326	5.925	65,169	67,437
Southdown, Inc.	48,936	3.359	38,842	3.422	23,104	26,060	1,976	25,080	2.280	3.156	34,713	33,295
Sterling Sugars, Inc.	33,970	2.332	26,177	2.336	12,067	23,055	1,749	13,816	1.256	2.118	23,296	22,344
J. Suple's Sons Lumber & Shingle Co.	7,954	.546	5,507	.491	3,997	4,099	311	4,308	.392	.504	5,543	5,317
Valentine Sugars, Inc.	14,057	.965	11,129	.903	4,336	9,310	706	5,042	.458	.869	9,558	9,168
Vida Sugars, Inc.	7,021	.482	5,398	.482	2,095	4,968	379	2,474	.225	.431	4,741	4,547
A. Wilbert's Sons Lumber & Shingle Co.	14,117	.969	10,089	.900	5,735	8,807	668	6,403	.582	.878	9,657	9,262
Young's Industries, Inc.	7,569	.519	7,592	.677	2,715	4,827	366	3,081	.280	.503	5,532	5,306
Louisiana subtotal	742,733	50.987	548,035	48.911	367,116	387,846	29,418	396,534	36.052	47.585	523,387	516,658
Atlantic Sugar Association, Inc.	40,890	2.787	32,159	2.870	41,550	58	4	41,554	3.778	3.002	33,019	34,067
Florida Sugar Corp.	25,541	1.753	14,905	1.330	24,554	2,992	227	24,481	2.226	1.763	19,391	19,886
Glades County Sugar Growers Co-op. Association	43,005	2.952	43,317	3.866	44,292	0	0	44,292	4.027	3.350	36,847	36,847
Oseola Farms Co.	60,845	4.177	46,320	4.134	62,304	0	0	62,304	5.664	4.466	49,122	51,084
South Puerto Rico Sugar Co., Inc.	94,210	6.467	74,848	6.080	92,541	5,571	422	92,963	8.452	6.906	75,959	75,959
Sugarcane Growers Co-op. of Florida	126,912	8.712	103,638	9.249	130,109	0	0	130,109	11.829	9.443	103,864	106,677
Talisman Sugar Corp.	46,883	3.218	42,293	3.775	48,311	79	6	48,317	4.393	3.564	39,200	39,611
United States Sugar Corp.	275,995	18.947	214,964	19.185	257,040	30,397	2,306	259,346	23.579	19.921	219,111	219,111
Florida subtotal	713,981	49.013	572,444	51.089	700,401	39,097	2,965	703,366	63.948	52.415	576,513	583,242
Total, all mainland cane	1,456,714	100.000	1,120,479	100.000	1,067,517	426,943	32,383	1,099,900	100.000	100.000	1,099,900	1,099,900

¹ Effective inventory, Jan. 1, 1968, is the physical inventory, Jan. 1, 1968, plus processings from 1967-crop cane in 1968.

² The difference between 1,099,900 tons (quota for 1968 established by S.R. 811, less 100 tons reserve for Louisiana State University) and the total Jan. 1, 1968 effective inventories for all processors amounting to 1,067,517 tons. This difference of 32,383 tons prorated on the basis of each processor's average 1965-67 new-crop marketings.

³ Column (10) was determined by weighting "processings" Col. (2) by 60 percent, "marketings" Col. (4) by 20 percent, and "ability" Col. (9) by 20 percent. Column (11) was determined by multiplying the quota, less 100 tons reserved for Louisiana State University, by Col. (10).

⁴ Basic allotments (Col. 11) which were less than the respective processors' Jan. 1, 1968, effective inventories were subject to upward adjustments by a total not to exceed 16,000 short tons, raw value, and the basic allotments of processors having Jan. 1, 1968,

effective inventories less than their basic allotments were reduced proportionately as necessary to make total adjusted allotments equal to the area quota less 100 tons reserve for Louisiana State University, except that no processor's basic allotment was reduced to a level less than the respective processor's Jan. 1, 1968, effective inventory. The basic allotments of those processors having Jan. 1, 1968, effective inventories larger than their basic allotments were subject to upward adjustments (not to exceed 16,000 tons) in the following manner: (1) The basic allotment of processors having physical inventories in excess of such allotments were increased to the level of the physical inventories, (2) the remainder of the 16,000 tons was added to the basic allotments of the other processors in such a manner that will not permit any processor to market a larger percentage of its Jan. 1, 1968, effective inventory by the use of this adjustment than other processors.

⁵ Adjusted allotment established to equal Jan. 1, 1968, physical inventory.

(8) The order shall be revised without further notice or hearing for the purpose of (a) allotting any quantity of an allotment to other allottees when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department, (b) revising allotments by the substitution of revised or corrected data which have become a part of the official records of the Department; and (c) revising allotments to give effect to any increase or decrease in the quota made by the Secretary pursuant to the provisions of the Sugar Act of 1948, as amended. Any

revision in allotments made to give effect to (a) of this finding shall be made by increasing proportionately the allotments as provided in finding (5)(g), except that the quantity prorated to any allottee releasing allotments in excess of a specified quantity should be limited in accordance with the written statement of release by any such allottee. In making changes under (b) and (c) of this finding (8) allotments shall be determined by the full application of the formula for determining allotments as provided in paragraph (a) through (e) of finding (5).

(9) Official notice will be taken of (a) written notification to the Agricultural Stabilization and Conservation Service by an allottee that he is unable to fill all or a part of his allotment when the notification becomes a part of the official records of the Department, (b) substitution of revised or corrected data where such data becomes a part of the official records of the Department, and (c) any regulation issued by the Secretary, after publication in the FEDERAL REGISTER, which changes the 1968 Mainland Cane Sugar Area quota.

(10) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest, and under circumstances involving an allottee becoming unable to process sugarcane and such sugarcane as he would normally process, if operating, is processed by other allottees.

(11) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee.

(12) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of any 1968 Mainland Cane Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205(a) of the Act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, it is hereby ordered that § 814.6 be amended to read as follows:

§ 814.6 Allotment of the 1968 sugar quota for the Mainland Cane Sugar Area.

(a) **Allotments.** For the period January 1, 1968, until the date allotments of the entire 1968 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed, 1,046,519 short tons, raw value, of the 1968 quota for the Mainland Cane Sugar Area is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co.	8,058
Alma Plantation, Ltd.	8,468
J. Aron & Co., Inc.	10,864
Billeaud Sugar Factory	6,935
Breaux Bridge Sugar Co-op.	8,598
Wm. T. Burton Industries, Inc.	6,764
Caire & Graugnard	5,512
Cajun Sugar Co-op, Inc.	26,757
Caldwell Sugars Co-op, Inc.	11,946
Columbia Sugar Co.	6,925
Cora-Texas Manufacturing Co., Inc.	8,463
Dugas & LeBlanc, Ltd.	13,259
Dube & Bourgeois Sugar Co.	8,358
Erath Sugar Co., Ltd.	4,661
Evan Hall Sugar Co-op, Inc.	20,125
Frisco Cane Co., Inc.	1,854
Glenwood Co-op, Inc.	14,212
Helvetia Sugar Co-op, Inc.	11,034
Iberia Sugar Co-op, Inc.	15,955
Lafourche Sugar Co.	15,244
Harry L. Laws & Co., Inc.	13,230
Levert-St. John, Inc.	10,153
Little Texas, Inc.	4,630
Louisa Sugar Co-op, Inc.	9,411
Louisiana State Penitentiary	3,817
Louisiana State University	95
Meeker Sugar Co-op, Inc.	12,028
Milliken & Farwell, Inc.	9,360
M. A. Patout & Son, Ltd.	12,548
Poplar Grove Planting & Refining Co.	7,827
Savoie Industries	13,771
St. James Sugar Co-op, Inc.	19,675
St. Mary Sugar Co-op, Inc.	12,358

Processors	Allotments (short tons, raw value)
South Coast Corp.	64,065
Southdown, Inc.	31,630
Sterling Sugars, Inc.	21,227
J. Supple's Sons Planting Co., Inc.	5,051
Valentine Sugars, Inc.	8,710
Vida Sugars, Inc.	4,320
A. Wilbert's Sons Lumber & Shingle Co.	8,799
Young's Industries, Inc.	5,041
Louisiana subtotal	491,738
Atlantic Sugar Association	32,364
Florida Sugar Corp.	18,892
Glades County Sugar Growers Co-op Association	35,005
Osceola Farms Co.	48,530
South Puerto Rico Sugar Co., Inc.	72,161
Sugarcane Growers Co-op of Florida	101,343
Talisman Sugar Corp.	38,331
United States Sugar Corp.	208,155
Florida subtotal	554,781
Unallotted	53,481
Total, all mainland cane	1,100,000

(b) **Marketing limitations.** Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of § 816.3 of this chapter (23 F.R. 1943).

(c) **Transfer of allotments.** The Administrator, Agricultural Stabilization and Conservation Service of the Department, may permit marketings to be made by one allottee, or other persons, within the allotment established for another allottee upon relinquishment by such allottee of a quantity of its allotment and upon receipt of evidence satisfactory to the Administrator that (1) a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred or (2) the allottee receiving such permission will process 1968-crop sugarcane which the allottee relinquishing allotment has become unable to process.

(d) **Exchanges of sugar between allottees.** When approved in writing by the Administrator, Agricultural Stabilization and Conservation Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section may ship, transport, or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it had been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(e) **Delegation.** The Administrator, Agricultural Stabilization and Conservation Service of the Department, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with findings and conclusions heretofore made, to give effect to (1) the substitution of revised or corrected data, (2) the reallocation of any quantity of an allotment released by an allottee, and (3)

any change in the Mainland Cane Sugar Area quota.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpretations or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Effective date. This docket will become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on May 1, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-5391; Filed, May 2, 1968; 9:37 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter III—Economic Development Administration, Department of Commerce

PART 305—GRANTS, LOANS, AND GUARANTEES

Subpart A—Direct and Supplementary Grants for Public Works and Development Facilities

Section 305.4 is amended by adding a new subsection (c) as follows:

§ 305.4 Supplementary grants.

(c) In accordance with the Memoranda of Understanding, dated March 15, 1968, entered into between the Assistant Secretary and the Federal Co-chairmen of each of the five Regional Commissions established pursuant to Part 307 of these regulations (whose official names and addresses are set forth below), each said Federal Cochairman is authorized to make the findings of fact and determinations of law required by the Act for the purpose of approving supplementary grants under paragraph (a) of this section for projects of regional significance. Upon receipt by the Assistant Secretary of the documents evidencing the statutory findings and determinations with respect to a particular project in accordance with the aforesaid Memoranda, the Assistant Secretary, providing sufficient funds are then available, will commit the necessary funds for the project and, in conjunction with the Federal Cochairman, will so notify all interested parties.

(1) The specific maximum grant rate criteria set forth in paragraph (b) (3) of this section shall not apply to projects approved under this subsection except as the respective Federal Cochairman may determine to be appropriate.

(2) Information regarding application for the above funds may be obtained by contacting the respective Federal Cochairman or Regional Commissions at the following addresses:

(i) **Ozarks Regional Commission.** Office of the Executive Director, Ozarks Regional Commission, 125 Mart Building, Little Rock, Ark. 72202; Federal Cochairman, Ozarks Regional Commission,

Room 340, Page Building 1, 2001 Wisconsin Avenue NW., Washington, D.C. 20235.

(ii) *New England Regional Commission.* New England Regional Commission Field Office, Room 1802, U.S. Post Office and Courthouse Building, Boston, Mass. 02109; Federal Cochairman, New England Regional Commission, Suite 804, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

(iii) *Upper Great Lakes Regional Commission.* Federal Cochairman, Upper Great Lakes Regional Commission, Room 424, Page Building 1, 2001 Wisconsin Avenue NW., Washington, D.C. 20235.

(iv) *Four Corners Regional Commission.* Four Corners Regional Commission, Post Office Box 1200, Shell Building, Farmington, N. Mex. 87401; Federal Cochairman, Four Corners Regional Commission, Room 406, Page Building 1, 2001 Wisconsin Avenue NW., Washington, D.C. 20235.

(v) *Coastal Plains Regional Commission.* Coastal Plains Regional Commission Field Office, Room 322 Fulton Federal Building, Atlanta, Ga. 30303; Coastal Plains Regional Commission Field Office, Room 611, Barringer Building, 1338 Main Street, Columbia, S.C. 29201; Coastal Plains Regional Commission Field Office, Room B-41, Administration Building, 116 West Jones Street or Post Office Box 1351, Raleigh, N.C. 27602; Federal Cochairman, Coastal Plains Regional Commission, Room 414, 2000 L Street NW., Washington, D.C. 20036.

Dated: April 30, 1968.

ROSS D. DAVIS,
Assistant Secretary for
Economic Development.

[F.R. Doc. 68-5392; Filed, May 6, 1968;
8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8857; Amdt. 39-594]

PART 39—AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault Fan Jet Falcon Airplanes

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), an airworthiness directive was adopted on March 22, 1968, and made effective immediately as to all known U.S. operators of Avions Marcel Dassault Fan Jet Falcon Airplanes. The AD requires pre-flight inspection for cracked internal cores of the Janitrol Fuel Heater P/N B 19D84 and replacement of the fuel heater when cracks are found.

Since it was found that immediate corrective action was required, notice and public procedure thereon was imprac-

ticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Avions Marcel Dassault Fan Jet Falcon Airplanes by individual telegrams dated March 22, 1968. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, § 39.13 of Part 39 is amended by adding the following airworthiness directive:

AVIONS MARCEL DASSAULT. Applies to Fan Jet Falcon Airplanes.

Compliance required as indicated unless already accomplished.

To detect fuel leakage resulting from a rupture of the internal cores of the Janitrol Fuel Heater, P/N B 19D84, located in the engine pylons accomplish the following:

(a) Before the next flight and thereafter before each flight where the outside ambient temperature at ground level is 40° F. or less, remove the access plate on the underside of each engine pylon, remove the plugs labeled "condensate drain", and check to insure that the temperature of the fuel heater is above 40° F. If the temperature of the fuel heater is 40° or less, raise the temperature above 40° for sufficient time to melt any ice which may be in the internal cores of the Janitrol Fuel Heater. If any water discharges from the condensate drain, the fuel heater drain should be wiped dry with a clean cloth. With the fuel shut-off valves open and throttles in off position, operate the aircraft fuel booster pumps for fifteen minutes and inspect the drain outlets for indications of fuel leakage. If fuel leakage is evidence, the fuel heater must be replaced before further flight with a fuel heater of the same part number. The replacement fuel heater must have been inspected and marked with a capital letter "I" and the date of inspection on the left side of the fuel heater nameplate above the words "Janitrol Aero Division" as directed in Avions Marcel Dassault Service Bulletin 358.

(b) Within the next 100 hours' time in service unless already accomplished, remove the Janitrol Fuel Heater P/N B 19D84 and inspect in accordance with Avions Marcel Dassault Service Bulletin 358, or later SGAC-approved issue, or an FAA-approved equivalent. Defective fuel heaters must be replaced before further flight with a fuel heater of the same part number, inspected and marked in accordance with Service Bulletin 358.

(c) The repetitive inspections required by paragraph (a) of this AD may be discontinued as to a particular engine pylon after paragraph (b) has been complied with, or after installation of a fuel heater, inspected and marked in accordance with Service Bulletin 358.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated March 22, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

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

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 68-5405; Filed, May 6, 1968;
8:46 a.m.]

[Airworthiness Docket No. 67-WE-14-AD;
Amdt. 39-592]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas Model DC-6 and DC-7 Series Airplanes

Amendment 39-402 (32 F.R. 6343), AD 67-13-2, requires repetitive external and internal inspections of fuselage structure in the area of the crew door on Douglas DC-6 and DC-7 Series airplanes. After issuing Amendment 39-402, the FAA has determined that the repetitive inspections may be discontinued upon completion of modifications described in McDonnell Douglas Service Bulletin No. 417 or 685.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than thirty (30) days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.81), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-402 (32 F.R. 6343), AD 67-13-2, is amended by deleting present paragraph (h) and substituting a new paragraph (h) as follows:

(h) The repetitive inspections required by paragraph (c) may be discontinued:

(1) on DC-6 Series airplanes when the modifications described in McDonnell Douglas Service Bulletin No. 865, dated March 1, 1968 (or later FAA-approved revision), have been accomplished; and

(2) on DC-7 Series airplanes when the modifications described in McDonnell Douglas Service Bulletin No. 417, dated March 1, 1968 (or later FAA-approved revision), have been accomplished.

This amendment becomes effective on May 8, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended; (49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, California, on April 26, 1968.

LEE E. WARREN,
Regional Director,
FAA Western Region.

[F.R. Doc. 68-5406; Filed, May 6, 1968;
8:46 a.m.]

[Docket No. 68-SO-31; Amdt. 39-593]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 1329 Series Airplanes

There have been stress corrosion cracks in the wing-skin risers at the riser-skin intersection on Lockheed Model 1329 and Military C-140 series airplanes that could result in a degradation of the strength of the wing assembly. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the risers for cracks and repair as

necessary on Lockheed Model 1329 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED. Applies to Model 1329 airplanes, serial numbers 5001 through 5029 and 5031 through 5055.

Compliance required as indicated.

Lockheed Model 1329 and military C-140 series airplanes have experienced a number of stress corrosion cracks in the wing skin risers at the riser-skin intersection. To detect cracking of risers on these airplanes, accomplish the following:

(a) Within 15 days after the effective date of this AD, inspect all aircraft in accordance with the instructions contained in Lockheed-Georgia Co. Service Bulletin No. 329-257, dated April 11, 1968, and Service Bulletin Supplement No. 329-257A, dated April 26, 1968, or later FAA-approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

NOTE: Aircraft which have been inspected by representatives of Lockheed-Georgia Co. are considered to comply with paragraph (a) above.

(b) If cracks are detected in the riser-skin intersections, reinspect at intervals not to exceed 90 days in accordance with the instructions contained in Lockheed-Georgia Co. Service Bulletin No. 329-257, dated April 11, 1968, and Service Bulletin Supplement No. 329-257A dated April 26, 1968, or later FAA-approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(c) If, as a result of the initial inspection or any subsequent inspections, it is determined that more frequent inspections are required, individual airplane owners will be so notified by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(d) If no cracks are found, or if cracks are repaired in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, the repetitive inspections required by paragraphs (b) and (c), above, may be discontinued.

(e) Repeat the inspection required by paragraph (a), above, at each annual inspection, or each 12 months. These inspections need only consist of Phase I and Phase II inspections as explained in Lockheed-Georgia Co. Service Bulletin No. 329-257, dated April 11, 1968, and Service Bulletin Supplement No. 329-257A dated April 26, 1968, or later FAA-approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

This amendment becomes effective May 7, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in East Point, Ga., on April 26, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-5407; Filed, May 6, 1968; 8:46 a.m.]

[Docket No. 7461, Amdt. 21-21, 91-53]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

PART 91—GENERAL OPERATING AND FLIGHT RULES

Special Airworthiness Certificates

The purpose of these amendments is to provide for a classification of special airworthiness certificates that includes restricted, limited, provisional, and experimental certificates, and special flight permits; to expand the purposes for which experimental certificates may be issued to include market surveys, sales demonstrations and customer crew training operations; and to expand the purposes for which special flight permits may be issued. The general operating and flight rules are also amended to include operating limitations applicable to aircraft having experimental certificates.

These amendments are based on a notice of proposed rule making (31 F.R. 9131, July 2, 1966), circulated as Notice No. 66-24, dated June 27, 1966.

Numerous comments were received in response to Notice 66-24. Based upon these comments and upon further consideration by the FAA, a number of substantive changes have been made to the proposed rules. The comments received and the changes in the proposal resulting therefrom are discussed below.

In addition to the proposed regulations concerning special airworthiness certificates, Notice 66-24 contained detailed proposals setting forth comprehensive airworthiness standards for amateur-built aircraft. However, the comments received in response to the amateur-built aircraft rules were consistently opposed to the proposal. In the light of these comments and after further study by the FAA, it is apparent that detailed substantive changes to the proposed standards will be necessary in order to provide meaningful airworthiness standards for amateur-built aircraft. Therefore, the FAA intends to issue a new notice of proposed rule making proposing airworthiness standards for amateur-built aircraft taking into consideration the comments received on Notice 66-24. For this reason, those portions of Notice 66-24 dealing with the issuance of special type and airworthiness certificates for amateur-built aircraft and proposing new airworthiness standards for such aircraft are withdrawn.

The proposal would also have changed the present requirements concerning provisional airworthiness certificates to delete the provisions covering the issuance of Class I provisional type and airworthiness certificates. At the same time,

it was proposed to permit market surveys and sales demonstrations under an experimental certificate. Comments received concerning this proposal indicate, however, that there are situations in which manufacturers would not want to conduct such operations in aircraft having experimental certificates. The comments suggest that the requirements for Class I provisional certificates should be retained and the manufacturer permitted to use either an experimentally certificated aircraft or a Class I provisionally certificated aircraft in conducting these operations. The FAA sees merit in this suggestion and the proposal has been changed accordingly. The comments also pointed out that customer crew training is permitted under a Class I provisional certificate and that this should also be permitted under an experimental certificate. The FAA intended to extend to manufacturers the same privileges under the experimental certificate as they have under the Class I provisional certificate. This privilege has been extended to manufacturers through numerous exemptions without any adverse effect on safety. The proposal has therefore, been changed to expressly permit customer crew training by manufacturers under an experimental certificate.

As previously indicated, one of the objectives of Notice 66-24 was to provide for the classification of airworthiness certificates as either standard or special. In this connection, detailed amendments were proposed to the airworthiness certification provisions in Part 21 primarily for the purpose of classifying restricted and limited category airworthiness certificates, provisional and experimental airworthiness certificates, and special flight permits, as special airworthiness certificates. The detailed changes, particularly with respect to format, proposed in Notice 66-24 to accommodate the new classification were considered appropriate in view of the extensive revisions to the regulations that were being made to implement the proposed new certification standards for amateur-built aircraft and to accommodate the proposed new provisional certification requirements. However, in view of the decision concerning these two matters as referred to above, and in the light of the numerous comments received in response to this notice, the FAA does not consider that an amendment of the regulations to the extent proposed is necessary in order to accomplish the objective of the proposal with respect to special airworthiness certificates. In this connection, § 21.175 covering the classification of airworthiness certificates has been amended. These amendments include airworthiness certificates are classified as either standard or special and that special airworthiness certificates include airworthiness certificates issued for restricted, limited, and provisionally certificated aircraft, experimental certificates, and special flight Part 21 concerning the issue of airworthiness permits. Thus, contrary to the proposal,

the final rules do not contain amendments to the sections of Subpart H of Part 21 concerning the issue of airworthiness certificates for normal, utility, acrobatic, and transport category aircraft; the issue of airworthiness certificates for restricted and limited category aircraft and the issue of multiple airworthiness certificates. Moreover, no changes are being made to the provisional airworthiness certification requirements. The only changes being made concern the issue of experimental certificates and special flight permits.

In Notice 66-24, the FAA proposed to change the requirement in § 21.179 to provide that experimental certificates and special flight permits are not transferred with an aircraft. Several comments concerning this proposal pointed out the disadvantages in making such a restriction applicable generally to all experimentally certificated aircraft. The comments were particularly concerned with amateur-built aircraft. The proposed change was initiated in the belief that because of the operations covered by experimental certificates and special flight permits and the aircraft involved, each owner of the aircraft should identify his need for the certificate and show that the aircraft can be operated safely. However, it has subsequently been determined that the safety of operations in aircraft having experimental certificates and special flight permits is adequately covered by the limitations imposed under the current regulations, including the limitation on the duration of such certificates and permits and that the proposed restriction is unnecessary in the interest of safety.

In order to consolidate the provisions governing the duration of airworthiness certificates the duration provisions applicable to experimental certificates presently set forth in § 21.195 have been incorporated into § 21.181. Finally, the purposes for which experimental certificates are issued as set forth in § 21.191, have been expanded consistent with the proposal to permit market surveys, sales demonstrations and customer crew training as well as training of the applicant's flight crews to be conducted in experimentally certificated aircraft. However, while the proposal would have required the applicant for an experimental certificate for an aircraft to be used in market surveys, sales demonstrations and customer crew training operations to, among other things, show that the aircraft had been flown for at least 50 hours, in response to comments received the proposal has been changed to require that the aircraft need have been flown for only 5 hours if it is a type certificated aircraft which has been modified.

With respect to special flight permits, Notice 66-24 contained a proposal providing for the issue of special airworthiness certificates for those operations currently authorized under special flight permits. In this connection, production flight tests would have been authorized as an experimental purpose under a special airworthiness certificate and the

other operations presently covered by special flight permits would have been authorized under a special airworthiness certificate for aircraft involved in ferry flights. Various comments were received concerning this proposal, particularly with respect to the fact that as proposed, production flight testing would have been identified as an experimental operation. This, of course, is not appropriate. Therefore, in the light of these comments and after further consideration, the FAA has determined that these changes are not necessary. However, as proposed, the requirements governing special flight permits now provide for the issuance of special flight permits for the purpose of evacuating aircraft from areas of impending danger and incorporate the proposed changes to the information required to be submitted by the applicant for a special flight permit.

A comment was also received concerning the provision in the notice prohibiting the carriage of persons or property for compensation or hire in aircraft having a special airworthiness certificate. The comment stated that there is no justification, on the basis of safety, for prohibiting the carriage of property for compensation or hire. As set forth in Notice 66-24, the special airworthiness certificate classification covers restricted and limited category certificates, experimental certificates and special flight permits. In this connection, the notice did not propose a new requirement but merely restated the current limitation on the carriage of persons or property for compensation or hire applicable to aircraft having such certificates. A general authorization to carry property for compensation or hire on aircraft certificated in the limited or restricted category or on aircraft having experimental certificates and special flight permits would be inconsistent with the limitations set forth in the special purpose for which those certificates may be issued and would require regulatory changes beyond the scope of Notice 66-24.

With reference to airworthiness certificates in general, various comments objected to the proposed requirement that applications for an airworthiness certificate be submitted to the local FAA office. As the comments indicated, the FAA is aware that in some instances the "local" FAA office may not be as accessible to an applicant as the District Office of another Region. Therefore, to prevent unnecessary inconvenience in the submittal of applications, the FAA agrees with one of the comments that applications should be permitted to any FAA office and the rule has been changed accordingly. In addition, in response to comments, the proposal has been revised to take into consideration the current practice of accepting telephone and telegraphic applications for special flight permits in emergency situations.

A proposal to change the requirements of § 45.23 to require that aircraft having special airworthiness certificates display the word "special" near each entrance to the cabin or cockpit was also included in Notice 66-24. However, based on the

numerous comments on this proposal and after further consideration, the FAA has determined that the proposed change would not accomplish the objective sought and could create confusion as to the nature of the aircraft. Therefore, § 45.23 remains unchanged and limited, restricted, experimental, or provisionally certificated aircraft must still display the words "limited," "restricted," "experimental," or "provisional airworthiness," as the case may be.

In light of the determinations concerning the proposed changes to Part 21, the only amendment to Part 91 now considered necessary is the proposed amendment setting forth operating limitations applicable to aircraft having experimental certificates. These operating limitations are set forth in new § 91.42. In this connection, several comments were received objecting to the area restrictions proposed for aircraft having experimental certificates. The comments pointed out that the FAA recently amended Part 91 to delete the requirements concerning "approved" flight test areas and that there appears to be no reason for requiring operation in "approved" areas under the proposed rule. The operating limitations set forth herein are applicable to all aircraft having experimental certificates and not just aircraft involved in flight tests. The FAA considers that all aircraft having experimental certificates must, in the interest of safety, be operated in an area assigned by the Administrator until it is shown that the aircraft is controllable throughout its normal range of speeds and throughout all the maneuvers to be executed and it is shown that the aircraft has no hazardous operating characteristics or design features. After the required showing has been made, if the aircraft is to be flight tested it would be governed by the flight test requirement of § 91.93 or if the aircraft is to be used for any of the other purposes for which an aircraft having an experimental certificate may be used, it would be governed by any area limitations particularly related to that purpose imposed by the FAA. The area restriction set forth herein has for a number of years been included in each experimental certificate issued by the FAA.

With reference to experimental certificates and special flight permits, one of the comments pointed out that the notice made no provision for the renewal of expired certificates. The commentator recommended that the regulations either be changed to provide that experimental certificates remain in effect as long as maintenance is performed in accordance with Parts 43 and 91 of the Federal Aviation Regulations or to specify requirements applicable to the renewal of such certificates. In this connection, it was recommended that an experimental certificate should be renewed when the applicant has submitted (1) a statement that the aircraft is to be operated for one or more of the experimental purposes and, (2) upon inspection of the aircraft by the Administrator, any other information necessary for the purpose of prescribing operating limitations. In most

cases, Part 43 of the Federal Aviation Regulations is not applicable to aircraft having experimental certificates and this is pointed out in the applicability section of that part. Therefore, the duration of experimental certificates cannot be predicated on compliance with the maintenance requirements of Part 43. However, since under the current regulations, experimental certificates remain in effect for no longer than 1 year, there appears to be merit in the recommendation for regulations covering the renewal of such certificates and the FAA plans to give the commentators recommendation further consideration with a view to appropriate regulatory action.

In Notice 66-24, it was proposed to change the current regulations by restricting the issuance of experimental certificates for aircraft to be used for air racing to those air races which are officially sanctioned. However, in the light of the comments on this proposal and after further consideration, the FAA does not consider that the proposed requirement is necessary in the interest of safety. Any participant in an air race must comply with the air traffic and general operating rules set forth in Part 91 of the FARs regardless of whether that air race is sanctioned by the organizations referred to in the notice. Moreover, the FAA is not aware that operations conducted under the current requirements have had any adverse effect on safety. For this reason the proposed restriction has not been adopted.

A number of comments were received concerning the absolute prohibition on the operation of aircraft having experimental certificates with respect to populated areas and congested airways. The comments pointed out that the proposed operating limitations would severely curtail current operations with aircraft having experimental certificates since the base of operations may be an airport in a populated area used for private and commercial operations. The FAA considers that the comment has merit and that an appropriate revision of the proposed requirement may be made without any adverse effect on safety. In this connection, the proposal has been changed to prohibit aircraft having experimental certificates from being operated over densely populated areas and in congested airways, except for takeoffs and landings conducted in accordance with special operating limitations issued by the Administrator. This provides the necessary relief and parallels the limitation on the operation of restricted category aircraft currently set forth in the regulations. In addition, the proposed operating limitations have been revised to make it clear that notice of the experimental nature of the aircraft is required only when operating into and out of airports with operating control towers. While there were comments objecting to this limitation, the FAA believes that the traffic controller should be made aware of the experimental status of an aircraft so that special instructions with regard to the usage of runways or approach pat-

terns can be applied if necessary in the interest of safety.

Interested persons have been afforded an opportunity to participate in the making of these amendments. All relevant material submitted has been fully considered.

In consideration of the foregoing, Parts 21 and 91 of the Federal Aviation Regulations (14 CFR Parts 21 and 91) are amended, effective June 6, 1968, as follows:

1. Section 21.173 is amended to read as follows:

§ 21.173 Eligibility.

Any registered owner of an aircraft who is a U.S. citizen (or the agent of the owner) may apply for an airworthiness certificate for that aircraft. An application for an airworthiness certificate except a special flight permit must be made on an FAA Form 305 and may be submitted to any FAA office. An application for a special flight permit may be made to any FAA office and may be made on an FAA Form 1779 or in any manner acceptable to the Administrator.

2. Section 21.175 is amended to read as follows:

§ 21.175 Airworthiness certificates: classification.

(a) Standard airworthiness certificates are airworthiness certificates issued for aircraft type certificated in the normal, utility, acrobatic, or transport category.

(b) Special airworthiness certificates are restricted, limited, and provisional airworthiness certificates, special flight permits, and experimental certificates.

3. Section 21.181 is amended to read as follows:

§ 21.181 Duration.

(a) Unless sooner surrendered, suspended, revoked, or a termination date is otherwise established by the Administrator, airworthiness certificates are effective as follows:

(1) Standard airworthiness certificates and airworthiness certificates issued for restricted or limited category aircraft are effective as long as the maintenance, preventive maintenance, and alterations are performed in accordance with Parts 43 and 91 of this chapter and the aircraft are registered in the United States.

(2) A special flight permit is effective for the period of time specified in the permit.

(3) An experimental certificate is effective for 1 year after the date of issue or renewal unless a shorter period is prescribed by the Administrator.

(b) The owner, operator, or bailee of the aircraft shall, upon request, make it available for inspection by the Administrator.

(c) Upon suspension, revocation, or termination by order of the Administrator of an airworthiness certificate, the owner, operator, or bailee of an aircraft shall, upon request, surrender the certificate to the Administrator.

4. Section 21.191 is amended to read as follows:

§ 21.191 Experimental certificates.

Experimental certificates are issued for the following purposes:

(a) *Research and development.* Testing new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques, or new uses for aircraft.

(b) *Showing compliance with regulations.* Conducting flight tests and other operations to show compliance with the airworthiness regulations including flights to show compliance for issuance of type and supplemental type certificates, flights to substantiate major design changes, and flights to show compliance with the function and reliability requirements of the regulations.

(c) *Crew training.* Training of the applicant's flight crews.

(d) *Exhibition.* Exhibiting the aircraft's flight capabilities, performance, or unusual characteristics at air shows, motion picture, television, and similar productions, and the maintenance of exhibition flight proficiency, including (for persons exhibiting aircraft) flying to and from such air shows and productions.

(e) *Air racing.* Participating in air races, including (for such participants) practicing for such air races and flying to and from racing events.

(f) *Market surveys.* Use of aircraft for purposes of conducting market surveys, sales demonstrations, and customer crew training.

(g) *Operating amateur-built aircraft.* Operating an aircraft the major portion of which has been fabricated and assembled by persons who undertook the construction project solely for their own education or recreation.

5. Section 21.195 is amended to read as follows:

§ 21.195 Experimental certificates: Aircraft to be used for market surveys, sales demonstrations, and customer crew training.

(a) A manufacturer of aircraft manufactured within the United States may apply for an experimental certificate for an aircraft that is to be used for market surveys, sales demonstrations, or customer crew training.

(b) A manufacturer of aircraft engines who has altered a type certificated aircraft by installing different type certificated engines, manufactured by him within the United States, may apply for an experimental certificate for aircraft that is to be used for market surveys, sales demonstrations, or customer crew training, if the basic aircraft, before alteration, was type certificated in the normal, acrobatic, or transport category.

(c) An applicant for an experimental certificate under this section is entitled to that certificate if, in addition to meeting the requirements of § 21.193,—

(1) He has established an inspection and maintenance program for the continued airworthiness of the aircraft; and

(2) He shows that the aircraft has been flown for at least 50 hours, or for at least 5 hours if it is a type certificated aircraft which has been modified.

6. Section 21.197(a) is amended to read as follows:

§ 21.197 Special flight permits.

(a) A special flight permit may be issued for an aircraft that may not currently meet applicable airworthiness requirements but is capable of safe flight, for the purpose of—

(1) Flying the aircraft to a base where repairs, alterations, or maintenance are to be performed, or to a point of storage;

(2) Delivering or exporting the aircraft;

(3) Production flight testing new production aircraft; and

(4) Evacuating aircraft from areas of impending danger.

7. Section 21.199(a) is amended to read as follows:

§ 21.199 Issue of special flight permits.

(a) An applicant for a special flight permit must submit the following information:

(1) The purpose of the flight.

(2) The proposed itinerary.

(3) The crew required to operate the aircraft and its equipment, e.g., pilot, copilot, navigator, etc.

(4) The ways, if any, in which the aircraft does not comply with the applicable airworthiness requirements.

(5) Any restriction the applicant considers necessary for safe operation of the aircraft.

(6) Any other information considered necessary by the Administrator for the purpose of prescribing operating limitations.

8. Part 91 is amended by adding a new § 91.42 to read as follows:

§ 91.42 Aircraft having experimental certificates; operating limitations.

(a) No person may operate an aircraft that has an experimental certificate:

(1) For other than the purpose for which the certificate was issued; or

(2) Carrying persons or property for compensation or hire.

(b) No person may operate an aircraft that has an experimental certificate outside of an area assigned by the Administrator until it is shown that:

(1) The aircraft is controllable throughout its normal range of speeds and throughout all the maneuvers to be executed; and

(2) The aircraft has no hazardous operating characteristics or design features.

(c) Except for takeoffs and landings conducted in accordance with the terms and conditions of special operating limitations issued by the Administrator, no person may operate an aircraft that has an experimental certificate over a densely populated area or in a congested airway.

(d) Each person operating an aircraft that has an experimental certificate shall:

(1) Advise each person carried of the experimental nature of the aircraft;

(2) Operate under VFR, day only, unless otherwise specifically authorized by the Administrator; and

(3) Notify the control tower of the experimental nature of the aircraft when operating the aircraft into or out of airports with operating control towers.

(e) The Administrator may prescribe additional limitations that he considers necessary, including limitations on the persons that may be carried in the aircraft.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1423)

Issued in Washington, D.C., on April 30, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68-5408; Filed, May 6, 1968; 8:46 a.m.]

[Airspace Docket No. 67-SO-116]

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

Designation of Additional Control Area

On February 29, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 3571) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area from the Greenville, Miss., VOR to the INT of the Greenville VOR 036° and the Memphis, Tenn., VORTAC 205° radials, and extending upward from 2,500 feet MSL.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., June 20, 1968, as hereinafter set forth.

In § 71.163 (33 F.R. 2051) the Greenville, Miss., additional control area is added as follows:

GREENVILLE, MISS.

That airspace extending from the Greenville, Miss., VOR, 25 MSL INT Greenville VOR 036° and Memphis, Tenn., VORTAC 205° radials.

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

Issued in Washington, D.C., on April 30, 1968.

T. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 68-5409; Filed, May 6, 1968; 8:46 a.m.]

[Airspace Docket No. 67-EA-125]

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

Designation of Federal Airway

On February 22, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 3284) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate VOR Federal airway No. 337 from Akron, Ohio, with a 1,200-foot AGL floor to Windsor, Ontario, Canada, via the intersection of the Akron 328° T (332° M) and the Windsor 116° T (119° M) radials, excluding the portion within Canada.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., June 20, 1968, as hereinafter set forth.

Section 71.123 (33 F.R. 2009) is amended by adding the following:

V-337 from Akron, Ohio, 12 AGL INT Akron 328° and Windsor, Ontario, Canada, 116° radials; 12 AGL Windsor, excluding the portion within Canada.

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

Issued in Washington, D.C., on April 29, 1968.

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

[F.R. Doc. 68-5410; Filed, May 6, 1968; 8:46 a.m.]

[Airspace Docket No. 67-EA-137]

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

Designation of Transition Area

On February 15, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 3008) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area in the vicinity of Logansport, Ky.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 20, 1968, as hereinafter set forth.

Section 71.181 (33 F.R. 2137) is amended by adding the following:

LOGANSPORT, KY.

That airspace extending upward from 1,200 feet above the surface northwest of Bowling Green, Ky., VORTAC, bounded by VOR

Federal airway Nos. 7, 178, 243, and the Bowling Green, Ky., 1,200-foot transition area.

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

Issued in Washington, D.C., on April 30, 1968.

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

[F.R. Doc. 68-5411; Filed, May 6, 1968;
8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proposed Promotional Allowance Program Based on Pyramiding Sales of Customers Rejected

§ 15.241 Proposed promotional allowance program based on pyramiding sales of customers rejected.

(a) The Commission advised a requesting party that violation of section 5 of the Federal Trade Commission Act would result from the adoption of a proposed sales promotion plan described in essence as follows:

(b) A certain sum of money would be reserved from the proceeds of a sale to a first customer. That customer, if he wished to participate in the sales promotion program, would be paid up to one quarter of the reserved sum as commission on sales to ten additional customers. The first customer would also be paid up to one quarter of the reserved sum on sales made by his customers to yet another generation of customers and so through a fourth generation.

(c) The tabulation distributed to potential purchasers of the requesting party's merchandise showed that the original participant, in theory, might benefit from the efforts of 11,100 salespersons.

(d) This in the Commission's judgment was beyond the realm of possibility. The return to any given participant would unquestionably be a great deal less than the theoretically achievable amount set forth; more often than not it would be negligible. The initial purchaser would not surely benefit, if at all, beyond that amount which he can gain through his own efforts. Any further amount which he might receive would accrue to him sheerly through chance.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: May 6, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-5379; Filed, May 6, 1968;
8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Necessity for Disclosing the Country of Origin of Imported Ink

§ 15.242 Necessity for disclosing the country of origin of imported ink.

(a) The Commission was requested to render an advisory opinion with regard to the necessity for disclosing the foreign origin of ink which is imported from Germany. The ink is imported in 50 liter drums and resold to the consumer in 3/4- and 2-ounce bottles.

(b) The opinion advised that in the Commission's view the country of origin of this ink must be disclosed in a clear and conspicuous manner on the bottles in which it is sold and, if the ink is packaged in separate boxes, on the boxes themselves in such a manner as to be readily seen by prospective purchasers. The opinion added that neither directly nor indirectly could it be implied that the ink is manufactured in the United States.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: May 6, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-5378; Filed, May 6, 1968;
8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Receipt of Discount in Lieu of Brokerage by Respondent Wholesale Food Distributor

§ 15.243 Receipt of discount in lieu of brokerage by respondent wholesale food distributor.

(a) A wholesale food distributor under order for having violated section 2(c) of the amended Clayton Act has been advised by the Federal Trade Commission that if he received or accepted a discount offered by one of his suppliers for rendering certain "special services," he would be in violation of order entered against him.

(b) The Commission noted that the 5 percent discount offered to the distributor was equal to commissions normally paid by the supplier to brokers; the services to be rendered by the distributor were services normally performed by brokers in connection with sales to other distributors; other circumstances and statements clearly indicated that both parties to the transaction considered the discount as compensation for elimination of brokerage expense, and the discount therefore amounted to an allowance in lieu of brokerage.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: May 6, 1968.

By direction of the Commission.

Commissioner Elman did not concur.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-5380; Filed, May 6, 1968;
8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68-123]

PART 1—GENERAL PROVISIONS

Ports of Entry; Baltimore, Md.

Changes in the Customs Field Organization. Section 1.2(c), Customs Regulations, amended.

U.S. Customs services are being provided at the Friendship International Airport and other business and industrial areas which are outside the limits of the Baltimore, Md., port of entry. There has been a substantial increase in the Customs services required in these areas. Therefore, in order to provide better and less costly service to the importing and traveling public, it has been decided to extend the port limits of Baltimore to include the airport and other business and industrial areas adjacent to the present Baltimore port limits.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, as amended, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the geographical limits of the Customs port of entry of Baltimore, Md., in the Baltimore, Md., Customs district (Region III), as described in T.D. 55020, are extended to include all the area within the following boundaries:

Beginning at the intersection of U.S. Route 40 east and Interstate Route 695 (the Baltimore Beltway), in Baltimore County, Md., and circling the city along the Beltway northerly, westerly, and southerly to the intersection of Route 695 and the Baltimore-Washington Parkway; thence southwest along the Parkway to the intersection of State Route 176 (Dorsey Road); thence east along Route 176 to Friendship International Airport; thence along the southern boundary of Friendship International Airport to State Route 3; thence along State Route 3 to State Route 177; thence following State Route 177 to Pinehurst Road; thence in a straight line north to Bodkin Point; thence crossing the mouth of the Patapsco River in a straight line to North Point; thence following the shoreline of the Patapsco River Neck along Chesapeake Bay on the southeast and along Back River on the northeast to the head of the Northeast Creek; thence in a straight line to the intersection of U.S. Route 40 east and Route 695.

Section 1.2(c) of the Customs regulations is amended by deleting "(including the territory described in T.D. 55020)," in the column headed "Ports of Entry" in the Baltimore, Md., Customs district (Region III), and inserting in lieu thereof "(including the territory described in T.D. 68-123)."

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

This Treasury decision shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL]

JOSEPH M. BOWMAN,
Assistant Secretary.

APRIL 29, 1968.

[F.R. Doc. 68-5455; Filed, May 6, 1968;
8:50 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Exemption of Soft Drinks From Certain Labeling Requirements

In the matter exempting soft drinks from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of December 19, 1967 (32 F.R. 18113), based on a petition submitted by the National Soft Drink Association, 1128 16th Street NW., Washington, D.C. 20036. In response to the proposal, nine comments were received as follows:

1. The Association, commenting on its own petition, proposes that a multiunit package for soft drinks be exempted from declaration of the name and address of the packer provided the package bears a statement that the declaration can be found on the unit containers. This proposal is adopted and is incorporated in this order. The Association further proposes exemption from the requirement that the actual corporate name appear on soft drink packages. The Commissioner concludes that neither the Federal Food, Drug, and Cosmetic Act nor the Fair Packaging and Labeling Act, gives authority for granting such exemption.

2. Four firms representing the soft drink industry filed comments in support of the proposal.

3. Four State agencies filed comments supporting the proposal in part and opposing it in part. One suggested denying that part of the proposed exemption relating to allowing all label information, except the quantity of contents declaration, to appear on the cap when such declaration is blown or embossed into the surface of the container. Another suggested that, for the sake of legibility, an embossed declaration of quantity of contents should be in contrasting ceramic material. The Commissioner concludes that the enhanced legibility fostered by the larger type size requirement of § 1.8b(1) makes these suggested requirements unnecessary.

The Commissioner also concludes that since there was no opportunity for soft drink manufacturers to make label changes during the pendency of the exemption proposal, any soft drink label changes made necessary by the regulations under the Fair Packaging and Labeling Act (21 CFR Part 1) should be made before July 1, 1969, rather than before July 1, 1968.

Based on consideration of the comments received and other relevant information, the Commissioner concludes that the proposed amendment, with the aforementioned addition, should be adopted as set forth below. Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That § 1.1c(a) be amended by adding thereto a new subparagraph, as follows:

§ 1.1c Exemptions from required label statements.

(a) Foods. * * *

(5) (i) Soft drinks packaged in bottles shall be exempt from the placement requirements for the statement of identity prescribed by § 1.8 (a) and (d) if such statement appears conspicuously on the bottle closure. When such soft drinks are marketed in a multiunit retail package, the multiunit retail package shall be exempt from the statement of identity declaration requirements prescribed by § 1.8 if the statement of identity on the unit container is not obscured by the multiunit retail package.

(ii) A multiunit retail package for soft drinks shall be exempt from the declaration regarding name and place of business required by § 1.8a if the package does not obscure the declaration on unit containers or if it bears a statement that the declaration can be found on the unit containers and the declaration on the unit containers complies with § 1.8a. The declaration required by § 1.8a may appear on the top or side of the closure of bottled soft drinks if the statement is conspicuous and easily legible.

(iii) Soft drinks packaged in bottles which display other required label information only on the closure shall be exempt from the placement requirements for the declaration of contents prescribed by § 1.8b(f) if the required content declaration is blown, formed, or molded into the surface of the bottle in close proximity to the closure.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file

with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

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

(Secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: April 25, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-5422; Filed, May 6, 1968;
8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 14—CACAO PRODUCTS

Sweet and Milk Chocolate, Identity Standards; Confirmation of Effective Date of Order Listing Sorbitan Monostearate and Polysorbate 60 as Optional Ingredients

In the matter of amending the standards of identity for sweet chocolate (§ 14.6) and milk chocolate (§ 14.7) by listing sorbitan monostearate and polysorbate 60 as optional emulsifiers in these foods:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of March 19, 1968 (33 F.R. 4656). Accordingly, the amendments promulgated by that order will become effective May 18, 1968.

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

Dated: April 30, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-5423; Filed, May 6, 1968;
8:47 a.m.]

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Fruit Nectars; Order Establishing Definitions and Standards of Identity

In the matter of establishing definitions and standards of identity for canned fruit nectars:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of October 1, 1964 (29 F.R. 13535), based on a petition filed by the National Canners Association, 1133 20th Street NW., Washington, D.C. 20036.

Based on the information submitted in the petition, comments received in response to the proposal, and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity for canned fruit nectars as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That Part 27 be amended by adding thereto the following new section:

§ 27.126 Canned fruit nectars; identity; label statement of optional ingredients.

(a) Canned fruit nectars are the pulpy, liquid foods prepared from one or more of the optional fruit ingredients specified in paragraph (b) of this section in an amount not less than the percentage specified in that paragraph, water, and one or more of the optional sweetening ingredients as provided for in paragraph (d) of this section. They may contain one or more of the optional ingredients as provided for in paragraph (e) of this section. The consistency of the finished product is such that the time of flow is not less than 30 seconds when tested by the method set forth in "Consistency Measurement of Fruit Nectars and Fruit Juice Products," published in the "Journal of the Association of Official Agricultural Chemists," p. 411, vol. 42, 1959. Such food is sealed in a container and so processed by heat, either before or after sealing, as to prevent spoilage.

(b) (1) The optional fruit ingredients referred to in paragraph (a) of this section are fruit puree, pulp, juice, or concentrates thereof, as prepared from whole, mature fruits of the following varieties: Apple, apricot, blackberry, boysenberry, cherry guava, loganberry, mango, nectarine, papaya, passion fruit, peach, pear, pineapple, and plum. Apples, cherries, passion fruit, and pineapples are used only in combination with one or more of the other fruits listed.

(2) The fruit ingredients contain finely divided insoluble fruit solids but do not contain seeds, pits, or other coarse or hard substances capable of being avoided by good canning practices.

(3) Single-fruit nectars are made from fruits of a single variety. The proportion of fruit ingredient used on an equivalent single strength basis is not less than 40 percent by weight of the finished food; except that for apricot nectar it is not less than 35 percent, for papaya nectar it is not less than 33 1/3 percent, and for guava nectar it is not less than 25 percent. Multiple-fruit nectars are made from two or more varieties of fruit, and they may be made by blending single-fruit nectars provided that each single-fruit nectar used meets its fruit ingredient requirement. The fruit ingredient requirements for those fruits that by subparagraph (1) of this paragraph are restricted for use in combination with other fruits are: Apples—not less than 40 percent, cherries—not less than 40 percent, passion fruit—not less than 15 percent, and pineapples—not less than 40 percent. Each multiple-fruit nectar made by any procedure other than by the method of blending single-fruit nectars shall contain no less of each fruit ingredient than it would be required to have if made by the blending method. In no case shall the quantity of a fruit ingredient be less than that required to impart a definite flavor or other definite characteristic to the nectar. The weight of any fruit ingredient shall be determined as follows: Determine the percent of soluble solids in such fruit ingredient by the method prescribed in section 29.011 of "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th Edition, 1965, page 487, under "Solids." Use this method notwithstanding the presence of insoluble solids. Multiply the result so found by the weight of each fruit ingredient used and divide the product by the Brix value for each such fruit ingredient set forth in paragraph (c) (3) of this section. The result is the equivalent weight of the individual single strength fruit ingredients. For example, 1,180 pounds of concentrated peach ingredient having 30 percent soluble solids is used. The equivalent weight of single strength peach ingredient would be:

$$(1,180 \times 30 \div 11.8 = 3,000 \text{ pounds.})$$

(c) Any requirement of this section with respect to the weight of any fruit means:

(1) In the case of fruit the proper preparation of which involves the removal of pits, seeds, skins, cores, or other parts, the weight of such fruit exclusive of all such substances removed therefrom; and

(2) The weight of the fruit exclusive of the weight of water or any other substance added for any processing, packing, or canning of such fruit, or otherwise added to such fruit.

(3) For the purposes of this section the weight of any fruit ingredient shall be converted to the equivalent weight of single strength fruit ingredient having a Brix value as follows:

Name of fruit	Brix value
Apple	13.3
Apricot	14.3
Blackberry	10.0
Boysenberry	10.0
Cherry	14.3
Guava	7.7
Loganberry	10.5
Mango	13.0
Nectarine	11.8
Papaya	11.5
Passion fruit	14.5
Peach	11.8
Pear	15.4
Pineapple	13.0
Plum	14.3

(d) The optional sweetening ingredients referred to in paragraph (a) of this section are: Sugar, invert sugar sirup, dextrose, corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup.

(e) Optional ingredients that may be added in making fruit nectars are one or more of the following:

(1) Acidifiers: Lemon juice, concentrated lemon juice, citric acid, malic acid, and fumaric acid.

(2) Ascorbic acid as an antioxidant preservative in a quantity not to exceed 150 parts per million.

(3) Ascorbic acid (vitamin C) added in such quantity that the total ascorbic acid in each 4 fluid ounces of the finished fruit nectar amounts to not less than 30 milligrams and not more than 60 milligrams.

(f) The names of the fruit nectars for which standards of identity are prescribed by this section are:

(1) If the fruit ingredient is prepared from a single variety of fruit the name is "nectar" preceded by the name of the fruit; for example, "Apricot nectar."

(2) If the fruit ingredient is a combination of two or more fruits and the weight of each is not less than one-tenth of the weight of the combination, the name is "nectar" preceded by the names of the fruits arranged in descending order of predominance; for example, "Apricot and papaya nectar."

(3) If the fruit ingredient is a combination, the nectar shall be so named as to differentiate those fruits furnishing one-tenth or more to the weight of the combination from those fruits furnishing less than one-tenth to such weight. The names of those fruits furnishing one-tenth or more to the combination shall be shown as prescribed in subparagraph (2) of this paragraph; or, alternatively, in the case of combinations wherein each of four or more fruits furnishes one-tenth or more to the weight of the combination, their names may be listed in descending order of predominance immediately following the words "Blended fruit nectar." The names of any fruits furnishing less than one-tenth of the weight of the combination shall be shown immediately following the rest of the name of the nectar by listing them in the blank of the statement "with added _____" or "_____ added." For example, nectar made with a combination containing: 35 percent pear, 25 percent peach, 20 percent plum, 15

percent apricot, and 5 percent passion fruit may be named "Pear, peach, plum, apricot nectar, passion fruit added," or alternatively, it may be named "Blended fruit nectar—pear, peach, plum, apricot, with added passion fruit."

(g) The common names of optional ingredients used shall be shown on the principal display panel or panels of the label with such prominence and conspicuousness that they are likely to be read and understood by ordinary individuals under customary conditions of purchase. The term "sweetener added" may be used in lieu of the name or names of the sweetening ingredient. When ascorbic acid is added as provided for in paragraph (e) (2) of this section, it shall be declared on the label by the statement "ascorbic acid added _____," the blank being filled in with "to preserve color and flavor" or "as a preservative." A fruit nectar containing ascorbic acid (vitamin C) as provided for in paragraph (e) (3) of this section shall bear on the label, in addition to the preservative declaration required by this paragraph, the statement "vitamin C added" or "with added vitamin C" and such statement shall be accompanied by labeling conforming to the requirements prescribed in the regulations established pursuant to section 403(j) of the Federal Food, Drug, and Cosmetic Act.

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

Effective date. This order shall become effective 180 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

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

Dated: April 29, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-5424; Filed, May 6, 1968; 8:47 a.m.]

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Pineapple-Grapefruit Juice-Drink; Order Establishing Definition and Standard of Identity

In the matter of establishing a definition and standard of identity for canned pineapple-grapefruit juice-drink:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of May 6, 1960 (25 F.R. 3987), based on a petition jointly filed by the California Packing Corp., San Francisco, Calif.; Hawaiian Pineapple Co., San Jose, Calif.; and Gerber Products Co., Fremont, Mich. The proposal was republished in the FEDERAL REGISTER of October 1, 1964 (29 F.R. 13536), inviting additional comments.

Based on the information submitted in the petition, comments received in response to the proposal, and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity for canned pineapple-grapefruit juice-drink as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120):

It is ordered, That Part 27 be amended by adding thereto the following new section:

§ 27.125 Canned pineapple-grapefruit juice-drink; identity; label statement of optional ingredients.

(a) Canned pineapple-grapefruit juice-drink is the beverage food prepared from one or both of the pineapple juice ingredients and one or both of the grapefruit juice ingredients specified in paragraph (b) of this section, water, and one or more of the optional sweetening ingredients specified in paragraph (c) of this section. It may contain one or more of the optional ingredients as provided for in paragraph (d) of this section. The consistency of the finished food is such that the time of flow is less than 30 seconds when tested by the method set forth in "Consistency Measurement of Fruit Nectars and Fruit Juice Products" published in the "Journal of the Association of Official Agricultural Chemists," pages 411-416, vol. 42, 1959. The food is sealed in a container and so processed by heat, either before or after sealing, as to prevent spoilage.

(b) (1) The fruit juice ingredients referred to in paragraph (a) of this section are pineapple juice, concentrated pineapple juice, grapefruit juice, and concentrated grapefruit juice. Each fruit juice ingredient may contain finely divided insoluble fruit solids but does not contain seeds, pits, or other coarse or hard substances capable of being avoided

in good canning practices. The adjusted weight of the combination of these fruit juice ingredients shall be not less than 50 percent of the weight of the finished food, calculated by the method specified in subparagraph (2) of this paragraph. Each fruit juice ingredient shall be used in a quantity sufficient to impart its characteristics to the blend, and the proportion of the pineapple juice ingredient shall exceed the proportion of the grapefruit juice ingredient.

(2) Determine the percent of soluble solids in the fruit juice ingredients used by the method prescribed in section 29.011 of "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965, page 487, under "Solids." Use this method, notwithstanding the presence of insoluble solids. Multiply the result so found by the weight of each fruit juice ingredient used and divide the product by the following Brix value for each fruit ingredient.

Name of fruit	Brix value
Pineapple juice.....	13.0
Grapefruit juice.....	9.5

The result is the adjusted weight of the fruit juice ingredient. For example, assume there is on hand 1,300 pounds of concentrated pineapple juice and that in accordance with the above-cited A.O.A.C. method is found to contain 30 percent of soluble solids. The weight of equivalent single strength pineapple juice is calculated as follows:

$$1,300 \times 30 \div 13.0 = 3,000 \text{ pounds}$$

(c) The optional sweetening ingredients referred to in paragraph (a) of this section are: Sugar, invert sugar sirup, dextrose, corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup.

(d) Optional ingredients that may be added in making pineapple-grapefruit juice-drink are one or more of the following:

(1) Citrus oil flavoring derived from orange, lemon, and/or grapefruit.

(2) Acidifiers: Lemon juice, concentrated lemon juice, citric acid, malic acid, and fumaric acid.

(3) Ascorbic acid (vitamin C) added in such a quantity that the total ascorbic acid in each 4 fluid ounces of the finished pineapple-grapefruit juice-drink amounts to not less than 30 milligrams and not more than 60 milligrams.

(4) Sodium citrate.

(e) The name of the food is:

Pineapple-Grapefruit Juice-Drink
Contains not less than 50 percent fruit juice.

That part of the name consisting of the statement "Contains not less than 50 percent fruit juice" shall immediately follow the words "Pineapple-grapefruit juice-drink" and shall be shown in the same color, on the same background, and in letters that are not less than one-half the height of the largest letter in the preceding words in the name.

(f) The common names of the optional ingredients used shall be shown on the principal display panel or panels of the label with such prominence and conspicuousness that they are likely to be read and understood by ordinary individuals under customary conditions of purchase. The term "sweetener added" may be used in lieu of the name or names of the sweetening ingredient. The term "flavor added" may be used in lieu of the name of the citrus oil flavoring ingredient. When ascorbic acid (vitamin C) is added it shall be declared as "vitamin C added" or "with added vitamin C" and this declaration shall be accompanied by labeling conforming to the requirements prescribed in the regulations established pursuant to section 403(j) of the Federal Food, Drug, and Cosmetic Act.

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

Effective date. This order shall become effective 180 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

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

Dated: April 29, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-5425; Filed, May 6, 1968;
8:47 a.m.]

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES

Diluted Fruit Juice Beverages; Order Establishing Identity Standards for Lemonade, Colored Lemonade, and Limeade

The notice of proposed rulemaking concerning standards for diluted fruit juice beverages as published August 13, 1964 (29 F.R. 11621), included proposals by the Commissioner of Food and Drugs for lemonade, colored lemonade, and limeade. The notice also included stand-

ards proposed by Sunkist Growers, Inc., Los Angeles, Calif., for lemonade, pink lemonade, and limeade as well as other diluted citrus juice beverages. Numerous comments bearing on the overall proposals were filed, but most of them were not concerned with the proposals for lemonade and limeade.

On the basis of the relevant information available and consideration given the comments filed, it is concluded that it will promote honesty and fair dealing in the interests of consumers to establish definitions and standards of identity for lemonade, colored lemonade, and limeade as set forth below. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That Part 27 be amended by adding thereto the following new sections:

§ 27.99 Lemonade; identity; label statement of optional ingredients.

(a) Lemonade is the beverage food prepared from one or more of the lemon juice ingredients specified in paragraph (b) of this section, water, and one or more of the optional sweetening ingredients specified in paragraph (c) of this section. It may contain one or more of the optional ingredients provided for in paragraph (d) of this section. The proportion of lemon juice ingredients used is sufficient to yield an acidity, calculated as anhydrous citric acid, of not less than 0.70 gram per 100 milliliters of the finished lemonade. The pulp content of lemonade may be adjusted by removing or by adding lemon pulp in accordance with good manufacturing practice. The beverage made by diluting frozen concentrate for lemonade, identified in § 27.101, with water to meet the requirements of this section is deemed to be lemonade. Lemonade may be treated with heat to reduce the enzymatic activity and the number of viable microorganisms. It may be preserved by refrigeration, by freezing, by the addition of preservatives as provided for in paragraph (d) (2) of this section, or by sealing in containers and so processing by heat, either before or after sealing, as to prevent spoilage.

(b) The lemon juice ingredients referred to in paragraph (a) of this section are lemon juice and concentrated lemon juice, either of which may be frozen. For the purposes of this section, lemon juice is the juice expressed from mature lemons of an acid variety. Concentrated lemon juice is lemon juice from which part of the water has been removed. Lemon juice ingredients may be treated by heat to reduce the enzymatic activity and the number of viable microorganisms.

(c) The optional sweetening ingredients referred to in paragraph (a) of this section are: Sugar, invert sugar sirup, dextrose, corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup.

(d) Optional ingredients that may be added in making lemonade are one or more of the following:

(1) Lemon oil, cold-pressed lemon oil, concentrated lemon oil, and lemon essence recovered during the concentration of lemon juice.

(2) The chemical preservatives: Sodium benzoate and sorbic acid.

(3) Safe and suitable buffering salts, emulsifying agents and weighting oils (emulsifying agents and weighting oils may be used only when an oil as provided for by paragraph (d) (1) of this section is added and in a quantity not greater than required to facilitate dispersion of such oil). Such ingredients are deemed safe if they are not food additives as defined by section 201(s) of the Federal Food, Drug, and Cosmetic Act, or if they are food additives as so defined, when they are used in conformity with regulations established pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act.

(e) The name of the food is "lemonade." If the food is preserved by freezing, the name is "frozen lemonade." If it is preserved by heat processing so as to prevent spoilage, the name is "canned lemonade"; however, if it does not purport to be a refrigerated or frozen product, the word "canned" may be omitted.

(f) The common names of optional ingredients used shall be shown on the principal display panel or panels of the label with such prominence and conspicuousness that they are likely to be read and understood by ordinary individuals under customary conditions of purchase. The term "sweetener added" may be used in lieu of the name or names of the sweetening ingredient. The term "flavor added" may be used in lieu of the names for lemon oil, cold-pressed lemon oil, concentrated lemon oil, or lemon essence. The name of the preservative ingredient used shall be accompanied by words to show that it is a preservative; for example, "preserved with sodium benzoate."

§ 27.100 Colored lemonade; identity; label statement of optional ingredients.

(a) Colored lemonade is the beverage food that conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for lemonade by § 27.99, except that it is colored with a safe and suitable color. Such color is deemed safe if it is a color additive as defined in section 201(t) of the Federal Food, Drug, and Cosmetic Act and is used in conformity with regulations established pursuant to section 706 of the act. The beverage made by diluting frozen concentrate for colored lemonade, identified in § 27.102, with water to meet the requirements of this section is deemed to be colored lemonade.

(b) The name of the food conforms to the name prescribed by § 27.99, except that the word "lemonade" is immediately preceded by a word describing the color of the food; for example, "frozen pink lemonade."

(c) The authorized coloring ingredient used shall be shown on the label by the statement "----- added" or "with added -----," the blank being filled in with words "artificial coloring" if the color additive used is artificial, or if it is not an artificial coloring the blank is filled in with the word "coloring" or with the common name of the color additive used; for example, "beet juice added."

§ 27.131 Limeade; identity; label statement of optional ingredients.

Limeade is the beverage food that conforms to the compositional requirements prescribed by § 27.99 for lemonade, except that instead of using lemon juice ingredients, lemon pulp, and flavoring ingredients derived from lemons the corresponding juice, pulp, and flavoring ingredients derived from mature limes of an acid variety are used. Limeade conforms to the labeling requirements prescribed by § 27.99 for lemonade, except that the name "limeade" replaces the name "lemonade."

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

Effective date. This order shall become effective 180 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

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

Dated: April 29, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-5426; Filed, May 6, 1968; 8:47 a.m.]

PART 27—CANNED FRUITS AND FRUIT JUICES

Diluted Fruit Juice Beverages; Order Establishing Identity Standards for Diluted Orange Juice Beverages

In the matter of establishing definitions and standards of identity for diluted fruit juice beverages:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of August 13, 1964 (29 F.R. 11621), setting forth proposals by Sunkist Growers, Inc., Los Angeles, Calif., for establishing identity standards for diluted citrus fruit juice beverages and proposals by the Commissioner of Food and Drugs for establishing identity standards for various diluted fruit juice beverages including those made by dilution of citrus juices.

In response to the notice many comments were filed by manufacturers of "bases" and diluted beverage products, by ingredient suppliers, regulatory officials, and consumers. These comments along with other available information indicate there is confusion in the naming of diluted orange juice beverages, particularly regarding how much orange juice they contain. The same or similar names are used for products containing widely differing proportions of orange juice, and products containing substantially the same percent of orange juice are labeled with different names. A consumer survey has developed evidence showing that many consumers believe the diluted articles contain more orange juice than is actually present. Since the purpose for establishing food standards is to promote honesty and fair dealing in the interest of consumers, it is concluded that standards for diluted orange juice beverages should prescribe names that are more meaningful to consumers. This can be done by adding simple declarations telling purchasers that the products contain not less than specified percentages of orange juice.

On the basis of the information submitted by Sunkist Growers, Inc., the comments filed, the results of the consumer survey, and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish definitions and standards of identity for diluted orange juice beverages as set forth below.

By separate orders definitions and standards of identity are being established for lemonade, colored lemonade, and limeade; canned pineapple-grapefruit juice-drink; canned fruit nectars; and cranberry juice cocktail—a juice drink. In consideration of the time that has passed, it is concluded that standards for other diluted juice beverages will not be established on the basis of the notice of proposed rulemaking published in the FEDERAL REGISTER of August 13, 1964 (29 F.R. 11621). Standards for other diluted juice beverages should be based on new proposals submitted in petitions by interested persons or initiated by the Commissioner of Food and Drugs and published in the FEDERAL REGISTER as notices of proposed rulemaking in conformity with the provisions of section 701(e) of the Federal Food, Drug, and Cosmetic Act.

Therefore, pursuant to the provisions of the act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner

(21 CFR 2.120): *It is ordered*, That Part 27 be amended by adding thereto the following new sections:

§ 27.120 Orange juice-drink; identity; label statement of optional ingredients.

(a) Orange juice-drink is the beverage food prepared from one or more of the orange juice constituents specified in paragraph (b) of this section, water, and one or more of the optional sweetening ingredients specified in paragraph (c) of this section. It may contain one or more of the optional ingredients provided for in paragraph (d) of this section, and any optional ingredients contained in the orange juice products used are considered to be optional ingredients of the finished food. Orange juice-drink may be preserved by freezing, by refrigeration, or by adding a preservative ingredient as provided for by paragraph (d) (4) of this section; or when it is to be labeled to conform to the requirements of paragraph (e) of this section for canned orange juice-drink, it is sealed in containers and, either before or after sealing, it is so processed by heat as to prevent spoilage. Orange juice-drink contains not less than 50 percent orange juice (single strength basis). This requirement is considered to have been met if the content of orange juice soluble solids, excluding optional ingredients, amounts to 5.0 percent or more by weight of the finished orange juice-drink.

(b) The orange juice constituents referred to in paragraph (a) of this section are the orange juice products defined in §§ 27.105 through 27.115, subject to the restriction that those defined in §§ 27.113 and 27.115 are used only in preparing orange juice-drink with an added preservative as provided for in paragraph (d) (4) of this section and that orange juice products so processed by heat as to prevent spoilage are used only in canned orange juice-drink.

(c) The optional sweetening ingredients referred to in paragraph (a) of this section are: Sugar, invert sugar sirup, dextrose, corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup.

(d) Optional ingredients that may be added in making orange juice-drink are one or more of the following:

(1) Orange oil, concentrated orange oil, and orange essence recovered during the concentration of orange juice.

(2) Acidifiers: Lemon juice, concentrated lemon juice, citric acid, malic acid, and fumaric acid.

(3) Ascorbic acid (vitamin C), added in such quantity that the total ascorbic acid in each 4 fluid ounces of finished orange juice-drink amounts to not less than 30 milligrams and not more than 60 milligrams.

(4) The chemical preservatives: Sodium benzoate and sorbic acid.

(5) Safe and suitable colors—such colors are deemed safe if they are color additives as defined in section 201(t) of the Federal Food, Drug, and Cosmetic Act and are used in conformity with regulations established pursuant to section 706 of the act.

(e) The name of the food is:

Orange Juice-Drink
Contains not less than 50 percent
orange juice.

That part of the name consisting of the statement "Contains not less than 50 percent orange juice" shall immediately follow the words "Orange juice-drink" and shall be shown in the same color, on the same background, and in letters that are not less than one-half the height of the largest letter in the preceding words in the name. If the food is preserved by freezing, the name shall be preceded by the word "frozen." If it is canned and processed by heat to prevent spoilage, the name shall be preceded by the word "canned." The word "canned" may be omitted, however, if the food does not purport to be frozen or preserved by refrigeration.

(f) The common names of optional ingredients used shall be shown on the principal display panel or panels of the label with such prominence and conspicuousness that they are likely to be read and understood by ordinary individuals under customary conditions of purchase. The term "sweetener added" may be used in lieu of the name or names of the sweetening ingredient. The term "flavor added" may be used in lieu of the names orange oil concentrated orange oil, or orange essence. When ascorbic acid (vitamin C) is added, it shall be declared on the label as "vitamin C added" or "with added vitamin C" and this declaration shall be accompanied by labeling conforming to the requirements prescribed in the regulations established pursuant to section 403(j) of the act. The name of the preservative ingredient used shall be accompanied by words showing that it is a preservative; for example, "preserved with sodium benzoate." If a color additive is used to artificially color the food, the label shall bear the statement "artificially color added" or "artificially colored" immediately preceding or following the name of the food.

§ 27.121 Orangeade; identity; label statement of optional ingredients.

(a) Orangeade is the beverage food that conforms to the requirements for composition and for label declaration of optional ingredients prescribed by § 27.120 for orange juice-drink, except that it contains less than 50 percent but not less than 25 percent of orange juice (single strength basis). This requirement is considered to have been met if the content of orange juice soluble solids, excluding optional ingredients, is less than 5.9 percent but not less than 2.95 percent by weight of the orangeade.

(b) The name of the food is:

Orangeade
Contains not less than 25 percent orange
juice.

Other labeling requirements concerning the name of the food as prescribed in § 27.120(e) are applicable to this section.

§ 27.122 Orange drink; identity; label statement of optional ingredients.

(a) Orange drink is the beverage food prepared from one or more of the orange juice constituents specified in paragraph

(b) of this section, water, and one or more of the sweetening ingredients specified in paragraph (c) of this section. It may contain one or more of the optional ingredients as provided for in paragraph (d) of this section, and any optional ingredients contained in the orange juice products used are considered to be optional ingredients of the finished food. Orange drink may be preserved by freezing, by refrigeration, or by adding a preservative ingredient as provided for by paragraph (d) (4) of this section; or when it is to be labeled to conform to the requirements of paragraph (e) of this section for canned orange drink, it is sealed in containers and, either before or after sealing, it is so processed by heat as to prevent spoilage. Orange drink contains less than 25 percent but not less than 10 percent of orange juice soluble solids, excluding optional ingredients, is less than 2.95 percent but not less than 1.18 percent by weight of the finished orange drink.

(b) The orange juice constituents referred to in paragraph (a) of this section are the orange juice products defined in §§ 27.105 through 27.115, subject to the restriction that those defined in §§ 27.113 and 27.115 are used only in preparing orange drink with an added preservative as provided for in paragraph (d) (4) of this section and that orange juice products so processed by heat as to prevent spoilage are used only in canned orange drink.

(c) The optional sweetening ingredients referred to in paragraph (a) of this section are: Sugar, invert sugar sirup, dextrose, corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup.

(d) Optional ingredients that may be added in making orange drink are one or more of the following:

(1) Orange oil, concentrated orange oil, and orange essence recovered during the concentration of orange juice.

(2) Acidifiers: Lemon juice, concentrated lemon juice, citric acid, malic acid, and fumaric acid.

(3) Ascorbic acid (vitamin C), added in such quantity that the total ascorbic acid in each 4 fluid ounces of the finished orange drink amounts to not less than 30 milligrams and not more than 60 milligrams.

(4) The chemical preservatives: Sodium benzoate and sorbic acid.

(5) Safe and suitable colors, buffering salts, stabilizers, emulsifying agents, and weighting oils (the emulsifying agents and weighting oils may be used only when an oil as provided for by subparagraph (1) of this paragraph is added and in a quantity not greater than required to facilitate dispersion of such oil). Such ingredients are deemed safe:

(i) If they are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act, or if they are food additives as so defined, when they are used in conformity with regulations established pursuant to section 409 of the act.

(ii) If they are color additives as defined in section 201(t) of the act and are

used in conformity with regulations established pursuant to section 706 of the act.

(e) The name of the food is:

Orange Drink
Contains not less than 10 percent
orange juice.

Other labeling requirements concerning the name of the food as prescribed in § 27.120(e) are applicable to this section.

(f) The common names of optional ingredients used shall be shown on the principal display panel or panels of the label with such prominence and conspicuousness that they are likely to be read and understood by ordinary individuals under customary conditions of purchase. The term "sweetener added" may be used in lieu of the name or names of the sweetening ingredient. The term "flavor added" may be used in lieu of the names for orange oil, concentrated orange oil, or orange essence. When ascorbic acid (vitamin C) is added, it shall be declared on the label as "vitamin C added" or "with added vitamin C" and this declaration shall be accompanied by labeling conforming to the requirements prescribed in the regulations established pursuant to section 403(j) of the act. The name of the preservative ingredient used shall be accompanied by words showing that it is a preservative; for example, "preserved with sodium benzoate." If a color additive is used to artificially color the food, the label shall bear the statement "artificially color added" or "artificially colored" immediately preceding or following the name of the food.

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

Effective date. This order shall become effective 180 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

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

Dated: April 29, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-5427; Filed, May 6, 1968;
8:47 a.m.]

PART 121—FOOD ADDITIVES

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

METHYL GLUCOSIDE-COCONUT OIL ESTER

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Hodag Chemical Corp., 7247 North Central Park Avenue, Skokie, Ill. 60074, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use methyl glucoside-coconut oil ester as a surfactant in molasses intended for use as a component of animal feeds.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart C the following new section:

§ 121.242 Methyl glucoside-coconut oil ester.

Methyl glucoside-coconut oil ester may be safely used in accordance with the following conditions:

(a) The additive meets the specifications prescribed in § 121.1151.

(b) It is used as a surfactant in molasses intended for use in animal feed at a level not to exceed 320 parts per million.

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

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

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

Dated: April 25, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-5428; Filed, May 6, 1968; 8:48 a.m.]

PART 121—FOOD ADDITIVES

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

Subpart D—Food Additives Permitted in Food for Human Consumption

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

PIPERONYL BUTOXIDE AND PYRETHRINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8H2239) filed by the Market Quality Research Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, has concluded that the food additive regulations should be amended to provide for the safe use of piperonyl butoxide and pyrethrins insecticide in the treatment of cotton bags to be used for dried foods and feeds. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), part 121 is amended as follows:

1. Sections 121.289 (a) and (c) and 121.290 (a) and (c) are revised to read as follows:

§ 121.289 Piperonyl butoxide.

(a) It is used or intended for use in combination with pyrethrins for control of insects:

(1) On the outer ply of multiwall paper bags of 50 pounds or more capacity in amounts not exceeding 60 milligrams per square foot.

(2) On cotton bags of 50 pounds or more capacity in amounts not exceeding 55 milligrams per square foot of cloth. Such treated bags are constructed with waxed paper liners and are to be used only for dried feeds that contain 4 percent fat or less.

(c) A tolerance of 10 parts per million is established for residues of piperonyl butoxide when present as the result of migration:

(1) In or on dried feeds from its use on the outer ply of multiwall paper bags of 50 pounds or more capacity.

(2) In or on dried feeds that contain 4 percent fat, or less, from its use on cotton bags of 50 pounds or more capacity constructed with waxed paper liners.

§ 121.290 Pyrethrins.

(a) It is used or intended for use in combination with piperonyl butoxide for control of insects:

(1) On the outer ply of multiwall paper bags of 50 pounds or more capacity in amounts not exceeding 6 milligrams per square foot.

(2) On cotton bags of 50 pounds or more capacity in amounts not exceeding 5.5 milligrams per square foot of cloth. Such treated bags are constructed with waxed paper liners and are to be used only for dried feeds that contain 4 percent fat or less.

(c) A tolerance of 1 part per million is established for residues of pyrethrins when present as the result of migration:

(1) In or on dried feeds from its use on the outer ply of multiwall paper bags of 50 pounds or more capacity.

(2) In or on dried feeds that contain 4 percent fat, or less, from its use on cotton bags of 50 pounds or more capacity constructed with waxed paper liners.

2. Section 121.1074 is amended by adding a new subparagraph to paragraphs (a) and (c), as follows:

§ 121.1074 Piperonyl butoxide.

(a) * * *

(3) On cotton bags of 50 pounds or more capacity in amounts not exceeding 55 milligrams per square foot of cloth, whereby the amount of piperonyl butoxide is equal to 10 times the amount of pyrethrins in the formulation. Such treated bags are constructed with waxed paper liners and are to be used only for dried foods that contain 4 percent fat or less.

(c) * * *

(4) Dried foods that contain 4 percent fat, or less, when present as a result of migration from its use on the cloth of cotton bags of 50 pounds or more capacity constructed with waxed paper liners.

3. Section 121.1075 is amended by adding a new subparagraph to paragraphs (a) and (c), as follows:

§ 121.1075 Pyrethrins.

(a) * * *

(3) On cotton bags of 50 pounds or more capacity in amounts not exceeding 5.5 milligrams per square foot of cloth, whereby the amount of pyrethrins is equal to 10 percent of the amount of piperonyl butoxide in the formulation. Such treated bags are constructed with waxed paper liners and are to be used only for dried foods that contain 4 percent fat or less.

(c) * * *

(4) Dried foods that contain 4 percent fat, or less, when present as a result of migration from its use on the cloth of cotton bags of 50 pounds or more capacity constructed with waxed paper liners.

4. Section 121.2573 is revised to read as follows:

§ 121.2573 Piperonyl butoxide and pyrethrins as components of bags.

Piperonyl butoxide in combination with pyrethrins may be safely used for

insect control on bags that are intended for use in contact with dried feed in compliance with §§ 121.289 and 121.290 or that are intended for use in contact with dried food in compliance with §§ 121.1074 and 121.1075.

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

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

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

Dated: April 26, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-5429; Filed, May 6, 1968;
8:48 a.m.]

PART 121—FOOD ADDITIVES

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

OLEFIN POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7B2170) filed by Imperial Chemical Industries, Ltd., Plastics Division, Bessemer Road, Welwyn Garden City, Hert-

fordshire, England, and other relevant material, has concluded that § 121.2501 should be amended to provide for use of poly(methylpentene) and olefin basic copolymers manufactured by copolymerization of 4-methylpentene-1 and other 1-alkenes as articles or components of articles intended for food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.2501 is amended by revising paragraph (a)(3) and adding thereafter a new subparagraph (4); by revising in the table in paragraph (c) items 3.1 and 3.2 and adding thereafter new items 3.3 and 4; by revising in paragraph (d) the introductory texts of subparagraphs (3)(i) and (ii) and (4)(i) and (ii); and by revising paragraph (e). The affected portions read as follows:

§ 121.2501 Olefin polymers.

(a) * * *

(3) Olefin basic copolymers consist of basic copolymers manufactured by the catalytic copolymerization of:

(i) Two or more of the 1-alkenes having 2 to 8 carbon atoms. Such olefin basic copolymers contain not less than 96 weight-percent of polymer units derived from ethylene and/or propylene, except that olefin basic copolymers manufactured by the catalytic copolymerization of two or more of the monomers ethylene, propylene, butene-1, 2-methylpropene-1, and 2,4,4-trimethylpentene-1 shall contain not less than 85 weight-percent of polymer units derived from ethylene and/or propylene; or

(ii) 4-Methylpentene-1 and 1-alkenes having 6 to 10 carbon atoms. Such olefin basic copolymers shall contain not less than 95 molar percent of polymer units derived from 4-methylpentene-1.

(4) Poly(methylpentene) consists of basic polymers manufactured by the catalytic polymerization of 4-methylpentene-1.

(c) Specifications:

Olefin polymers	Density	Melting point (MP) or softening point (SP)	Maximum extractable fraction (expressed as percent by weight of polymer) in <i>n</i> -hexane at specified temperatures	Maximum soluble fraction (expressed as percent by weight of polymer) in xylene at specified temperatures
3.1 Olefin copolymers described in paragraph (a)(3)(i) of this section for use in articles that contact food except for articles used for packing or holding food during cooking.	0.85-1.00	***	5.5 percent at 50° C.	30.0 percent at 25° C.
3.2 Olefin copolymers described in paragraph (a)(3)(i) of this section for use in articles used for packing or holding food during cooking.	0.85-1.00	***	2.6 percent at 50° C.	Do.
3.3 Olefin copolymers described in paragraph (a)(3)(ii) of this section.	0.82-0.85	MP: 235°-250° C.	6.6 percent at reflux temperature.	7.5 percent at 25° C.
4. Poly(methylpentene)	do.	do.	do.	Do.

(d) * * *

(3) **Maximum extractable fraction in *n*-hexane**—(i) Olefin copolymers described in paragraph (a)(3)(i) of this section, polypropylene, and poly(methylpentene). A sample is refluxed in the

solvent for 2 hours and filtered at the boiling point. The filtrate is evaporated and the total residue weighed as a measure of the solvent extractable fraction.

(ii) **Olefin copolymers described in paragraph (a)(3)(i) of this section and polyethylene**. A sample is extracted at 50° C. in the solvent for 2 hours and filtered. The filtrate is evaporated and the total residue weighed as a measure of the solvent extractable fraction.

(4) **Maximum soluble fraction in xylene**—(i) Olefin copolymers described in paragraph (a)(3)(ii) of this section, polypropylene, and poly(methylpentene). A sample is dissolved completely in xylene by heating and stirring in a bottle with little free space. The solution is allowed to cool without stirring, whereupon the insoluble portion precipitates and is filtered off; the total solids content of the filtrate is then determined as a measure of the soluble fraction.

(ii) **Olefin copolymers described in paragraph (a)(3)(i) of this section and polyethylene**. A sample is extracted in xylene at reflux temperature for 2 hours and filtered. The filtrate is evaporated and the total residue weighed as a measure of soluble fraction.

(e) Olefin copolymers described in paragraph (a)(3)(i) of this section and polyethylene, alone or in combination, may be subjected to irradiation bombardment from a source not to exceed 2.3 million volts intensity to cause molecular crosslinking of the polymers to impart desired properties, such as increased strength and increased ability to shrink when exposed to heat.

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

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

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

Dated: April 29, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-5430; Filed, May 6, 1968;
8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 241—DEPARTMENT OF DEFENSE SUPPORT OF THE PRESIDENT'S YOUTH OPPORTUNITY PROGRAMS

The Deputy Secretary of Defense approved the following on February 29, 1968:

- Sec.
- 241.1 Purpose.
- 241.2 Applicability and scope.
- 241.3 Background information.
- 241.4 Policies and procedures.
- 241.5 Responsibilities.
- 241.6 Summer employment.
- 241.7 Health and medical support.
- 241.8 Education and training.
- 241.9 Recreation.
- 241.10 Transportation.
- 241.11 Insurance and DoD liability.
- 241.12 Reporting procedures (to be issued at a later date).
- 241.13 Memorandum of agreement between military unit and sponsoring federal agency.
- 241.14 Department of the (Army/Navy/Air Force) permit to other Federal Government department or agency to use property on.
- 241.15 Reserve policies and procedures.
- 241.16 Regional coordinators.
- 241.17 Fifty largest cities in the United States.

AUTHORITY: This Part 241 is issued under the authority of Public Law 89-554, section 301 (5 U.S.C. 301); Executive Order 11330, Mar. 9, 1967.

§ 241.1 Purpose.

This part (a) provides information concerning the President's Youth Opportunity Programs (hereinafter referred to as "the Programs"); (b) sets forth policy guidelines relating to Department of Defense year-round Program cooperation and support; and (c) prescribes procedures by which mayor's councils or youth opportunity councils may request DoD support for their local community programs.

§ 241.2 Applicability and scope.

The provisions of this part apply to all components of the Department of Defense within the 50 States, the District of Columbia and the Commonwealth of Puerto Rico.

§ 241.3 Background information.

(a) The Department of Defense began participating in the Summer Youth Program in 1964 primarily in the area of summer youth employment.

With the issuance of Executive Order 11330, "Providing for the Coordination of Youth Opportunity Programs," March 5, 1967, the program, in addition to employment, was expanded to include swimming opportunities; use of other recreational facilities as well as camping and picnic areas; loan of facilities and equipment; and the scheduling of special ceremonies, parades, displays, drills, and concerts.

(b) Close liaison was maintained with both the Director of the President's National Program as well as with the President's Advisor on National Capital Affairs for the District of Columbia programs.

(c) Support was provided by 177 active military installations to local communities throughout the 50 States and the District of Columbia, and by the National Guard and Reserve units in 37 States during the summer of 1967. Recurring reports provided to the Vice President and the President's advisor reflected this support.

§ 241.4 Policies and procedures.

(a) The Department of Defense will support the Programs to the maximum extent possible, subject to military responsibilities. However, except where such support is related to a Defense mission, it must in each instance be predicated upon specific statutory authority. With respect, for example, to personal property which is not surplus to the military establishment, such property may not be loaned to other than Federal agencies in the absence of such authority. For this reason, where it has been determined to be desirable to lend the property of the Department of Defense to further a particular activity, Congress has provided legislation. (e.g. Public Law 89-490 authorized the Department of Defense to lend equipment to the Boy Scouts in connection with the world jamboree held in Idaho during the summer of 1967.)

(b) In this connection, the Department of Defense may, under the authority of the Economy Act, 31 U.S.C. 686, make property available on a loan basis to another Federal agency which in turn has the necessary authority to make it available on a loan basis to a local civic group. Moreover, certain Federal agencies have specific statutory authority to call upon other Federal agencies for facilities and services. (See, for example, section 602(e) of Public Law 88-452, 42 U.S.C. 2942(e), with respect to the Office of Economic Opportunity.) Support provided to other than DoD mission-related programs and activities will be on a reimbursable basis unless nonreimbursable support is authorized by statute. Such support must in no way interfere with services to military personnel or their dependents.

(c) Basic policies and procedures governing program support to be provided by the DoD are set forth in §§ 241.6-241.15, covering the subjects indicated in subparagraphs (1)-(9).

- (1) Summer Employment.
- (2) Health and Medical.
- (3) Education and Training.
- (4) Recreation.
- (5) Transportation.
- (6) Insurance.
- (7) Reporting Procedures.
- (8) Sample Memorandum of Agreement.
- (9) Reserve Forces Support.

(d) No budgetary increase or legislative action has been requested by the Department of Defense in support of these Programs. Summer employment will be programed within available fiscal re-

sources, as will support provided in other areas.

(e) When medical programs are or can be included in the military mission, any assets of manpower or material available for medical civic action (MED CAP) training may be applied in support of youth opportunity activities consistent with other requirements.

§ 241.5 Responsibilities.

(a) The Assistant Secretary of Defense (Manpower and Reserve Affairs) is assigned responsibility for the overall DoD-wide support of these Programs. The DASD (M&RA) will serve as the DoD member of the President's Council on Youth Opportunity with responsibility for coordinating nationwide planning with the Military Departments, Defense Agencies, the National Guard Bureau and other Government departments and agencies.

(b) Each Military Service, the Deputy Assistant Secretary of Defense (Reserve Affairs), the Assistant Secretaries of Defense (Comptroller), (Installations and Logistics), and (Public Affairs), the General Counsel of the DoD, and the National Guard Bureau will designate a representative to assist the DASD (M&RA), as required, in developing the plans outlined in paragraph (a) of this section.

(1) Military Service representatives will be expected to deal with both the active and reserve forces.

(2) All representatives will have authority to call on resources within their parent organizations as necessary, and will be designated on an annual basis for the period November 1 through October 31 each year. Individuals selected should have sufficient tenure to remain representatives for the year. Names of replacements for individuals originally nominated will be provided the DASD (M&RA).

(c) The Secretary of the Army is designated as Executive Agent for the Department of Defense for planning and scheduling all programs in the National Capital Region except employment. The Commander, Military District of Washington will act as agent to coordinate these responsibilities for Fort Meade, Fort Belvoir, Fort McNair, Fort Myer, Walter Reed Medical Center, Andrews Air Force Base, Bolling Air Force Base, Henderson Hall, U.S. Naval Station, Naval Medical Center, Bethesda, Md., Naval Ordnance Laboratory, White Oak, Md., and Marine Corps Schools, Quantico, Va.

(d) Installation commanders shall encourage military personnel and civilian employees to voluntarily contribute their time and talents, during off duty hours, in support of the Programs. This voluntary effort should be channeled through a single point of liaison between volunteers and mayors or youth coordinating councils in the local community.

(e) Attention should be given to early planning within the Military Services, especially between local commanders

and Federal, State, and municipal activities. Coordination with Federal executive boards and Federal executive associations is encouraged in areas where they have been established (see § 241.16). Summer employment plans should normally be complete March 15 and proposed general support plans in other areas by April 1 of each year.

(f) Military commanders in large metropolitan cities, such as those listed in § 241.20, should jointly plan their support of the Programs to insure a coordinated DoD effort. Similar planning is encouraged in areas that embrace more than one community and in more than one State.

(1) If it is determined that a single DoD coordinator should be named to work with local State and Federal officials, appointments may be rotated annually among the Military Services represented. The name of the designated representative shall be reported to the DASD(M&RA), each Military Service, and appropriate local State and Federal officials during the month of October of each year.

(2) The need for the appointment of senior DoD coordinators from this level may also arise. These appointments will likewise normally be on a yearly rotating basis and with the concurrence of the Military Services.

§ 241.6 Summer employment.

(a) *General.* (1) The Department of Defense will participate fully in the summer employment phase of the President's Youth Opportunity Program with particular emphasis on the employment of disadvantaged youths under existing and special authorities issued by the U.S. Civil Service Commission.

(2) The Department of Defense will be expected to exceed or at least equal each summer the level of summer youth employment for the previous year.

(3) Funding for summer youth employment must be provided from fiscal resources as provided in § 241.4(d).

(b) *Appointing authorities.* (1) Maximum use will be made of the appointing authority issued by the Civil Service Commission in furtherance of the President's Youth Opportunity campaign. This authority is designed to facilitate the summer employment of youth between the ages of 16 and 22 without regard to competitive examinations.

(2) Summer youth employment may also be effected under the summer jobs in Federal agencies and other authorized excepted and competitive appointment procedures.

(c) *Counseling and training.* (1) As a minimum, programs should be developed to provide group orientation and training designed to integrate young employees into the work team with followup counseling of individuals who need personal attention to adjust to the work environment.

(2) The temporary summer employment of high school guidance counselors and other qualified individuals to conduct the counseling and training programs for summer youth employees is encouraged.

(3) Supervisory personnel who will be working with young people should be given special training, as necessary, to increase their skills and abilities in counseling needy young people.

(d) *Minimum goals for summer 1968 youth employment.* (1) Nationwide the minimum goal within the Department of Defense will be to employ 50,000 youths during the summer of 1968 or a ratio of four youths for each 100 employees.

(2) The minimum goal within the Washington, D.C., metropolitan area will be 5,000 youths employed in Department of Defense installations during the summer of 1968 or a ratio of 5+ youths for each 100 employees.

(3) A minimum target of 75 percent of the total number of youths hired shall be established for the employment of disadvantaged youths.

(4) Summer youth employment goals in nonappropriated fund activities may be established similar to those established for appropriated fund activities.

(5) In addition to direct hire employment, maximum participation in host programs, e.g., the Neighborhood Youth Corps, Concentrated Employment Program, etc., is encouraged.

(e) *Medical examinations.* (1) While in some cases there is no requirement for physical examinations for young people hired under the Youth Opportunity Campaign, within existing resources, such examinations are encouraged because needy youths would benefit from medical examinations which they otherwise would not be able to afford.

(2) If medical examinations are not required and if local facilities are unavailable for medical examinations, the availability of U.S. Public Health Service or other locally available public facilities should be investigated before a final decision is reached to dispense with physical examinations.

(f) *Transportation.* (1) The circumstances under which transportation may be provided to and from military installations by components of the Department of Defense in conjunction with employment are provided in paragraph 4-1b(5) of the Joint Procedures for Management of Administrative Use of Motor Vehicles, May 1967, AR 58-1, OPNAV P44-2, AFM 77-1, MCO P11240.46A, and DSAR 4510.5 issued under the provisions of DoD Instruction 4500.28,¹ August 9, 1960.

(2) Additional guidance on this subject is contained in § 241.10.

(g) *Action office.* Questions relating to this enclosure should be referred to the Deputy Assistant Secretary of Defense (Civilian Personnel Policy), OASD(M&RA), Pentagon, Washington, D.C. 20301 (Telephone OXford 7-5783).

(h) *Reporting procedures.* In addition to reporting procedures established by the U.S. Civil Service Commission, summer employment action in appropriated and nonappropriated fund areas will be

reported as provided for in § 241.12 (to be issued at a later date).

§ 241.7 Health and medical support.

(a) *Authorization.* Medical units and individual service personnel of the Active Armed Forces, Reserves, and National Guard are authorized to provide services in support of the President's Youth Opportunity Programs. The type and extent of support provided will be determined by the local medical unit commander or individual medical officer concerned. Participation in these Programs is encouraged but will not be allowed to interfere with accomplishment of the assigned mission. Also see § 241.6(e) regarding summer employment medical examinations.

(b) *Services.* Services provided in support of the Programs may include physical examinations for employment or attendance at camps, first aid, emergency medical treatment, and treatment of injuries incurred while under military cognizance for which care is authorized under other existing directives. It should be understood that military medical support will be requested only if this support is not available from other sources. Hospitalization or extended treatment will be provided only until removal to a civilian facility can be arranged by Youth Opportunity authorities.

(c) *Materiel.* Reimbursement for certain types of medical support may be provided by other Federal agencies if agreements are made during the planning stage. Utilization of surplus supplies of immunizing agents and other medical materiel or of supplies provided by other agencies is authorized.

(d) *Planning.* In all instances, local medical facility commanders will enter into planning of Program activities at the earliest possible stage:

(1) To assure maximum effectiveness of support with a minimum interference with accomplishment of the assigned mission.

(2) To assure maximum coordination of available community resources and resources of other Government agencies.

(3) To accomplish planning to provide reimbursement for services rendered and/or material provided other Federal agencies authorized to fund for these Programs.

(e) *Reservists.* Reserve Forces individuals (including Ready and Active Standby medical and dental officers) performing voluntary medical services in support of the Programs may be authorized retirement point credit for time utilized in accordance with established standards set by the several services. Authentication of services performed and recording of credits earned in this manner will be as prescribed in section IV of DoD Instruction 1215.11, May 16, 1961.¹

(f) *Status.* Medical services performed by military personnel for beneficiaries of the Programs are considered to be actions performed as official duties in their capacity of officers or enlisted members of the Armed Forces.

(g) *Action office.* Questions relating to this enclosure should be referred to the

¹ Filed as part of original document. Copies available at the Publications Counter, OASD(A), Room 3B200, The Pentagon, Washington, D.C. 20301, or OX 5-2167.

Deputy Assistant Secretary of Defense (Health and Medical), OASD(M&RA), Pentagon, Washington, D.C. 20301 (Telephone OXford 7-5186).

(h) *Reporting Procedures.* Health and Medical support provided will be reported in accordance with the instruction contained in § 241.12 (to be issued at a later date).

§ 241.8 Education and training.

(a) *General.* One of the most important aspects of the President's Youth Opportunity Programs is in providing employment opportunities for young people. Closely associated with this need is the problem and challenge of educating and training young people for meaningful employment.

(b) *Participation.* (1) Active and Reserve military installation commanders may provide guidance and counseling services to participants of the Programs. Furthermore, opportunities may be extended to young people for participation in group-study programs established for the express purposes of meeting specific requirements of participants in the Programs. Services performed should be on a reimbursable basis where required.

(2) While the extent of voluntary participation by National Guard personnel would be affected by the emphasis placed on the Program by each State, considerable potential does exist in the use of members of the Reserve Components on a voluntary basis in nondrill, nonpay status to support these Programs. Trained personnel in many units could assist in the development of skills such as driving, cooking, and vehicle repair.

(3) Programs such as the Civil Air Patrol (CAP) should also be considered as a possible means of achieving some of the training and educational objectives of the Programs. Commanders are encouraged to sponsor local CAP units in communities adjacent to their installations with particular emphasis on membership of worthy but less fortunate youngsters. Where this action is taken, the local community should be encouraged to provide the necessary financial support. In special individual cases, paragraph 6 of CAP Regulation 30.3 may be applied by commanders when deemed appropriate.

(c) *Use of facilities and materials.* (1) Reserve component facilities and equipment can be made available in support of this program within the framework of existing regulations and consistent with requirements of the units in each locality. Any use of facilities and equipment made available for training purposes would require adequate military supervision and should be determined on a case-by-case basis.

(2) Individuals or activities developing Programs for implementation on military installations may purchase a number of prehigh school materials from the Superintendent of Documents, Washington, D.C. 20402. Lists of these documents may be obtained by local civic groups direct from the Superintendent of Documents, or the Director, USAFI, Madison, Wis. 53703.

(d) *Action office.* Questions relating to this enclosure should be referred to the Deputy Assistant Secretary of Defense (Education), OASD(M&RA), Pentagon, Washington, D.C. 20301 (Telephone OXford 7-3753).

(e) *Reporting procedures.* Support provided in the education and training area will be reported in accordance with the instructions contained in § 241.12 (to be issued at a later date).

§ 241.9 Recreation.

(a) *General.* (1) Support in the recreation area may include providing swimming opportunities; use of other recreational facilities, camping and picnic areas; loan of facilities and equipment, scheduling of special ceremonies, parades, displays, drills, and concerts.

(2) The degree to which these activities can be provided will depend upon the availability as determined by the commander and the extent to which military facilities and programs are integrated into overall local area programs and in consonance with the policies expressed in § 241.4.

(3) Planning will be based on the assumption that costs incurred in direct support of the recreational and camping programs will be borne by the civic groups using DoD facilities or equipment, or by the sponsoring Federal agency.

(4) ROTC and OCS units can give support to the Program by affording an opportunity to youth groups for observing regular training drills, summer camp training, or official ceremonial parades—all with a view toward exposing youth to the nation's officer training programs and inspiring and motivating them toward military service as a career or a means of fulfilling their military obligation. Such activities should be coordinated through the responsible military commander.

(5) To the extent possible, recreational activities should be made available for use by summer Youth Opportunity Campaign employees hired under special civil service appointing authorities.

(b) *Loan of facilities and equipment.* (1) Military installations should stand ready to provide recreational facilities to the local mayor's council or youth coordinator in support of youth opportunity programs.

(2) Active and inactive DoD facilities may be considered for loan by commanders on a case-by-case basis to another sponsoring Federal agency which in turn has the authority to loan them to civic groups for support of the Programs.

(3) Requests for the use of Reserve facilities by civic groups should be made through the mayor's councils or youth coordinator to the local Reserve commander. As in the case of the active establishment, limitations of law and mission will have a bearing on the nature and degree of support which can be provided by Reserve units.

(4) Authority for National Guard participation and support of youth programs is contained in National Guard Regulation 75-1/Air National Guard Regulation 67-1, "Use and Loan of Property Issued

to the National Guard," June 30, 1967. Requests for the use of National Guard facilities and equipment, including Federal transportation issued to the National Guard, should be addressed to the local National Guard commander or to the Adjutant General of the State concerned. Many National Guard facilities are in almost constant use during the summer months when units conventionally perform their annual field training. As a result, the National Guard cannot be expected to be able to provide much support during those months. States are financially responsible to the Federal Government for the neglect, loss, damage, or destruction of Federal property issued to the National Guard, and in some States, for property damage or personal injury resulting from National Guard activities. Accordingly, some States may loan equipment only upon the procuring of appropriate insurance by the user.

(5) National Guard Armories are State facilities with priority use in support of National Guard training. Requests for their use throughout the year for various community sponsored youth activities will be governed by State laws and the guidelines established for local commanders by the State Adjutant General. The Federal agency sponsor will assume all armory expenses entailed in the support of youth opportunity programs.

(6) Where facilities and property can be made available, the sponsoring Federal agency will bear the cost of preparing and maintaining the facilities for use, defray transportation costs for any equipment which may have to be moved in from other areas, as well as guarantee the return of the facility and property in as good condition as when received, reasonable wear and tear expected, and reimburse the Department of Defense for such items as are irreparably damaged or lost.

(7) The sponsoring Federal agency will in each instance accept full responsibility for the security, health, and safety of those authorized to occupy the installation. In addition to the agreement between the military installation and the sponsoring Federal agency (see § 241.13(e)(3)), a specific security agreement should also be reached between the sponsor and the civilian group using the facility. The latter agreement should note that in the event of any disorder, the military installation has reserved the right to terminate the program.

(c) *Action office.* Questions relating to this enclosure should be referred to the Deputy Assistant Secretary of Defense (Military Personnel Policy), OASD (M&RA), (Telephone OXford 7-9525), or the Deputy Assistant Secretary of Defense (Directorate for Real Property Management), OASD(I&L), (Telephone OXford 7-8242).

(d) *Reporting procedures.* Support provided in the recreation area will be reported in accordance with the instructions contained in § 241.12 (to be issued at a later date).

§ 241.10 Transportation.

(a) *General.* Transportation may be provided in support of military community relations programs and, on a reimbursable basis, in support of authorized youth opportunity programs of other Federal agencies.

(b) *Procedure.* (1) Local civic groups or local governmental agencies may contact installation commanders in this regard. It should be with the clear understanding, however, that even though transportation arrangements have been made, higher priority projects may well necessitate cancellations. Commanders should advise local civic groups that because of the foregoing, the use of any DoD transportation be considered only as a last resort.

(2) Military vehicles should be employed to provide transportation support for other Federal agencies only when U.S. commercial carriers cannot meet the requirements of those agencies.

(3) Nonreimbursable transportation to and from military installations should be provided to local civic groups and local governmental agencies only when it is clear that their own transportation facilities are being utilized to the maximum extent feasible and funding limitations preclude their obtaining transportation assistance from other sources.

(4) Once the decision to provide non-reimbursable transportation is made, it should be allowed to, from and on military installations, as opposed to just round-trip to the installation.

(5) Military vehicles may also be employed to provide transportation support, on a cost-reimbursable basis, to certain other Federal agencies which request such support for youth opportunity programs in connection with which they have the statutory authority to provide transportation.

(6) Contract transportation will not be used in support of youth programs. Additionally, military vehicles will not be employed to support such programs where such use would work to the detriment of their defense mission or other programs sponsored by the Department of Defense.

(c) *Action office.* Questions relating to this enclosure should be referred to the Deputy Assistant Secretary of Defense (Supply and Services), OASD(I&L), Pentagon, Washington, D.C. 20301 (Telephone OXford 7-7191).

(d) *Reporting procedures.* Transportation support provided will be reported in accordance with the instructions contained in § 241.12 (to be issued at a later date).

§ 241.11 Insurance and DoD liability.

(a) *General.* (1) With support of the President's Youth Opportunity Program, it is recognized that commanders of active and reserve military installations will be confronted with the problem of anticipating liability for personal injury or death to participants.

(2) Since there is no authority for the Department of Defense to purchase liability insurance, this coverage will nor-

mally be provided by the group sponsoring or using the facility or equipment. This, however, may not be possible in the case of those local civic groups having extremely limited financial resources.

(3) It is further concluded that in the absence of liability insurance, the Department of Defense must be prepared to assume liability for its negligent acts resulting from personal injury or death to the participants. General releases executed by the parents (waiving the right to sue) and agreements by the organizations to indemnify (to hold the Government harmless) will not insure the immunity of the Department of Defense.

(b) *Procedure.* The furnishing of Department of Defense support will not be contingent upon the purchase of insurance coverage by operating organizations, nor upon their entering into agreement to hold the United States harmless as the result of personal injury to participants, nor upon their obtaining general releases from the parents of participating children.

(c) *Action office.* Questions relating to this enclosure should be referred to the Office of the Assistant General Counsel of the DoD (M&RA), Pentagon, Washington, D.C. 20301 (Telephone OXford 7-4303).

§ 241.12 Reporting procedures.

[Reserved]

§ 241.13 Memorandum of agreement between (military unit) and (sponsoring Federal agency).

(a) *Article I (Purpose).* The purpose of this agreement is to set forth the administrative and logistical support responsibilities, and the relationships between the Commanding General (organization), and (sponsoring Federal agency) in connection with the use of (name of facility) as a summer recreation camp by the (local using civic group) operating under the auspices of the (sponsoring Federal agency).

(b) *Article II (Definitions).* For the purpose of this agreement:

(1) The term "Host" is understood to mean the Commanding General (organization and location), or his duly authorized designee.

(2) The term "Sponsoring Agency" is understood to mean the (full name of sponsoring Federal agency) United States of America.

(3) The term "Operating Agency" is understood to mean the (name of using civic group).

(4) The term "Program Personnel" is understood to mean and include the "Sponsoring Agency", its officers, agents, and employees; the Operating Agency, its officers, agents, and employees; and any and all persons who may be on said premises at the Sponsoring Agency's or the Operating Agency's invitation or the invitation of any one of them.

(5) The term "Premises" is understood to mean the real property described in the Use Permit, which will be prepared by the (U.S. Army Engineer District, Real Estate Division, Sacramento, Calif., for example) to which this agreement will

be attached and incorporated (see attachment to this enclosure).

(c) *Article III (Facilities).* The Host agrees to make available to the Sponsoring Agency the real property, facilities, and areas described in the Use Permit which will be prepared by the (U.S. Army Engineer District, Real Estate Division, Sacramento, Calif., for example). The Use Permit should indicate the jurisdictional status of the property; namely, whether the Federal Government has exclusive or concurrent jurisdiction. The Sponsoring Agency agrees to reimburse the Host for all costs billed to the Sponsoring Agency for maintenance and repair, including replacement of said real and personal property, the loss or destruction of which is attributable to Program Personnel, fair wear and tear excepted. It is understood that no military facilities or services other than those subsequently designated in this agreement or described in the aforementioned Use Permit are to be made available to the Sponsoring Agency except by supplemental agreement hereto. The Host will incur no obligations toward this project other than those specifically stated in this agreement. The Sponsoring Agency will acquire no authority by virtue of this agreement that can be deemed to be an interference with the inherent responsibility and right of the Host to manage and regulate all activities operating on the premises and on the installation. Military facilities or services provided the Sponsoring Agency by virtue of this agreement will, at all times, be subject to current mobilization and emergency requirements of the Department of the Army, and the premises are subject to evacuation by all Program Personnel upon limited notice when military exigencies so require.

(d) *Article IV (Supplies and Services).* (1) In addition to the real property and facilities made available to the Sponsoring Agency by virtue of section III hereof, the Host and Sponsoring Agency agree to the following:

(i) *Post, camp and station property.* Within current capabilities, the Host agrees to provide the Sponsoring Agency with sufficient beds, bedding, dining room and kitchen equipment to support Program Personnel during the term of this agreement. Within current capabilities, the Host further agrees to loan additional items of equipment and property to the Sponsoring Agency, as the Host shall deem necessary and available. The Sponsoring Agency agrees to assume full responsibility for all said property to include accountability, maintenance and repair, restoration and replacement at prevailing costs for materials, labor, and overhead in accordance with appropriate Department of Defense maintenance and supply directives as implemented by installation procedures. The providing of such property will be to the authorized representative of the Sponsoring Agency in accordance with appropriate laws and regulations. The Sponsoring Agency agrees to return all equipment and property in the same condition as received, fair wear and tear excepted.

(ii) *Maintenance.* The Sponsoring Agency will properly maintain all items of military property provided by the Host under the terms of this agreement. The Host will provide the Sponsoring Agency, in accordance with applicable laws and regulations, on a reimbursable basis, those items necessary to accomplish the Sponsoring Agency's maintenance responsibilities incurred by reason of this agreement. The maintenance on the part of the Sponsoring Agency required by this agreement is understood by and between the parties to be "preventive and user level maintenance" within the meaning of Department of Defense maintenance directives. Any other maintenance of such property will be performed by the Host on a reimbursable basis.

(iii) *Fire protection and utility service.* Fire protection, including periodic inspection of facilities, and necessary utilities (electrical power, heating, water, garbage and refuse disposal, and sewage) will be furnished by the Host. The costs to the Host of providing such services to the Sponsoring Agency shall be borne by the Sponsoring Agency on a cost reimbursable basis, at the cost of (so much) per day per person participating in the program. In the event of unforeseen circumstances that require a cost in excess of (so much) per person per day, this additional sum will be paid by the Sponsoring Agency.

(iv) *Communication services.* All communication services required by the Operating Agency or Sponsoring Agency to lines off the premises, will be arranged for directly between the Operating Agency and Sponsoring Agency and the appropriate utility company servicing the area. In order to preclude conflict with military requirements, the numbers and types of lines installed for the use of this project will be subject to the prior approval of the Host.

(v) *Laundry services.* Military laundry restoration service for blankets, sheets, pillow cases, and mattress covers provided by the Host will be furnished to the Sponsoring Agency on a reimbursable basis. All prices used in computing reimbursement will be the established Host laundry prices in effect at the time service is rendered. Individual personal laundry service for Program Personnel will not be available from military sources nor through the post exchange. Contractual arrangements may be made by the Sponsoring Agency with local commercial facilities within the area for this service.

(vi) *Post improvement projects.* Within current capabilities, the Host agrees to provide the Sponsoring Agency with supplies and services necessary to accomplish post improvement projects suggested by the Host and agreed upon by the Sponsoring Agency.

(2) Reimbursement to the Host for supplies and services furnished the Sponsoring Agency will be made in accordance with DoD Directive 4000.19, "Basic Policy and Principles for Inter-

service and Interdepartmental Logistical Support," August 5, 1967.¹

(3) It is mutually agreed and understood by the Host and Sponsoring Agency that any logistical and administrative services not expressly mentioned and stated herein will be provided by the Sponsoring Agency who shall have sole responsibility for their performance. Included in those logistical and administrative services to be provided by the Sponsoring Agency are the furnishing, preparation and serving of food, transportation, training and recreational programs, and medical treatment. All supplies, services, logistical support, and administrative services which by the terms of this agreement require performance by the Host are subject to termination where the Host determines that continued performance of such services or provision of such supplies or support will interfere with the military mission and requirements which the Host has the responsibility to accomplish. Nothing herein contained shall limit the right of the Host, in his absolute discretion to furnish additional supplies and services on a reimbursable basis and upon such terms and conditions as shall be determined necessary by the Host to protect or promote the interests of the United States or to safeguard the health and welfare of Program Personnel with immediate notice to the Sponsoring Agency. However, the Sponsoring Agency accepts full responsibility for the security, health and welfare of all Program Personnel during the term of this agreement. Post exchange and commissary privileges cannot be provided.

(e) *Article V (Personnel Relationships).* In order to clarify completely the working relationship of the nonmilitary activity on a military installation, the following concerning Program Personnel status and behavior is hereby agreed to:

(1) *Status of Program Personnel.* No special status, legal or otherwise, will accrue to Program Personnel by virtue of this agreement or by virtue of their use of the premises. Sponsoring Agency officers, agents, or representatives are Federal employees operating a project within the confines of the premises and all other Program Personnel participating in this project do so solely at the invitation of the Sponsoring Agency and are not in any respect agents of the United States.

(2) *Identification of Program Personnel.* The Sponsoring Agency will furnish, and maintain current with the Host, a roster of all Program Personnel who will be quartered at the Premises or who will otherwise be associated with or participating in the activity conducted on the Premises.

(3) *Personal Behavior.* The standards of personal behavior expected of Program Personnel will be that normally required

¹ Filed as part of original document. Copies available at Publications Counter, OASD(A), Room 3B200, Pentagon, Washington, D.C. 20301 or, OX 5-2167.

in a military and/or civilian community as prescribed by laws, practice and regulations. Post regulations will be made available to Program Personnel. (Also see § 241.9(b)(7) concerning termination of program due to disorder)

(4) *Maintenance of discipline and order.* The Department of (Army/Navy/Air Force) will not provide personnel or equipment for the purpose of general maintenance of policy security and good order. The Operating Agency will have primary operating responsibility for maintaining good order among the participating youth. The Sponsoring Agency has overall responsibility for maintenance of policy security and good order of all Program Personnel. Where the Sponsoring Agency or Operating Agency determines that their internal disciplinary controls are inappropriate for the particular breach of law or good order, security personnel provided to meet the Sponsoring Agency's responsibility will, as expeditiously as possible, turn the individual over to Federal civil authorities for appropriate action. Where, as determined by the Host, under applicable laws and regulations, public disorders threaten the life of persons and property on the military installation and State and local authorities cannot or will not give adequate protection, Host personnel may be utilized at the discretion of the Host to restore order. The Host reserve the right, in his absolute discretion and under circumstances deemed appropriate to him, to eject any Program Personnel and temporarily or permanently bar them from reentry upon the premises and the military reservation.

(5) *Vehicle registration.* Program Personnel desiring to introduce vehicles onto the premises or the military reservation will subject themselves to compliance with all laws and regulations and requirements pertaining to motor vehicle registration and operation on such premises.

(6) *Weapons.* Weapons, including knives or other similar sharp instruments with blades or extensions more than 3 inches in length, and firearms of whatever description will not be introduced onto or possessed on the installation by Program Personnel. The Sponsoring Agency has the unqualified responsibility to take such actions necessary to insure strict compliance with this mandate.

(7) *Liquor.* Possession or use by Program Personnel of beverages with an alcoholic content is prohibited upon the premises and the installation.

(8) *Military security.* Program Personnel will not be permitted access to classified defense information or to areas restricted for military security reasons.

(9) *Off-limit areas.* Program Personnel will not enter any "off-limits" or restricted areas without specific permission of the Host in each instance. Host personnel that are to accomplish ordinary maintenance and other services will notify Operating Agency personnel upon entering the Premises for these purposes.

(10) *Sanitation and grounds maintenance.* The Sponsoring Agency agrees

to comply with the standards of sanitation and buildings and ground maintenance upon the premises normally applied to a military community, as prescribed by law and regulation or as determined by the Host.

(f) *Article VI (Claims)*. (1) The Sponsoring Agency agrees that the Operating Agency shall procure, where possible, public liability insurance, the terms and conditions of which, and the company or companies writing, shall be satisfactory to the Host, indemnifying the United States of America, its officers, agents, or employees, for bodily injury liability with limits of not less than (insert dollar amount) each person (insert dollar amount) each accident, and for property damage liability with limits of (insert dollar amount) covering the use of any premises or other property or any activity, act or omission whatsoever for the purposes of, or in connection with or in any way arising out of the subject matter of this agreement, whether directly or indirectly. The insurance described on (cite date) by the representative of (local civic group) as meeting the above described insurance requirement is satisfactory to Host.

(2) The Sponsoring Agency agrees that the Operating Agency shall procure, where possible, insurance indemnifying the Operating Agency, its officers, agents, and employees in their capacity as such.

(3) The Sponsoring Agency agrees that the Operating Agency shall at all times during the term of this agreement, insure and continuously keep insured for the amounts of compensation, and liabilities, specified in the Workmen's Compensation Act of the State of (insert State) without any lapse whatsoever, each and all of the employees of the Operating Agency and other appropriate insurance coverage for other persons whatsoever working in or on the Premises in connection with the subject matter of this agreement. All insurance shall be obtained in advance of any use of, or work on the Premises by an employee or other person, and the Operating Agency shall procure and obtain and present to the Host before the commencement of this program the said certificate of Workmen's Compensation Insurance.

(g) *Article VII (General Provisions)*. (1) The Sponsoring Agency shall inspect and know the condition of the Premises and the property supplied by the Host at the commencement date of the Use Permit. It is hereby understood that the use of the same by the Sponsoring Agency is granted by the Host without any representation of warranty by the Host whatsoever, and without obligation on the part of the Host to make any alterations, repairs, or additions thereto or to provide any services in connection therewith, except those specifically provided in this agreement.

(2) The Sponsoring Agency shall not transfer or assign the Use Permit or any property on the Premises except to the Operating Agency. It is understood that the Sponsoring Agency may delegate functions necessary to execute the proposed project to the Operating Agency.

However, it is further understood that such delegation of functions or duties shall not affect the responsibilities of the Sponsoring Agency to the Host under the terms of this agreement.

(3) The right is hereby reserved to the Host, its officers, agents and employees to enter upon the Premises at any time with notification to Operating Agency personnel for the purpose of inspection and inventory and when otherwise deemed necessary for the protection of the interests of the Host, and the Operating Agency shall have no claim of any character on account thereof against the United States, the Host, or any officer, agent, or employee thereof. No notice is required in the event of entry upon the premises in an emergency.

(h) *Article VIII (Changes and Termination)*. (1) Changes, additions, deletions, and modifications to this agreement may be made at any time upon mutual agreement of the Host and Sponsoring Agency. Requests for such changes by the Sponsoring Agency shall be initiated in writing to the Host. The Host reserves the right to terminate this agreement at any time or to take any other action deemed necessary whenever such action is deemed necessary by the Host to fulfill the military mission of the Host, or to safeguard the health and welfare of Program Personnel.

(2) The Sponsoring Agency agrees that all Program Personnel will vacate the Premises not later than (date). The Sponsoring Agency agrees to return to the Host all equipment and property utilized by Program Personnel not later than (date). The Sponsoring Agency is responsible to have the premises vacated upon demand of the Host or upon revocation of the Use Permit for failure of the Sponsoring Agency or Operating Agency to comply with any of the terms of this agreement. In such a case, the Sponsoring Agency shall have (number of days) to return all property and equipment belonging to the Host and otherwise restore the Premises and equipment to the same condition of repair and cleanliness as received by the Sponsoring Agency at the commencement of the Use Permit. Should the Sponsoring Agency fail to accomplish this responsibility, the Host will perform the necessary action to accomplish such restoration and bill the Sponsoring Agency.

(3) (Name of individual of Sponsoring Federal Agency) will serve as the authorized Program Representative of the (Sponsoring Federal Agency) under this agreement. (Name of who can appoint alternate), may appoint an alternate or substitute to serve as (Sponsoring Federal Agency) in the absence of (Name of authorized representative). The Host will be notified of such alternate or substitute.

(4) In witness whereof, we have hereunto set our hands this (date).

For the Host:

Name _____
Rank _____
Title _____

For the Sponsoring Agency:

Name _____
Title _____
Agency _____

NOTE: (1) This sample Memorandum of Agreement is a guide only.

(2) The title of the appropriate Navy official may be substituted for the term, "Commanding General" where it appears in this section and in § 241.14.

§ 241.14 Department of the (Army/ Navy/Air Force) permit to other Federal Government department or agency to use property on.

(a) *(Name and location of facility)*. The (Name of Sponsoring Federal Agency) hereinafter referred to as the "Permittee," is hereby granted a permit for a term of (days) beginning (date and ending (date)) but revocable at will by the Secretary of the () to use and occupy for lodging, feeding, and training purposes in connection with aiding the (local civic group), Building Nos. (list of facilities by building number, etc.), and such land areas at (name of facility) as are mutually agreed upon by and between the Commanding General (installation) or his duly authorized representatives hereinafter referred to as the "said Commanding General," and representatives of the Permittee.

(b) This permit is granted subject to the following conditions:

(1) That the use and occupation of the said premises shall be without cost or expense to the Department of the (), under the general supervision and subject to the approval of the officer having immediate jurisdiction over the premises, and subject also to such rules and regulations as he may from time to time prescribe.

(2) That the permittee shall, at its own expense and without cost or expense to the Department of the (), maintain and keep in good repair and condition the premises herein authorized to be used.

(3) That any interference with or damage to property under control of the Department of the () incident to the exercise of the privileges herein granted shall be promptly corrected by the permittee to the satisfaction of the said officer.

(4) That the permittee shall pay the cost, as determined by the said officer, of producing and/or supplying any utilities and other services furnished by the Department of the () through Department of the () facilities for the use of the permittee.

(5) That no additions to or alterations of the premises shall be made without the prior consent of the said officer.

(6) That if for any reason it should be deemed necessary or expedient for the Department of the () to perform functions and/or render services which are the responsibility of the permittee, the said officer may, in lieu of reimbursement, require the permittee to furnish the personnel and/or materials required for the performance of said functions and/or for the rendering of said services. In addition to furnishing personnel and/or materials, the permittee shall reimburse the Department of the () for any costs incurred by the Department of the () in connection with said functions and/or services, such as

for supervision and/or equipment furnished. Selection of such personnel will be subject to the approval of the said officer.

(7) That on or before the date of expiration of this permit or its relinquishment by the permittee, the permittee shall vacate the said premises, remove its property therefrom, and restore the premises to a condition satisfactory to the said officer, ordinary wear and tear and damage beyond the control of the permittee expected. If, however, this permit is revoked, the permittee shall vacate the premises, remove its property therefrom, and restore the premises as aforesaid within such time as the Secretary of the () may designate.

(8) That all administrative and logistical support responsibilities and relationships shall be agreed upon by and between the permittee and the "said Commanding General" by separate agreement.

(9) That the condition of the permitted buildings and the equipment contained therein shall be shown on the Condition and Survey Report to be made by representatives of the permittor and permittee, which report shall be attached hereto and become a part hereof as if fully and originally incorporated herein.

(10) That the permittee shall provide for its evacuation of the permitted premises on short notice in the event of military necessity.

(11) That the permittee shall have full responsibility for the security, health, and welfare of the persons allowed to occupy the permitted premises in accordance with the agreement referred to in condition (h) above, and that failure to provide adequately for any of the foregoing responsibilities shall be considered sufficient justification for termination of this permit.

(12) That all phaseout and cleanup work shall be accomplished prior to the expiration of this permit.

(13) In witness whereof I have hereunto set my hand by authority of the Secretary of the () this (date and year).

Accepted:
(Sponsoring Federal Agency)
(Name, rank, and title of military representative)

By _____
(Name, title, agency)

Date _____

§ 241.15 Reserve policies and procedures.

(a) Support by the Reserve Forces is reflected to some degree in §§ 241.6-241.20.

(b) Questions concerning DoD Reserve policies in support of the Program may be referred to the Deputy Assistant Secretary (Reserve Affairs), OASD (M&RA), Pentagon, Washington, D.C. 20301 (Telephone OXford 7-4222), in addition to the action office listed for that subject area.

§ 241.16 Regional coordinators.

(a) Federal Executive Board Chairmen are appointed on a fiscal year basis.

Questions concerning the Federal Executive Board Chairmen should be directed to the office of the Deputy Executive Director, U.S. Civil Service Commission, Washington, D.C. 20415, Area Code 202-343-7271.

(b) Heads of Federal Executive Associations representing selected States in the United States and the territory of Puerto Rico may also be obtained from the Civil Service Commission office indicated in (a) above. They may either be appointed on a calendar year basis or at a different time within the operating instructions of the Federal Executive Associations.

(c) Department of Defense Regional Coordinators are appointed in October of each year. Names, addresses, and telephone numbers may be obtained from OASD(M&RA) MPP, OX 7-9525.

§ 241.17 Fifty largest cities in the United States.

Akron.	Louisville.
Atlanta.	Memphis.
Baltimore.	Milwaukee.
Birmingham.	Minneapolis.
Boston.	Newark.
Buffalo.	New Orleans.
Chicago.	New York.
Cincinnati.	Norfolk.
Cleveland.	Oakland.
Columbus, Ohio.	Oklahoma City.
Dade County, Fla.	Omaha.
Dallas.	Philadelphia.
Dayton.	Phoenix.
Denver.	Pittsburgh.
Detroit.	Portland, Oreg.
District of Columbia.	Rochester.
El Paso.	San Antonio.
Fort Worth.	San Diego.
Gary.	San Francisco.
Houston.	Seattle.
Indianapolis.	St. Louis.
Jersey City.	St. Paul.
Kansas City.	Tampa.
Long Beach.	Toledo.
Los Angeles.	Tulsa.

NOTE: This list is a guide. It is not intended that support be limited only to these cities: Support should also be provided to other smaller cities as well as rural areas wherever possible.

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

[F.R. Doc. 68-5420; Filed, May 6, 1968;
8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER C—INTERNATIONAL MAIL

APPENDIX—DIRECTORY OF INTERNATIONAL MAIL

I. In the appendix to Subchapter C—The Directory of International Mail, make the following changes under the country item Australia:

A. Under Postal Union Mail two new items "Insurance" and "Special handling" are inserted immediately following the item "Registration."

POSTAL UNION MAIL

Insurance. Not applicable to postal union mail.

Special handling. Available to United States dispatching exchange offices for surface AO packages. See Chart 6 in the front of the appendix for fees.

B. Under Parcel Post make the following changes:

1. A new item "Registration" is inserted immediately following the item "Special handling" and reads as follows:

PARCEL POST

Registration.—No provision.

2. The item "Observations" is deleted.

PARCEL POST

Observations.—[Deleted]

3. The item "Prohibitions" is revised to read as follows:

PARCEL POST

Prohibitions.—For reasons of public safety: Advertisements of prohibited articles. Subversive literature.

For sanitary reasons: Used bedding. Human hair, unless cleaned and disinfected.

Medicines purporting to be remedies for drunkenness or addiction to alcohol, tobacco, or drugs.

Appliances allegedly producing therapeutic effects through electrical, magnetic, or radioactive influences.

For the protection of animals: Meat and other animal products, including powdered or concentrated milk, unless permission to import is received from the Australian quarantine authorities.

For other reasons: Invoices, blank or partly blank, capable of being filled out and used as genuine invoices.

Goods bearing the name "Anzac."

Goods produced wholly or partly in prisons or by convict labor.

Oleomargarine and butterine unless colored red and in a container clearly showing the name of the product.

Goods labeled in foreign languages, unless the country of origin is shown in English.

Printed matter considered by the Australian customs authorities as unduly emphasizing crime, horror or sex, or having a depraving effect.

4. A new sentence is added at the end of the material under the item "Import restrictions" which reads as follows:

Parcel Post

Import restrictions.
Permission of the Australian Department of Health is required to import medicines.

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

TIMOTHY J. MAY,
General Counsel.

MAY 2, 1968.
[F.R. Doc. 68-5442; Filed, May 6, 1968;
8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

PART 8-19—TRANSPORTATION

Subpart 8-19.3—Contract Delivery Terms

F.O.B. ORIGIN, FREIGHT PREPAID

In Part 8-19, a new Subpart 8-19.3 is added to read as follows:

§ 8-19.305 F.o.b. origin, freight prepaid.

(a) When it has been carefully predetermined that an f.o.b. origin purchase not exceeding \$2,500 will have transportation charges not exceeding \$25, the following will be included in the Order for Supplies or Services under "Shipping Instructions":

(1) Consistent with the terms of this contract, pack, mark, and prepare shipment in conformance with carrier requirements to protect the personal property and assure assessment of the lowest applicable transportation or postage charge.

(2) Please ship f.o.b. origin, freight prepaid and add the postage or transportation cost as a separate item on your invoice. Do not include insurance charges, if any, on invoice. If shipment is made by other than parcel post, the invoice must be supported with either a receipted transportation bill or an un-receipted bill bearing the following certification: "The invoiced transportation charges have been paid and evidence of such payment will be furnished upon the Government's request."

(3) If transportation charges will exceed \$25, do not prepay transportation, ship "collect". The annotation "To Be Converted to Government Bill of Lading" will be placed on the commercial bill of lading or express receipt.

(b) Each contracting officer is responsible for:

(1) Making a diligent effort to obtain the most accurate estimate possible of transportation charges; and,

(2) Utilizing the authority stated in paragraph (a) of this section only when to the best of his knowledge the transportation charges will not exceed \$25.

(c) Certain Federal supply schedules authorize reimbursement of prepaid transportation charges without limit as to cost. Orders placed under such contracts will include the instructions in items (1) and (2) of paragraph (a).

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

¹ Delete—"Do not include insurance charges, if any, on invoice." when it has been determined under FPR 1-10.3 and 1-19.1 that insurance is required and the contractor is so advised.

This regulation is effective immediately.

Approved: May 1, 1968.

By direction of the Administrator.

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

[F.R. Doc. 68-5441; Filed, May 6, 1968;
8:49 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 11]

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Subpart B—Organization, Office of the Secretary

The purpose of this amendment is to reflect certain changes in the functions performed by the various elements of the Office of the Secretary of Transportation since the initial publication on April 5, 1967, of the regulation setting forth the functions, powers, and duties of the Department of Transportation (49 CFR Part 1). The amendment also reflects the change of title for the "Assistant Secretary for International Affairs" to "Assistant Secretary for International Affairs and Special Programs".

This action is taken under the authority of section 9 of the Department of Transportation Act (49 U.S.C. 1657). Since the amendment relates to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective April 30, 1968, Subpart B of Part 1 of the Regulations of the Office of the Secretary of Transportation is amended to read as hereinafter set forth.

Issued in Washington, D.C., on April 30, 1968.

ALAN S. BOYD,
Secretary of Transportation.

Sec.

1.21 Purpose.

1.23 Scope.

1.25 Functions performed by the Office of the Secretary.

1.27 Structure.

1.29 Spheres of primary responsibility.

1.31 Authority.

1.33 Secretarial succession.

AUTHORITY: The provisions of this Subpart B issued under sec. 9 of Department of Transportation Act (49 U.S.C. 1657).

§ 1.21 Purpose.

This subpart establishes the basic organizational structure, spheres of responsibility, and lines of authority, in the Office of the Secretary, and provides for succession to the position of Secretary, in case of need.

§ 1.23 Scope.

The provisions of this subpart are not applicable to the National Transportation Safety Board.

§ 1.25 Functions performed by the Office of the Secretary.

The following functions, powers, and duties are performed by the Office of the Secretary:

(a) All of the authority reserved to the Secretary in § 1.5;

(b) Transportation leadership authority under section 4(a) of the Department of Transportation Act, Public Law 89-670, 80 Stat. 931, hereinafter referred to as the Act;

(c) The authority relating to transportation activities, plans, and programs under sections 4(f) and 4(g) of the Act;

(d) The authority relating to urban mass transportation under section 6(a) (2) (B) of the Act;

(e) The authority relating to the guaranty of loans for the purchase of aircraft and equipment under sections 6(a) (3) (A) and 6(a) (3) (B) of the Act;

(f) The authority relating to scientific and professional positions under section 6(a) (5) of the Act;

(g) The authority relating to the General Counsel under section 6(b) (3) of the Act;

(h) The authority relating to standard time zones and daylight saving time under section 6(e) (5) of the Act; and

(i) The authority to develop, prepare, coordinate, transmit, and revise transportation investment standards and criteria under section 7 of the Act.

§ 1.27 Structure.

The structure of the Office of the Secretary through the level of functional offices is as follows:

(a) **Secretary.** The Secretary and Under Secretary are assisted by the Deputy Under Secretary, the Executive Secretariat, Contract Appeals Board, and the Director of Equal Opportunity, all of which report to the Secretary. The National Transportation Safety Board performs its functions in the Department of Transportation independently of the Secretary. The Assistant Secretaries and the General Counsel report directly to the Secretary.

(b) **Office of the Assistant Secretary for Policy Development.** This office is composed of the Offices of Economics, Systems Analysis, Policy Review, and Planning and Program Review.

(c) **Office of the Assistant Secretary for Public Affairs.** This office is composed of the Offices of Legislative Affairs, Public Information, Government Liaison, and Industry and Labor Liaison, and the Resource Conservation Staff.

(d) **Office of the Assistant Secretary for International Affairs and Special Programs.** This office is composed of the Offices of International Transportation, International Industrial Cooperation, Technical Assistance, Facilitation, Emergency Transportation, and Telecommunications.

(e) *Office of the Assistant Secretary for Research and Technology.* This office is composed of the Offices of Research and Development, Hazardous Materials, Noise Abatement, and Transportation Information Planning.

(f) *Office of General Counsel.* This office is composed of the Offices of Operations and Legal Counsel, Regulation, Litigation, and Legislation.

(g) *Office of the Assistant Secretary for Administration.* This office is composed of the Offices of Personnel and Training, Budget, Management Systems, Investigations and Security, Logistics and Procurement Policy, Audit, and Administrative Operations.

(h) *Departmental components.* The Department is composed of the U.S. Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the Saint Lawrence Seaway Development Corporation, the heads of which report directly to the Secretary, and the National Transportation Safety Board.

§ 1.29 Spheres of primary responsibility.

(a) *Secretary and Under Secretary with the assistance of the Deputy Under Secretary.* Overall planning, direction, and control of Departmental affairs.

(b) *Assistant Secretary for Policy Development.* National transportation needs and policies, Departmental objectives and program plans, and the relationship of national transportation policies and programs to other aspects of the national welfare.

(c) *Assistant Secretary for Public Affairs.* Congressional liaison, public information, and Departmental relations with other Federal agencies, State and local governments, industry, labor, conservation interests, and the general public.

(d) *Assistant Secretary for International Affairs and Special Programs.* International transportation policies, plans, programs, and objectives (within the framework of overall national transportation policy); international transportation intelligence; technical assistance to developing countries; international industrial cooperation; international transportation facilitation; telecommunications; emergency transportation;

and other special programs as assigned by the Secretary.

(e) *Assistant Secretary for Research and Technology.* Scientific and technologic research and development relating to the speed, safety and economy of transportation; abatement of noise generated by transportation equipment; regulation of the transportation of hazardous materials; improvement in the identification, classification, accessibility, and use of transportation information.

(f) *General Counsel.* Legal services as the chief legal officer of the Department, legal advisor to the Secretary and the Office of the Secretary, and final legal authority within the Department; professional supervision, including coordination and review, over the legal work of the legal offices of the Department; drafting of legislation and review of legal aspects of legislative matters; exercise of functions, powers, and duties of a Judge Advocate General under the Uniform Code of Military Justice (chapter 47 of Title 10, United States Code) with respect to the U.S. Coast Guard; advice and assistance with respect to uniform time matters; promotion and coordination of efficient use of Departmental legal resources; recommendation, in conjunction with the Assistant Secretary for Administration, of legal career development programs within the Department.

(g) *Assistant Secretary for Administration.* Organization, budgeting, staffing, personnel management, training, logistics and procurement policy, accounting and data systems design, management information, security, and audit; administrative support services for the Office of the Secretary and certain other components of the Department.

(h) *Executive Secretariat.* Central facilitative staff for the immediate Office of the Secretary and the Secretarial offices.

(i) *Contract Appeals Board.* Hearings and decisions, on appeals from decisions of Departmental contracting officers.

(j) *Director of Equal Opportunity.* DOT Equal Opportunity Officer; Contracts Compliance Officer; Department-wide compliance with laws, regulations, and Executive orders.

§ 1.31 Authority.

(a) The Under Secretary has authority coterminous with that of the Secretary, except as it may be specifically limited by law, order, regulation, or instructions of the Secretary.

(b) The Deputy Under Secretary is authorized to act for the Secretary and the Under Secretary in respect to the immediate Office of the Secretary and to represent the Secretary and the Under Secretary in matters assigned by them.

(c) Acting in his own name and title, each Assistant Secretary and the General Counsel, within the sphere of his responsibility, is authorized to identify and define the requirements for, and to recommend to the Secretary, new or revised Departmental policies. Each of these officers is authorized to issue Departmental standards, criteria, systems, and procedures, that are consistent with applicable laws, Executive orders, Government-wide regulations, and policies established by the Secretary, and to inspect, review, and evaluate Departmental program performance and effectiveness and to advise the Secretary regarding the adequacy thereof.

(d) Except for nondelegable statutory duties, including those which devolve as a result of succession to the Office of the Secretary, each Deputy Assistant Secretary and the Deputy General Counsel is authorized to act for and perform the duties of his principal in the absence or disability of the principal and as otherwise directed by the principal.

§ 1.33 Secretarial succession.

The following officials, in the order indicated, shall act as Secretary of Transportation, in case of the absence or disability of the Secretary, until the absence or disability shall cease or, in the event of a vacancy in the Office of the Secretary, until a successor is appointed:

- (a) Under Secretary.
- (b) Assistant Secretary for Policy Development.
- (c) Assistant Secretary for Public Affairs.
- (d) Assistant Secretary for International Affairs and Special Programs.
- (e) Assistant Secretary for Research and Technology.
- (f) General Counsel.
- (g) Assistant Secretary for Administration.

[F.R. Doc. 68-5418; Filed, May 6, 1968; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 953]

[AO-189-A1]

IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Decision With Respect to Proposed Amendments to Marketing Agree- ment and Order: and Referendum Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Norfolk, Va., February 15, 1968, pursuant to notice thereof which was published in the February 2, 1968, issue of the *FEDERAL REGISTER* (33 F.R. 2524), upon proposed amendments to Marketing Agreement No. 104 and Order No. 953 (7 CFR Part 953) hereinafter collectively referred to as the "order," regulating the handling of Irish potatoes grown in the Southeastern States production area which is comprised of certain designated counties in Virginia and North Carolina.

On the basis of the evidence introduced at the hearing and the record thereof, a recommended decision in this proceeding was filed on April 18, 1968, with the Hearing Clerk, U.S. Department of Agriculture, and notice thereof was published in the April 20, 1968, issue of the *FEDERAL REGISTER* (F.R. Doc. 68-4749; 33 F.R. 6098). This notice allowed 10 days after publication for filing written exceptions thereto. None was filed.

Material issues, findings and conclusions, and general findings. The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the *FEDERAL REGISTER* (F.R. Doc. 68-4749; 33 F.R. 6098) are, as modified by the conforming change hereinafter set forth, hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Section 953.6 of the order provides that "handler" is synonymous with "shipper," however only the term "ship" is used in § 953.7 of the order which contains the definition of that term. As a conforming change so as to clarify the meaning of the term "handle," § 953.7 of the order should provide that the term "handle" is synonymous with the term "ship." Thus, these sections will refer to the same activities and not result in any substantive change in the coverage of

either section. Accordingly, § 953.7 is modified as hereinafter set forth.

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Irish Potatoes Grown in Southeastern States" and "Order Amending the Order Regulating the Handling of Irish Potatoes Grown in Southeastern States" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among producers who, during the period November 1, 1966, through October 31, 1967 (which is hereby determined to be a representative period for the purpose of such referendum) have been engaged within the production area as defined in the order annexed to this decision and referendum order in the production of potatoes for market, to determine whether such producers approve or favor the issuance of the annexed order.

R Dee Smith and James B. Wendland of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR Part 900).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

A copy of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum and other necessary forms and instructions may be obtained from the referendum agent or any appointee or at any county agent's office within the aforesaid production area.

It is hereby ordered. That all of this decision and referendum order, except the annexed marketing agreement, as amended, be published in the *FEDERAL*

REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the order as amended by the annexed order which will be published with this decision.

Dated: May 2, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

*Order¹ Amending the Order Regulating
the Handling of Irish Potatoes
Grown in Southeastern States*

§ 953.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order, and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations, see 13 F.R. 2709, recodified 19 F.R. 8683, redesignated 26 F.R. 12751.)

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Norfolk, Va., on February 15, 1968, upon a proposed amendment of Marketing Agreement No. 104 and Order No. 953 (7 CFR Part 953) regulating the handling of Irish potatoes grown in the Southeastern States production area which is comprised of certain designated counties in Virginia and North Carolina. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

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

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

(3) The said order as hereby amended is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of potatoes grown in the production area covered by said order as hereby amended which require different terms applicable to different parts of such area; and

(5) All handling of potatoes grown in the production area covered by said order as hereby amended is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) It is therefore ordered, That, on and after the effective date hereof, all handling of potatoes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby amended, as follows:

1. Sections 953.4 and 953.7 are revised to read as follows:

§ 953.4 Production area.

"Production area" means and includes the counties of Accomack, Northampton, Nansemond, James City, the cities of Chesapeake and Virginia Beach in the State of Virginia and the counties of Northampton, Halifax, Nash, Edgecombe, Pitt, Lenoir, Jones, and Onslow and all counties east thereof in the State of North Carolina.

§ 953.7 Ship.

"Ship" is synonymous with "handle" and means to transport, sell, or in any manner place potatoes in the current of interstate commerce or so as directly to burden, obstruct, or affect such commerce.

2. Section 953.9 is revised to read as follows:

§ 953.9 Fiscal period.

"Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

3. Section 953.11 is revised to read as follows:

§ 953.11 District.

"District" means, describes, and refers to each of the geographic divisions of the production area hereby established as follows:

District No. 1. Accomack County in the State of Virginia.

District No. 2. Northampton County in the State of Virginia.

District No. 3. James City and Nansemond Counties and the cities of Chesapeake and Virginia Beach in the State of Virginia.

District No. 4. Northampton, Gates, Hertford, Bertie, Chowan, Perquimans, Pasquotank, Currituck and Camden Counties in the State of North Carolina.

District No. 5. Halifax, Nash, Edgecombe, Pitt, Lenoir, Jones, Onslow, Carteret, Pamlico, Craven, Beaufort, Martin, Washington, Tyrrell, Hyde, and Dare in the State of North Carolina.

4. Section 953.12 is added as follows:

§ 953.12 Reapportionment and redistricting.

The committee may recommend, and pursuant thereto, the Secretary may ap-

prove, the reapportionment of members among districts, and the reestablishment of districts within the production area. With respect to any such changes, the committee and the Secretary shall give consideration to:

(a) Shifts in potato acreage within the districts and within the production area during recent years;

(b) The importance of new production in its relation to existing districts;

(c) The equitable relationship of committee membership and districts;

(d) Economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and

(e) Other relevant factors.

5. Section 953.15(a) is revised to read as follows:

§ 953.15 Establishment and membership.

(a) The Southeastern Potato Committee, consisting of 12 members of whom seven shall be producers and five shall be handlers is hereby established. For each member of the committee, there shall be an alternate member, who shall have the same qualifications as the member.

6. Section 953.16 is revised to read as follows:

§ 953.16 Term of office.

(a) The term of office for committee members and alternates shall, except as otherwise specified, be for 1 year. The dates on which such term of office shall begin and end shall be established by the Secretary pursuant to the committee's recommendations, and the term of office may be extended or shortened, including that of the then current membership, to accord therewith.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof, beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

7. Section 953.17 is deleted.

§ 953.17 [Deleted]

8. Section 953.18 is revised to read as follows:

§ 953.18 Nominations.

The Secretary may select members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and handlers shall be held by the committee for each district to designate nominees for members and alternates to the committee;

(b) At least one nominee shall be designated for each position as member and for each position as alternate member on the committee;

(c) The names of nominees shall be supplied to the Secretary in such manner and form as he may prescribe, not later

than September 15 of each year, or by such other date as may be specified by the Secretary;

(d) Only producers may participate in designating producer nominees and only handlers may participate in designating handler nominees. Any person who operates in more than one district or is engaged in producing and handling potatoes, shall elect the classification (i.e., producer or handler), and the district within which he desires to participate in designating nominees;

(e) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the district in which he elects to vote.

9. Section 953.19 is revised to read as follows:

§ 953.19 Selection.

(a) The Secretary shall select one producer member in and for each of Districts 1, 2, and 3, and two producer members in and for each of Districts 4 and 5 from nominees submitted pursuant to § 953.18 or from other eligible persons. In addition, he shall similarly select one handler member from each district. The respective alternates shall be selected on the same basis of representation as the members.

(b) The term of office of the committee members and alternates for District No. 6 shall be terminated upon deletion of such district from the production area.

(c) For the 1968-69 term of office the second producer member and his alternate for each of Districts No. 4 and 5 shall be selected as soon as practicable after deletion of District No. 6 from the production area. Nomination meetings shall be held for these positions pursuant to § 953.18 and the selections shall be made pursuant to this section for the remainder of the 1968-69 term of office.

10. Section 953.21 is revised to read as follows:

§ 953.21 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within the time specified by the Secretary.

11. Section 953.25 is revised to read as follows:

§ 953.25 Expenses and compensation.

Committee members and alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of committee powers under this subpart. In addition, they may receive reasonable compensation at a rate

recommended by the committee and approved by the Secretary.

12. Section 953.35 is revised to read as follows:

§ 953.35 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately and to the extent practical to the persons from whom it was collected: *Provided*, That each handler may be credited with such refund, for the operations of the following fiscal period, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

(2) The committee, with the approval of the Secretary, may establish an operating monetary reserve, and may carry over into subsequent fiscal periods such excess in a reserve so established: *Provided*, That funds in the reserve shall not exceed approximately one fiscal period's expenses. Such reserve funds may be used by the committee (i) to defray expenses authorized pursuant to § 953.33, (ii) to defray expenses during any fiscal period, prior to the time assessment income is sufficient to cover such expenses, (iii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iv) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, and (v) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation and after reasonable effort by the committee it is found impracticable to return such remaining funds to handlers from whom collected, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

(b) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person or persons to act as trustee or trustees for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations are not in effect; and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

13. Section 953.40 is revised to read as follows:

§ 953.40 Marketing policy.

Prior to or at the same time initial recommendations in any fiscal period are made pursuant to § 953.41, the committee shall prepare a marketing policy, and promptly submit a copy thereof to the Secretary, setting forth its proposed policy for the marketing of potatoes during such fiscal period. In the event it

becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, or as the Secretary may request, the committee shall formulate a revised marketing policy and shall submit a report thereon to the Secretary. Notice of each such marketing policy and revision thereof shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be available for examination at the committee office to all interested parties.

14. Section 953.45 is added as follows:

§ 953.45 Minimum quantities.

The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, quantities below which shipments shall be free from regulations issued pursuant to: § 953.42, Regulations, § 953.50, Inspection and certification, and § 953.34, Assessments.

15. Sections 953.55 through 953.58 are deleted.

§§ 953.55-953.58 [Deleted]

16. Section 953.75 is revised by changing the heading thereof to read "Reports and records"; by designating the present text of § 953.75 as paragraph (a); and by adding at the end of such section new paragraphs (b), (c), and (d) so that the revised section reads as follows:

§ 953.75 Reports and records.

(a) Upon the request of the committee, with the approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its duties under this subpart. The Secretary shall have the right to modify, change, or rescind requests for any reports pursuant to this section.

(b) Each handler shall establish and maintain for at least two succeeding years such records and documents with respect to potatoes received and potatoes disposed of by him as will substantiate the required reports.

(c) For the purpose of assuring compliance with the recordkeeping requirements and verifying reports filed by handlers, the Secretary, and the committee through its duly authorized employees, shall have access to such records.

(d) All reports and records furnished or submitted by handlers to, or obtained by the employees of, the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee who shall disclose such information to no person other than the Secretary, or as authorized by the Secretary. Compilations of general reports from data and information submitted by handlers is

authorized subject to the prohibition of disclosure of individual handlers' identity or operations.

[F.R. Doc. 68-5452; Filed, May 6, 1968; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

DIURON

Proposed Reduction in Tolerance in or on Bananas

Based on a pesticide petition (PP 6F0495) presented by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, a tolerance of 0.2 part per million was established for residues of diuron in or on bananas by an order published in the FEDERAL REGISTER of December 28, 1966 (31 F.R. 16565). After review of a recent pesticide petition (PP 8F0662) presented by the same petitioner, a tolerance has been established for negligible residues of diuron in or on nuts at 0.1 part per million. During this review all available data dealing with diuron residues on bananas were further evaluated. Since the data show that residues would not exceed 0.1 part per million from the specified use, the Commissioner of Food and Drugs concludes that the tolerance for diuron on bananas should be reduced from 0.2 part per million to 0.1 part per million.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to the Commissioner (21 CFR 2.120), it is proposed that § 120.106 be amended by deleting the item "0.2 part per million in or on bananas" and by changing the item "0.1 part per million in or on nuts" to read as follows:

§ 120.106 Diuron; tolerances for residues.

0.1 part per million (negligible residue) in or on bananas, nuts.

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

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

panied by a memorandum or brief in support thereof.

Dated: April 25, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-5431; Filed, May 6, 1968;
8:48 a.m.]

[21 CFR Part 120]

α -NAPHTHALENEACETIC ACID

Proposed Establishment of Pesticide Tolerance

The Pineapple Research Institute of Hawaii, Honolulu, Hawaii 96822, and its member companies, have requested the Commissioner of Food and Drugs to establish a tolerance of 0.06 part per million for residues of the plant regulator α -naphthaleneacetic acid in or on the raw agricultural commodity pineapples. The residues would result from application of the sodium salt of α -naphthaleneacetic acid to the growing crop to produce flowering and fruiting. Data submitted with the request to support the tolerance show that a tolerance no higher than 0.05 part per million is needed. The request has been designated as a pesticide petition (PP 8E0663).

The Secretary of Agriculture advises that this plant regulator is useful for the purposes for which the tolerance is being requested.

Based on consideration given the submitted data, and other relevant material, the Commissioner concludes that the tolerance proposed herein is safe and would protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to the Commissioner (21 CFR 2.120), it is proposed that § 120.155 be revised to read as follows:

§ 120.155 α -Naphthaleneacetic acid; tolerances for residues.

Tolerances are established for residues of the plant regulator α -naphthaleneacetic acid in or on raw agricultural commodities as follows:

1 part per million in or on apples, pears, quinces.

0.05 part per million (negligible residue) in or on pineapples from the application of the sodium salt to the growing crop.

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

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of

Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments on this proposal, preferably in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 25, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-5432; Filed, May 6, 1968;
8:48 a.m.]

DEPARTMENT OF
TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-CE-35]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Oshkosh, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

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

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Winnebago County Airport, Oshkosh, Wis., utilizing an FAA VOR located on the airport as a navigational aid, which procedure will become effective upon the designation of controlled airspace for its protection. That portion of the new procedure which is executed at and above 1,000 feet above the surface is adequately

protected by the presently designated Oshkosh transition area. However, the Oshkosh control zone must be modified to provide controlled airspace protection for aircraft executing that portion of the new procedure below 1,000 feet above the surface.

Also, the other VOR instrument approach procedure for this airport has been altered which requires modification of the south control zone extension and the south 700-foot floor transition area extension at Oshkosh in order to protect aircraft executing this altered approach procedure. The present 1,200-foot floor transition area at Oshkosh will not be changed as a result of this proposal.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

OSHKOSH, WIS.

Within a 5-mile radius of Winnebago County Airport (latitude 43°59'20" N., longitude 88°33'15" W.); within 2 miles each side of the Oshkosh VOR 182° radial, extending from the 5-mile radius zone to 7 miles south of the VOR; within 2 miles each side of the Oshkosh VOR 275° radial, extending from the 5-mile radius zone to 7 miles west of the VOR; and within 2 miles each side of the Oshkosh ILS localizer west course, extending from the 5-mile radius zone to 5.5 miles west of the west end of runway 9. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

OSHKOSH, WIS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Winnebago County Airport (latitude 43°59'20" N., longitude 88°33'15" W.); within 8 miles east and 5 miles west of the Oshkosh VOR 182° radial, extending from the 8-mile radius area to 12 miles south of the VOR; within a 5-mile radius of Fond du Lac County Airport (latitude 43°46'10" N., longitude 88°29'30" W.); and within 5 miles south and 8 miles north of the 273° bearing from Fond du Lac County Airport, extending from the airport to 12 miles west of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44°36'00" N., longitude 87°47'15" W.; thence to latitude 44°36'00" N., longitude 87°27'00" W.; thence to latitude 43°30'00" N., longitude 87°27'00" W.; thence to latitude 43°30'00" N., longitude 88°30'00" W.; thence to latitude 43°40'40" N., longitude 89°38'20" W.; thence north along the east boundary of V-177 to latitude 44°19'50" N., longitude 89°29'00" W.; thence counterclockwise via the arc of a 15-mile radius circle centered on the Stevens Point, Wis., VOR to latitude 44°28'30" N., longitude 89°14'25" W.; thence to latitude 44°29'25" N., longitude 88°35'00" W.; thence clockwise via the arc of a 20-mile radius circle centered on the Green Bay, Wis., VOR to the point of beginning, excluding the portion which overlies the Cecil, Wis., transition area.

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

Issued at Kansas City, Mo., on April 18, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-5413; Filed, May 6, 1968;
8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-EA-36]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-308 from Nottingham, Md., VORTAC 1,200 feet AGL; Sea Isle, N.J., VORTAC; 1,200 feet AGL INT Sea Isle 050° T (059° M) and Hampton, N.Y., 223° T (236° M) radials.

The realignment, as proposed, essentially underlies Jet Route 55 and would permit orderly transitions between the jet route and airway systems and also simplify air traffic flow to and from Washington, D.C., and Andrews Air Force Base.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on April 29, 1968.

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

[F.R. Doc. 68-5414; Filed, May 6, 1968;
8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SO-27]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71

of the Federal Aviation Regulations that would alter the Florence, S.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Florence transition area described in § 71.181 (33 F.R. 2137) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Florence Municipal Airport (lat. 34°11'17" N., long. 79°43'28" W.); within 2 miles each side of the Florence VORTAC 052° radial, extending from the 8-mile radius area to 8 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles northwest of the Florence VORTAC 052° radial extending from the 8-mile radius area to 12 miles northeast of the VORTAC; within 5 miles each side of the Florence VORTAC 068° radial, extending from the 8-mile radius area to 15 miles east of the VORTAC.

The proposed 700-foot transition area is required for the protection of IFR aircraft during climb from 700 to 1,200 feet above the surface and during descent from 1,500 to 1,000 feet above the surface.

The proposed 1,200-foot transition area extensions predicated on the Florence VORTAC 052° and 068° radials are required to provide controlled airspace protection for the procedure turn and the primary air carrier direct route from Florence, S.C., to Wilmington, N.C.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

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

Issued in East Point, Ga., on April 29, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-5415; Filed, May 6, 1968;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1042]

[Ex Parte No. MC-65, MC-65 (Sub-No. 2)]

MOTOR SERVICE ON INTERSTATE HIGHWAYS

Passengers and Property

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 12th day of April 1968.

It appearing, that by order of the Commission, dated March 30, 1965, upon petitions filed by National Bus Traffic Association, Inc., and Regular Common Carrier Conference of American Trucking Associations, Inc., and consideration of other circumstances set forth in the order, these rulemaking proceedings were instituted to investigate and consider, among other things, the effect of opening the National System of Interstate and Defense Highways, and other limited-access highways upon regular-route motor carrier operations, the circumstances in which certificates authorizing operations over such highways should be issued to presently authorized carriers, the procedures for disposition of applications for such certificates, whether the Commission's deviation rules revised, 1957, 49 CFR 1042.1 and 1042.2 adopted May 31, 1957, by order in No. MC-C-2078, should be revised, and whether other rules and regulations should be adopted;

And it further appearing, that investigation of the matters and things involved in these proceedings has been made and that the Commission has made and filed an interim report herein containing its findings of fact and tentative conclusions thereon, which interim report is hereby referred to and made a part hereof;

And it further appearing that the proposed rules set forth below would supersede the present Deviation rules in Part 1042 of 49 CFR:

It is ordered, That additional written statements of facts, views, and arguments respecting the tentative conclusions reached in the said interim report, the rules and regulations proposed therein, and any other pertinent matter, are hereby invited to be submitted by any interested person whether or not such person is already a party to these proceedings pursuant to the filing schedule set forth below.

It is further ordered, That any person not already a party to these proceedings and intending to participate therein for the first time shall notify this Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before May 24, 1968, the original and one copy of a statement of his intention to participate; and that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of

all parties to these proceedings, upon whom copies of all statements must be served.

And it is further ordered, That initial statements of facts, views, and arguments in response to the said interim report may be filed on or before June 14, 1968; and that replies to these statements may be filed on or before July 5, 1968.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

The proposed rules for Motor Service on Interstate Highways read as follows:

**I. PROPOSED SUPERHIGHWAY RULES—
MOTOR COMMON CARRIERS OF PASSENGERS**

1. *Superhighway certification—common carriers of passengers.* Upon the filing of an appropriate application for authority to operate over superhighways as defined below, upon the showing prescribed herein, and upon approval by the Commission, a motor common carrier of passengers establishing that it holds a certificate of public convenience and necessity, issued by the Commission pursuant to the provisions of part II of the Interstate Commerce Act, authorizing transportation over a regular service route or routes, will be granted appropriate certificated authority to operate over, and serve points on, the superhighways (including highways connecting such superhighway route with the carrier's authorized regular service route or routes): *Provided*, That use of such superhighway route will not materially change the competitive situation between such carrier and any other carrier or carriers.

2. *Superhighway defined.* Any limited-access highway with split-level grade crossings and access ramps, or completed portion thereof, including those highways which make up the National System of Interstate and Defense Highways, and any direct existing highway, not a limited-access highway, located immediately adjacent to a planned superhighway.

3. *Governing criteria.* The criteria to be used in determining whether there would be any material change in the competitive situation shall include, among others, the following: (a) The mileage over the proposed superhighway route between its point of departure from and its point of return to the carrier's authorized regular service route or routes compared with the mileage over the carrier's authorized regular service route or routes between the same points; (b) the extent to which the proposed superhighway route parallels or extends in the same general direction as the authorized service route or routes of the carrier between its point of departure from and its point of return to the carrier's authorized regular service route or routes; (c) the running times over the authorized regular service route or routes of the applicant and other certificated regular-route carriers between the point of departure and the point of return compared with the running time over the proposed superhighway route between

the same points; (d) the period of time during which schedules have been operated over the carrier's authorized regular service route or routes between the points of departure and the point of return together with the frequency with which such schedules have been operated; (e) the volume of local or overhead traffic which would be inconvenienced by use of the proposed superhighway route; and (f) the quantum and frequency of single-line or joint-line service provided by other carriers. Proof that the distance from the point where the carrier picks up passengers to the point where the carrier discharges the same passengers over the proposed superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) is not less than 90 percent of the distance between such points over the carrier's authorized regular service route or routes shall constitute prima facie evidence that a material change in the competitive position will not result from the carrier's use of the proposed superhighway route: *Provided*, That such carrier shall not pick up or discharge passengers at any point not otherwise specifically authorized to be served by it. Where the unrestricted use of the proposed superhighway route would materially change any such competitive situation, but such change could be prevented by the imposition of an appropriate restriction (acceptable to the Commission), the Commission may authorize the use of the proposed superhighway route subject to such restriction.

4. (a) *Application.* The application on the form prescribed therefor, must be verified and the original and two copies thereof filed with the Commission. It shall contain the following information:

(i) A complete description, by highway designations, of the carrier's authorized route between the point of deviation and the point of return.

(ii) An excerpt from the carrier's operating authority or authorities (with reference to the pertinent subnumber or numbers) setting forth the exact description of the route as specified in subparagraph (i) immediately above, including service authorized at any intermediate or off-route points and any applicable restrictions or conditions in said authority or authorities.

(iii) A complete description by highway designations of other authorized routes, including service authorized at any intermediate or off-route points and applicable restrictions and conditions specifically pertinent to and affected by the departure from the authorized route specified in subparagraph (i) above.

(iv) A complete description of the proposed route between the point of deviation from the authorized route to the point of return including a description of superhighway access points.

(v) The actual mileages over all routes described in subparagraphs (i) and (iv) immediately above. Such mileages shall be computed between the actual junction points of the routes, whether such junction points are within or without city limits. Rand-McNally

road map mileages will serve as the official mileage guide where such mileages have been published. Where not published, measured mileage or available official publications will be accepted.

(vi) A map showing all routes described in subparagraphs (i) through (iv) immediately above.

(vii) A statement that the carrier will continue to provide adequate and continuous service from and to all points authorized to be served in connection with the appurtenant service route or routes.

(viii) The operating time over the appurtenant service route or routes and between other points affected by the proposed route as compared with that over the proposed route.

(ix) The volume of local and through traffic between the points of departure and return.

(x) A statement that a copy of the application, together with all attachments, have been served on those which are required to be served by these rules.

(b) *Service of application.* The application, with all attachments, must be served by mail or in person on the Commission, the district director of the Commission for the district in which the carrier is domiciled and for each district on or through which the proposed operation will be conducted, and the State board or official having jurisdiction over motor carrier regulation.

(c) *Publication of application.* A summary of the application will be prepared by the Commission and published in the FEDERAL REGISTER.

(d) *Protests and replies.* Any person may file with the Commission a verified protest, together with two copies thereof, within 30 days after publication of the summary of the application in the FEDERAL REGISTER, showing that a copy thereof has been served upon the applicant. Such protest shall contain a recital of facts and information specifically demonstrating protestant's interest and, if the protestant is a carrier, shall contain detailed information relating to the competitive situation between the protestant and the applicant. The applicant may file a verified reply to any protest within 20 days after the due date of the protest, showing that a copy of the reply, with all attachments, have been served upon the protestant or protestants. Such reply shall be directed solely to the information contained in the protest or protests.

(e) *Hearing or other procedure to be followed.* Where a protest is filed, oral hearing will not be held unless the Commission determines, either upon its own motion or upon a showing of good cause by a party to the proceeding, that oral hearing is necessary. Unless such a determination is made, the issues will be decided upon a consideration of the material submitted with the application, the protest, the reply, and matters of which the Commission may take official notice, except that the Commission, if it so desires, may require the submission of additional facts from the parties.

(f) *Certificates.* Upon consideration of the matters specified in this part the

Commission will determine whether the issuance of operating authority is justified. If determined that issuance of operating authority is warranted, the Commission will issue a certificate which will not be severable, except upon the Commission authorization, by sale or otherwise, from the appurtenant service route or routes described in the certificate. Appropriate conditions will be imposed requiring the carrier to maintain reasonable and adequate service over the appurtenant service route or routes named in the application.

5. *Through-bus operations.* Where two or more certificated regular-route motor carriers of passengers have been joining in the lawful performance of "through-bus" operations between a point on a certificated route of one such carrier, and a point on a certificated route of another such carrier, and there is wholly within the United States a superhighway or combination of superhighways between such two points, the use of which would afford a reasonably direct and practicable route between such two points and a safer, more convenient, efficient, or economical operation, such carriers so performing such joint "through-bus" operation may upon application and approval by the Commission, use such other superhighway or combination of superhighways as a service route for such joint "through-bus" service, with no service at any intermediate points therein, except as authorized in their respective certificates, and with no service at the points of departure and return except as authorized in their certificates, and with no service at the point or points of interline except for interchange purposes only: *Provided, however,* That the application shall be executed and filed jointly by the carriers in the "through-bus" operation. Additionally, the carriers must specify with particularity the point or points on the superhighway where the operation, control, and responsibility of each carrier will begin and end; and whether an actual change of vehicles will take place at the point of interline or whether the operation will be performed in the same vehicle in a through movement under a leasing arrangement, in which case the carriers must supply details concerning the proposed vehicle interchange and related leasing arrangement which must be shown to be in compliance with the appropriate lease and interchange regulations, as set forth in 49 CFR Part 1057, and with all applicable safety regulations.

6. *Application, service, and publication thereof, protest and replies thereto hearing or other procedure to be followed, and the certificates.* The provisions of paragraph 4 with respect to the application, the service and publication thereof, protests and replies thereto, the hearing or other procedure to be followed, and the certificate to be issued shall be applicable to paragraph 5.

II. PROPOSED REVISED DEVIATION RULES— MOTOR CARRIERS OF PASSENGERS

Part 1. Deviations by motor carriers of passengers subject to the Interstate Com-

merce Act from authorized regular routes, or required gateways, and in other instances—A. *Applicability of rules.* These rules are promulgated under the provisions of sections 204, 206 (except 206a(6) and 206a(7)), 207, 208, and 209 of the Interstate Commerce Act, and govern the use of all highways, including the National System of Interstate and Defense Highways, by motor common carriers of passengers. These rules do not govern operations of regular-route motor common carriers of passengers which operations are wholly within an area including New York, N.Y., Rockland, Westchester, and Nassau Counties, N.Y., Fairfield County, Conn., and New Jersey. These rules do not supersede other rules and regulations of the Commission applicable to specific situations or operations.

B. *Prior deviation rules superseded.* The provisions of §§ 1042.1 and 1042.2 respectively of Title 49 of the Code of Federal Regulations, entitled Scope of Operating Authority—Routes, are hereby superseded and made inapplicable.

C. *Definitions.* As used herein, the following words and terms shall be construed to have the following meanings:

1. *Alternate route.* A designated highway or series of highways lying wholly within the United States over which a regular-route motor common carrier of passengers may operate for operating convenience only, serving no intermediate points and serving the termini only to the extent authorized over the existing appurtenant service route.

2. *Bypass route.* A route designated by proper authorities for the general purpose of avoiding traffic congestion in a populated area or areas.

3. *Deadheading empty vehicles.* The movement of empty vehicles incidental to either prior or subsequent transportation in interstate or foreign commerce subject to the Interstate Commerce Act.

4. *Designated highway.* A highway identified for record purposes by a number, letter or name, or as an "unnumbered county or State road," or in some other like manner.

5. *Detour route.* The highway or highways designated by proper authority for public use while the highway or highways normally used between specified points is, or are, temporarily closed or restricted, as by reduced weight limits, or for repairs or construction, or for any other reason.

6. *Deviation route.* Any of the route facilities and highways used by a motor carrier under authority of this part.

7. *Emergency route.* A highway or segment thereof which is available for public use during periods of temporary emergency due to flood, slides, earthquake, or other like causes, which make a highway, over which a motor carrier is authorized to operate, temporarily impassable.

8. *Point of deviation and return.* The point of deviation is the point at which a regular-route motor carrier of passengers using or proposing to use a deviation route departs or proposes to depart from an authorized regular route. The point of return is the point at which such carrier returns or proposes to return to an authorized regular route.

9. *Redesignated highway.* A highway to which there has been assigned a new designation, either number, letter, name, or other identifying reference, in lieu of a designation previously assigned thereto.

10. *Regular service route.* A designated highway or series of highways over which a regular-route motor carrier of passengers is specifically authorized to operate with provision in the carrier's certificate for service at terminal and intermediate points as specified thereon, as distinguished from an alternate route as herein defined. Such regular service route may be described as a single route in a carrier's operating authority or as two or more routes which are combined by joinder at a common service point or points.

11. *Relocated highway.* A highway which has been constructed in a new location in lieu of an existing highway, or a segment or segments thereof, and which is intended to replace such existing highway, or a segment or segments thereof, for public use.

12. *Service point.* A point authorized to be served by a carrier as distinguished from one through which such carrier may operate but without performing any service thereat.

13. *Superhighway.* Any limited-access highway with split-level grade crossings and access ramps, or completed portion thereof, including those highways which make up National System of Interstate and Defense Highways, or any direct existing highway, not a limited access highway, located immediately adjacent to a planned superhighway.

D. *Departures from regular authorized routes.* Subject to the special rules, requirements, and conditions governing particular situations hereafter stated, and subject also to the general conditions and requirements set forth in section E, carriers subject to these rules are hereby authorized, in the circumstances hereafter described, to depart from their regular authorized routes in the circumstances and to the extent hereafter set forth.

1. *Redesignated highway.* Where a highway, or a segment thereof, over which a carrier is authorized to operate is redesignated, the carrier shall so advise the Commission by letter, giving sufficient information regarding the old and the new designation, the points between which the highway designation has been changed, and the place or places where such highway is referred to in the carrier's authority. The new designation of the highway will be shown in the carrier's certificate when the Commission has occasion to reissue it.

2. *Relocated highway and abandonment of old highway.* Where a carrier is authorized to operate over a specified highway and thereafter that highway or a segment or segments thereof are relocated, and where the old highway or any segment thereof is no longer maintained for use by the general public, the carrier may operate over such relocated highway or relocated segment or segments under its authority without notice to the Commission of such change, but

in so doing must continue to serve as intermediate or off-route points, on, or from, the new highway those points previously authorized to be served as intermediate or off-route points on or from the old highway.

3. *Relocated highway and maintenance of service over old highway under new designation.* (a) Where a common carrier is authorized to operate over, and to serve points on a specified highway or off-route points or both, and thereafter that highway or a segment or segments thereof are relocated but the old highway is maintained for use by the general public under a new designation, the carrier shall not without first obtaining appropriate authority from the Commission, transfer its operations to the relocated highway or relocated segments thereof but must continue to operate over the old highway and advise the Commission by letter of the change in the designation thereof furnishing the same information as required in connection with paragraph D-1 of this section. The new designation of the highway will be shown in the carrier's certificate when the Commission has occasion to reissue it.

(b) Where a carrier is authorized to operate over a specified highway, but is not authorized to serve any point on such highway and thereafter such highway, or a segment or segments thereof, is relocated, but the old highway is maintained for use by the public under a new designation, the carrier may, if it so desires, use as its operating route only the new or relocated highway, provided it promptly advises the Commission by letter of such change, giving descriptions of the old and the new highways between the points involved and the other information required by paragraph D-1 of this section.

4. *Bypass route.* Where a carrier is authorized to operate over a regular route, either service or alternate, and a bypass route has been designated to avoid congestion over the regular route, such carrier desiring to use such a bypass route as an alternate route may do so regardless of the ratio of the distance over such bypass route to the distance over the regular route between the point of deviation and the point of return without prior notice to the Commission, subject to the following conditions:

(a) Not later than 5 days after operation over the bypass route has begun, the carrier shall give notice of such operation to the Commission, the district director of the Commission for the district in which the carrier is domiciled and for each district in or through which the proposed operation will be conducted, and the State board or official having jurisdiction over motor carrier regulation in or through which the proposed operation will be conducted. This notice must contain the following information:

(i) A complete description by highway designations of the carrier's authorized route between the point of deviation and the point of return, including authorized off-route points;

(ii) A complete description by highway designations of its proposed deviation

route between the point of deviation and the point of return;

(iii) A map on which there shall be shown so much as may be practicable of the information required by subparagraphs (i) and (ii) above;

(iv) A statement that the carrier shall continue to serve points authorized.

5. *Bridges, tunnels, and ferries.* Where a new bridge or tunnel has been constructed to replace an old bridge, tunnel, or ferry, to avoid circuitry, or to eliminate a hazardous curve or grade, a regular-route carrier having authority to use the old facility and desiring to use in lieu thereof such new bridge or tunnel and the approaches thereto, may do so, subject to the applicable safety regulations and subject also to the conditions and requirements set forth in paragraph D-4 (a) of this section.

6. *Detour and emergency routes.* Where a highway over which a carrier is authorized to operate is temporarily obstructed, or rendered unsafe by flood, slides, earthquake, or other like causes over which the carrier has no control, the carrier may use any other practicable highway to continue rendering service to points on its authorized route. If a highway over which a carrier is authorized to operate is closed or subjected to weight or other restrictions by proper authority and another route is designated by such authority for use by the public as a detour route, the carrier may use such detour route in lieu of its authorized route. If the distance over the emergency or detour route is less than 90 percent of the distance over the authorized route and if use of the emergency or detour route will continue for more than 30 days, the carrier shall provide the notice set forth in paragraph D-4(a) of this section.

7. *Deadheading empty vehicles.* A motor carrier may deadhead empty vehicles over any highway, the use of which is necessary or desirable to accomplish a reasonably direct and practicable movement thereof between any two points incidental to either prior or subsequent transportation in interstate or foreign commerce subject to the Interstate Commerce Act.

8. *Service at military installations.* (a) If there exists an entrance or gate to a military installation which is within the limits of the authority held by a motor carrier and the carrier with the consent and approval of the officer in charge is openly, lawfully, and regularly (as distinguished from surreptitiously, sporadically, or infrequently) using such entrance or gate in the rendition to or from the installation of (a) a general transportation service or (b) a specialized or limited service, and if such entrance or gate is by appropriate authority closed, or restricted against particular traffic or if for some other reason beyond its control the carrier is unable to continue to use that entrance or gate for the same purpose as in the immediate past, it may, subject to the general conditions and requirements set forth in paragraph D-4(a) of this section, use other entrances or gates in continuing to serve the installation in the same manner and in the

rendition of the same type of service as was theretofore performed through the closed or restricted entrance or gate: *Provided*, That in so doing the carrier does not travel more than 20 highway miles over public highways outside the scope of its authority.

(b) This subparagraph shall not be construed by any carrier as authority for the rendition, through an entrance or gate which is located outside the limits of its authority, of any service which was in fact discontinued prior to the closing or restriction of the authorized gate or entrance or any service.

9. *Deviations—alternate routes without certificate—common carriers.* Where a regular-route motor common carrier of passengers is authorized to operate over a regular route and there is wholly within the United States another highway which affords a reasonably direct and practicable route between any two points on such regular route, it may, subject to the general conditions and requirements set forth in paragraph (4) (a) through (e) of part 1 of this appendix, except that the notice and any protests and replies thereto may be in letter form and need not be verified, and need not be served on official governing bodies of local points, use such other highway as an alternate route for operating convenience only and with no service at the termini except as otherwise authorized, in the manner and to the extent, as follows:

Where such carrier is authorized to operate over a regular route and there is a highway or highways which may be used as an alternate route between two points on the carrier's regular route regardless of the ratio of the distance over such alternate route between the point of deviation and the point of return to the distance over the carrier's regular service route between the same points, and regardless of whether or not such alternate route crosses or intersects or passes over or under, any other specifically authorized service or alternate route of the carrier at any place intermediate to the points of deviation and return: *Provided*, That use of the alternate route will not materially change the competitive situation between such carrier and any other. Proof that the mileage over the proposed alternate route between such points over the carrier's authorized point of return to the carrier's authorized service route or routes is not less than 90 percent of the distance between such points over the carrier's authorized regular service route or routes shall constitute prima facie evidence that a material change in the competitive position will not result from the carrier's use of the proposed alternate route. The carrier will be notified by order that its notice has been accepted, and no operations may be commenced until such order is served by the Commission.

E. *Miscellaneous conditions*—1. *Failure to give notice or defective notice.* Where an application for a deviation or proposed deviation is required under sections D-4, 5, 6, and 8 of these rules, and such notice is not timely filed and

served as required, any deviation operation begun prior to the actual filing and service of the application is unauthorized, and where an application, though filed, is defective for want of required information or insufficient service or for any other reason, it shall be subject to rejection and if rejected, any deviation operation covered thereby which has been begun shall immediately be discontinued and shall not be resumed until a sufficient application has been filed, and served on interested parties as required by these rules, and the carrier has been notified by the Commission that the operation may be resumed.

2. *Reasonable and adequate service.* The right to operate over a deviation route which is subject to the general conditions and requirements set forth in these rules shall continue only so long as the carrier is performing, when required by this part, reasonable and adequate service over specifically authorized routes, and only so long as the conditions set forth in these rules are observed.

3. *Commencement of operations.* In all cases in which no protests are filed to a proposed new operation, the applicant may not commence operation over the route or routes applied for until an appropriate certificate or order is issued.

4. *Other remedies.* Applications seeking authority to conduct operations which could be performed following an appropriate filing under these rules will, in the absence of good cause shown, be subject to dismissal by the Commission.

5. *Commission may forbid deviation.* The Commission may forbid the commencement of operations over any deviation route under this part, or require discontinuance of any such operations already commenced, except where certificates have been issued, whenever in its opinion such deviation results in inadequate service over specifically authorized routes, or is unreasonable, or otherwise repugnant to the public interest, or is not in harmony with the general purpose and intent of the rules and regulations established by this part.

6. *Prior filings.* Motor carriers of passengers lawfully utilizing any deviation route or facility or facilities referred to herein pursuant to a prior notice heretofore filed shall not be required to file any further notice with the Commission concerning the use of such route, facility, or facilities.

I. PROPOSED SUPERHIGHWAY RULES—MOTOR COMMON CARRIERS OF PROPERTY

1. *Regular-route, general-commodity certificates—construction.* All certificates of public convenience and necessity authorizing the transportation of general commodities, with or without exceptions, over a regular service route or routes, issued by the Commission pursuant to the provisions of part II of the Interstate Commerce Act, shall be construed as authorizing operations over superhighways as defined below (including highways connecting such superhighway route with the carrier's authorized regular service route or routes): *Provided*, That either (a) the superhighway route (including highways connecting such

superhighway route with the carrier's authorized regular service route or routes) is wholly within 25 airline miles of the carrier's authorized regular service route or routes, or (b) the distance from the carrier's point of receipt of a shipment to its point of release of the same shipment over the superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) is not less than 85 percent of the distance between such points over the carrier's authorized regular service route or routes.

2. *Intermediate point service.* Motor carriers conducting operations over superhighways under part (a) of the preceding provision, which are authorized to serve intermediate points on their underlying regular service route or routes, may serve intermediate points on the superhighway route in the same manner and subject to corresponding service limitations as described in the pertinent certificate or certificates of public convenience and necessity. Motor carriers conducting operations over superhighways under part (b) of the preceding provision shall not receive or deliver freight from or to any person at any point not otherwise specifically authorized to be served by them.

3. *Superhighway defined.* Any limited-access highway with split-level grade crossings and access ramps, or completed portion thereof, including those highways which make up the National System of Interstate and Defense Highways, and any direct existing highway, not a limited-access highway, located immediately adjacent to a planned superhighway.

4. *Specific circumstances.* If, upon the filing of a petition by any interested person and a determination of the issues presented thereby, the Commission shall find that operations by any motor carrier under the provisions of paragraphs one or two of the above rules has resulted in either destructive competition or in the provision of inadequate transportation service by the carrier at any authorized service point or points, an appropriate order may be entered requiring the said motor carrier either to discontinue such operations in whole or in part, or to conduct its operations in compliance with the terms, conditions, and limitations in its certificates in the manner described in the said order. "Upon the establishment by the petitioner that a motor carrier's service at a point on its underlying service route has been discontinued or curtailed, the burden of showing that the discontinuance or curtailment is reasonable is upon the motor carrier."

II. PROPOSED REVISED DEVIATION RULES—MOTOR CARRIERS OF PROPERTY

1. *Deviations by motor carriers of property subject to the Interstate Commerce Act from authorized regular routes, or required gateways, and in other instances—A. Applicability of rules.* These rules are promulgated under the provisions of sections 204, 206 (except

206a(6) and 206a(7)), 207, 208, and 209 of the Interstate Commerce Act, and govern the use of all highways by motor common and contract carriers of property. These rules do not supersede other rules and regulations of the Commission applicable to specific situations or operations.

B. *Prior deviation rules superseded.* The provisions of parts 1042.1 and 1042.2 of Title 49 of the Code of Federal Regulations, entitled Scope of Operating Authority—Routes, are hereby superseded and made inapplicable.

C. *Definitions.* As used herein, the following words and terms shall be construed to have the following meanings:

1. *Alternate route.* A designated highway or series of highways lying wholly within the United States over which a regular-route motor common carrier of property may operate for operating convenience only, serving no intermediate points and serving the termini only to the extent authorized over the existing appurtenant service route.

2. *Bypass route.* A route designated by proper authorities for the general purpose of avoiding traffic congestion in a populated area or areas.

3. *Deadheading empty vehicles.* The movement of empty vehicles incidental to either prior or subsequent transportation in interstate or foreign commerce subject to the Interstate Commerce Act.

4. *Designated highway.* A highway identified for record purposes by a number, letter, or name, or as an "unnumbered county or State road", or in some other like manner.

5. *Detour route.* The highway or highways designated by proper authority for public use while the highway or highways normally used between specified points is, or are, temporarily closed or restricted, as by reduced weight limits, or for repairs or construction, or for any other reason.

6. *Deviation route.* Any of the route facilities and highways used by a motor carrier under authority of this part.

7. *Emergency route.* A highway or segment thereof which is available for public use during periods of temporary emergency due to flood, slides, earthquake, or other like causes, which make a highway over which a motor carrier is authorized to operate temporarily impassable.

8. *Point of deviation and return.* The point of deviation is the point at which a regular-route motor carrier of property using or proposing to use a deviation route departs or proposes to depart from an authorized regular route. The point of return is the point at which such carrier returns or proposes to return to an authorized regular route.

9. *Redesignated highway.* A highway to which there has been assigned a new designation, either number, letter, name, or other identifying reference, in lieu of a designation previously assigned thereto.

10. *Regular service route.* A designated highway or series of highways over which a regular-route motor carrier of property is specifically authorized to operate with provision in the carrier's certificate or permit for service at terminal, intermediate, or off-route points as specified

thereon, as distinguished from an alternate route as herein defined. Such regular service route may be described as a single route in a carrier's operating authority or as two or more routes which are combined by joinder at a common service point or points.

11. Relocated highway. A highway which has been constructed in a new location in lieu of an existing highway, or a segment or segments thereof, and which is intended to replace such existing highway, or a segment or segments thereof, for public use.

12. Service point. A point authorized to be served by a carrier as distinguished from one through which such carrier may operate but without performing any service threat.

D. Departures from regular authorized routes. Subject to the special rules, requirements, and conditions governing particular situations hereafter stated, and subject also to the general conditions and requirements set forth in section E, carriers subject to these rules are hereby authorized, in the circumstances hereafter described, to depart from their regular authorized routes in the circumstances and to the extent hereafter set forth.

1. Redesignated highway. Where a highway, or a segment thereof, over which a carrier is authorized to operate is redesignated, the carrier shall so advise the Commission by letter, giving sufficient information regarding the old and the new designation, the points between which the highway designation has been changed, and the place or places where such highway is referred to in the carrier's authority. The new designation of the highway will be shown in the carrier's certificate or permit when the Commission has occasion to reissue it.

2. Relocated highway and abandonment of old highway. Where a carrier is authorized to operate over a specified highway and thereafter that highway or a segment or segments thereof are relocated, and where the old highway or any segment thereof is no longer maintained for use by the general public, the carrier may operate over such relocated highway or relocated segment or segments under its authority without notice to the Commission of such change, but in so doing must continue to serve as intermediate or off-route points, on, or from, the new highway those points previously authorized to be served as intermediate or off-route points on or from the old highway.

3. Relocated highway and maintenance of service over old highway under designation. (a) Where a common carrier is authorized to operate over, and to serve points on a specified highway or off-route points or both, and thereafter that highway or a segment or segments thereof are relocated but the old highway is maintained for use by the general public under a new designation, the carrier shall not without first obtaining appropriate authority from the Commission, transfer its operations to the relocated highway or relocated segments thereof but must continue to operate over the old highway and advise the Commission by letter of the change in the designation thereof furnishing the same information as required in connection with paragraph D-1 of this section. The new designation of the highway will be shown in the carrier's permit when the Commission has occasion to reissue it.

(b) Where a regular-route contract carrier of property is authorized to operate over, and serve points on, a specified highway, and off-route points, or both, and thereafter that highway, or a segment or segments thereof is relocated, but the old highway is maintained for use by the general public under a new designation, the carrier may operate over either the redesignated highway, the relocated highway, or both. If the carrier continues operation over the redesignated highway, it shall advise the Commission by letter of the change in the designation thereof, furnishing the same information as required in connection with paragraph D-1 of this section. The designation of any highway will be shown in the carrier's permit when the Commission has occasion to reissue it.

(c) Where a carrier is authorized to operate over a specified highway, but is not authorized to serve any point on such highway or off-route points, or both, from such highway, and thereafter such highway, or a segment or segments thereof, is relocated, but the old highway is maintained for use by the public under a new designation, the carrier may, if it so desires, use as its operating route only the new or relocated highway, provided it promptly advises the Commission by letter of such change, giving descriptions of the old and the new highways between the points involved and the other information required by paragraph D-1 of this section.

4. Bypass route. Where a carrier is authorized to operate over a regular route, either service or alternate, and a bypass route has been designated to avoid congestion over the regular route, such carrier desiring to use such a bypass route as an alternate route may do so regardless of the ratio of the distance over such bypass route to the distance over the regular route between the point of deviation and the point of return without prior notice to the Commission, subject to the following conditions:

(a) Not later than 5 days after operation over the bypass route has begun, the carrier shall give notice of such operation to the Commission, the District Director of the Commission for the district in which the carrier is domiciled and for each district in or through which the proposed operation will be conducted, and the State board or official having jurisdiction over motor carrier regulation in or through which the proposed operation will be conducted. This notice must contain the following information:

(i) A complete description by highway designations of the carrier's authorized route between the point of deviation and the point of return, including authorized off-route points;

(ii) A complete description by highway designations of its proposed deviation route between the point of deviation and the point of return;

(iii) A map on which there shall be shown so much as may be practicable of the information required by subparagraphs (i) and (ii) above;

(iv) A statement that the carrier shall continue to serve points authorized.

5. Bridges, tunnels, and ferries. Where a new bridge or tunnel has been constructed to replace an old bridge, tunnel, or ferry, to avoid circuitry, or to eliminate a hazardous curve or grade, a regular-route carrier having authority to use the old facility and desiring to use in lieu thereof such new bridge or tunnel and the approaches thereto, may do so, subject to the applicable safety regulations and subject also to the conditions and requirements set forth in paragraph D-4(a) of this section.

6. Detour and emergency routes. Where a highway over which a carrier is authorized to operate is temporarily obstructed or rendered unsafe by flood, slides, earthquake, or other like causes over which the carrier has no control, the carrier may use any other practicable highway to continue rendering service to points on its authorized route. If a highway over which a carrier is authorized to operate is closed or subjected to weight or other restrictions by proper authority and another route is designated by such authority for use by the public as a detour route, the carrier may use such detour route in lieu of its authorized route. If the distance over the emergency or detour route is less than 90 percent of the distance over the authorized route and if use of the emergency or detour route will continue for more than 30 days, the carrier shall provide the notice set forth in paragraph D-4(a) of this section.

7. Deadheading empty vehicles. A motor carrier may deadhead empty vehicles over any highway, the use of which is necessary or desirable to accomplish a reasonably direct and practicable movement thereof between any two points incidental to either prior or subsequent transportation in interstate or foreign commerce subject to the Interstate Commerce Act.

8. Deviation from regular service route in the transportation of U.S. mail. Subject to the general conditions and requirements set forth in paragraph D-4(a) of this section, common and contract carriers of property holding authority to operate over regular routes may, without obtaining prior authority therefor, deviate from their authorized service routes for the purpose of delivering or picking up U.S. mail at points within 10 airline miles of such authorized service routes and, in the course of such deviation, may transport authorized commodities in the same vehicle with mail: *Provided*, That no commodity other than mail may be picked up, delivered, or interchanged with another carrier, at any point not specifically authorized.

9. Deviations by motor carriers of explosives and other dangerous articles. Subject to the general conditions and

requirements set forth in paragraph D-4(a) of this section:

(a) A regular-route motor carrier of explosives or other inherently dangerous articles in order to avoid streetcar tracks, tunnels, viaducts, dangerous crossings, or places where persons are assembled, may use any practicable route lying wholly within the United States: *Provided*, That the distance over the route used between the point of deviation and the point of return is not less than 85 percent of the distance over the authorized route between the same points, or, if it is less than 85 percent, provided the deviation route used is at all points within 10 miles of the authorized place which is bypassed.

(b) Common carriers of explosives and other inherently dangerous articles operating over either regular or irregular routes, or both, may in the interest of safety interchange shipments or equipment or combine routes or operating rights at any place within 10 miles of any point where interchange or joinder is permissible under the existing authorities of the carrier or carriers involved.

10. Service at military installations.

(a) If there exists an entrance or gate to a military installation which is within the limits of the authority held by a motor carrier and the carrier with the consent and approval of the officer in charge is openly, lawfully, and regularly (as distinguished from surreptitiously, sporadically, or infrequently) using such entrance or gate in the rendition to or from the installation of (a) a general transportation service or (b) a specialized or limited service, and if such entrance or gate is by appropriate authority closed, or restricted against particular traffic or if for some other reason beyond its control the carrier is unable to continue to use that entrance or gate for the same purpose as in the immediate past, it may, subject to the general conditions and requirements set forth in paragraph D-4(a) of this section, use other entrances or gates in continuing to serve the installation in the same manner and in the rendition of the same type of service as was theretofore performed through the closed or restricted entrance or gate: *Provided*, That in so doing the carrier does not travel more than 20 highway miles over the public highways outside the scope of its authority.

(b) This subparagraph shall not be construed by any carrier as authority for the rendition, through an entrance or gate or entrance located within the limits of its authority, of any service which was in fact discontinued prior to the closing or restriction of the authorized gate or entrance, or any service essentially different from that rendered through the gate or entrance located within the limits of its authority immediately prior to the closing or restriction thereof.

11. Deviations—alternate routes without certificate—common carriers. Where a regular-route motor common carrier is authorized to operate over a regular route and there is wholly within the United States another highway which affords a reasonably direct and practicable route between any two points on such regular

route, it may, subject to the general conditions and requirements set forth in paragraph 12 of this section, use such other highway as an alternate route for operating convenience only and with no service at the termini except as otherwise authorized, in the manner and to the extent, as follows:

Where such carrier is authorized to operate over a regular route and there is a highway or highways which may be used as an alternate route between two points on the carrier's regular route regardless of the ratio of the distance over such alternate route between the point of deviation and the point of return to the distance over the carrier's regular service route between the same points, and regardless of whether or not such alternate route crosses or intersects or passes over or under, any other specifically authorized service or alternate route of the carrier at any place intermediate to the points of deviation and return: *Provided*, That use of the alternate route will not materially change the competitive situation between such carrier and any other. Proof that the mileage over the proposed alternate route between its point of departure from and its point of return to the carrier's authorized service route or routes is not less than 85 percent of the distance between such points over the carrier's authorized regular service route or routes shall constitute prima facie evidence that a material change in the competitive position will not result from the carrier's use of the proposed alternate route. The carrier will be notified by order that its notice has been accepted, and no operations may be commenced until such order is served by the Commission.

12 (a) *Notice*. The original and two copies of the notice of an alternate route deviation filed pursuant to paragraph 11 of this section shall be filed with the Commission and shall contain the following information:

(i) A complete description, by highway designations, of the carrier's authorized route between the point of deviation and the point of return.

(ii) An excerpt from the carrier's operating authority or authorities (with reference to the pertinent subnumber or numbers) setting forth the exact description of the route as specified in subparagraph (i) immediately above, including service authorized at any intermediate or off-route points and any applicable restrictions or conditions in said authority or authorities.

(iii) A complete description by highway designations of other authorized routes, including service authorized at any intermediate or off-route points and applicable restrictions and conditions specifically pertinent to and affected by the departure from the authorized route specified in subparagraph (i) above.

(iv) A complete description of the proposed route between the point of deviation from the authorized route to the point of return including a description of superhighway access points.

(v) The actual mileages over all routes described in subparagraphs (i) and (iv) immediately above. Such mileages shall

be computed between the actual junction points of the routes, whether such junction points are within or without city limits. Rand-McNally road map mileages will serve as the official mileage guide where such mileages have been published. Where not published, measured mileages or available official publications will be accepted.

(vi) A map showing all routes described in subparagraphs (i) through (iv) immediately above.

(vii) A statement that the carrier will continue to provide adequate and continuous service from and to all points authorized to be served in connection with the appurtenant service route or routes.

(viii) The operating time over the appurtenant service route or routes and between other points affected by the proposed route as compared with that over the proposed route.

(ix) The volume of local and through traffic between the points of deviation and return.

(x) A statement that a copy of the notice, together with all attachments, have been served on those which are required to be served by these rules.

(b) *Service of notice*. The notice, with all attachments, must be served by mail or in person on the Commission, and the district director of the Commission for the district in which the carrier is domiciled and for each district in or through which the proposed operation will be conducted.

(c) *Publication of notice*. A summary of the notice will be prepared by the Commission and published in the *FEDERAL REGISTER*.

(d) *Protests and replies*. Any person may file with the Commission a protest, together with two copies thereof, within 30 days after publication of the summary of the notice in the *FEDERAL REGISTER*, showing that a copy thereof has been served upon the applicant. Such protest shall contain a recital of facts and information specifically demonstrating protestant's interest and, if the protestant is a carrier, shall contain detailed information relating to the competitive situation between the protestant and the applicant. The applicant may file a verified reply to any protest within 20 days after the due date of the protest, showing that a copy of the reply, with all attachments, have been served upon the protestant or protestants. Such reply shall be directed solely to the information contained in the protest or protests.

(e) *Hearing or other procedure to be followed*. Where a protest is filed, oral hearing will not be held unless the Commission determines, either upon its own motion or upon a showing of good cause by a party to the proceeding, that oral hearing is necessary. Unless such a determination is made, the issues will be decided upon a consideration of the material submitted with the notice, the protest, the reply, and matters of which the Commission may take official notice, except that the Commission, if it so desires, may require the submission of additional facts from the parties.

E. *Miscellaneous conditions*—1. *Failure to give notice or defective notice.* Where a notice for a deviation or proposed deviation is required under sections D-4, 5, 6, 8, 9, and 10 of these rules, and such notice is not timely filed and served as required, any deviation operation begun prior to the actual filing and service of the notice is unauthorized, and where a notice, though filed, is defective for want of required information or insufficient service, or for any other reason, it shall be subject to rejection and if rejected, any deviation operation covered thereby which has been begun shall immediately be discontinued and shall not be resumed until a sufficient notice has been filed, and served on interested parties as required by these rules, and the carrier has been notified by the Commission that the operation may be resumed.

2. *Reasonable and adequate service.* The right to operate over a deviation route which is subject to the general conditions and requirements set forth in these rules shall continue only so long as the carrier is performing, when required by this part, reasonable and adequate service over specifically authorized routes, and only so long as the conditions set forth in these rules are observed.

3. *Commencement of operations.* In all cases in which no protests are filed to a proposed new operation, the applicant may not commence operation over the route or routes applied for until an appropriate order is issued.

4. *Other remedies.* Applications seeking authority to conduct operations which could be performed following an appropriate filing under these rules will, in the absence of good cause shown, be subject to dismissal by the Commission.

5. *Commission may forbid deviation.* The Commission may forbid the commencement of operations over any deviation route under this part, or require discontinuance of any such operations already commenced, whenever in its opinion such deviation results in inadequate service over specifically authorized routes, or is unreasonable, or otherwise repugnant to the public interest, or is not in harmony with the general purpose and intent of the rules and regulations established by this part.

6. *Prior filings.* Motor carriers of property lawfully utilizing any deviation route or facility or facilities referred to herein pursuant to a prior notice heretofore filed shall not be required to file any further notice with the Commission concerning the use of such route, facility, or facilities.

[F.R. Doc. 68-5421; Filed, May 6, 1968; 8:47 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

FRANKLIN COUNTY LIVESTOCK MARKET, INC., CARNESVILLE, GA. ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

GEORGIA

Franklin County Livestock Market, Inc., Carnesville, Apr. 2, 1968.

MISSOURI

M.F.A. Livestock Association, Inc., Alton Concentration Point, Alton, Mar. 28, 1968.
M.F.A. Livestock Association, Inc., Marshall Concentration Point, Marshall, Apr. 1, 1968.
M.F.A. Livestock Association, Inc., Westphalia Concentration Point, Westphalia, Mar. 27, 1968.
West Tennessee Horse Auction, Somerville, Apr. 15, 1968.

Done at Washington, D.C., this 30th day of April 1968.

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

[F.R. Doc. 68-5399; Filed, May 6, 1968; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 1898]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

Correction

In F.R. Doc. 68-4182 appearing at page 5547 in the issue of Tuesday, April 9, 1968, the line following "T. 28 S., R. 26 E." should read "Secs. 1 to 36, inclusive."

Fish and Wildlife Service

[Docket No. A-458]

JERRY E. TILLEY AND WALTER F. SARGENT, JR.

Notice of Loan Application

MAY 1, 1968.

Jerry E. Tilley and Walter F. Sargent, Jr., Box 1561, Kodiak, Alaska 99615, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 54.5-foot registered length wood vessel to engage in the fishery for king crab.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,
Acting Director,

Bureau of Commercial Fisheries.

[F.R. Doc. 68-5401; Filed, May 6, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5)), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 8A2282) has been filed by Atlas Chemical Industries, Inc., New Murphy Road and Concord Pike, Wilmington, Del. 19899, proposing that:

1. Section 121.1009 Polysorbate 80 be amended to provide for the safe use of

polysorbate 80 as an emulsifier in shortenings and edible oils as prescribed in paragraph (c)(8) at a level exceeding the limitations presently specified therein, provided that the labeling of such shortenings and edible oils bear adequate directions for use to comply with any other applicable limitations prescribed in paragraph (c) of that section.

2. Section 121.1030 Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) be amended to provide for the safe use of polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) as an emulsifier in shortenings and edible oils as prescribed in paragraph (c)(8) at a level exceeding the limitations presently specified therein, provided that the labeling of such shortenings and edible oils bear adequate directions for use to comply with any other applicable limitations prescribed in paragraph (c) of that section.

3. The parenthetical chemical designation be deleted from the title of § 121.1030 Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) and throughout the regulation where it appears after the name polysorbate 60.

Dated: April 25, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-5433; Filed, May 6, 1968; 8:48 a.m.]

ELANCO PRODUCTS CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1)), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 8F0715) has been led by the Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the establishment of a tolerance for negligible residues of the herbicide trifluralin (α, α, α -trifluoro-2,6-dinitro-N, N-dipropyl-p-toluidine) in or on the raw agricultural commodity sugarcane at 0.05 part per million.

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

Dated: April 26, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-5434; Filed, May 6, 1968; 8:48 a.m.]

HETEROCHEMICAL CORP.**Notice of Filing of Petition for Food Additive Menadione Dimethylpyrimidinol Bisulfite**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Heterochemical Corp., 111 East Hawthorne Avenue, Valley Stream, N.Y. 11580, proposing that § 121.286 *Menadione dimethylpyrimidinol bisulfite* be amended to provide for the safe use of from 2 to 20 grams of menadione dimethylpyrimidinol bisulfite in poultry feed as a nutritional supplement for the prevention of vitamin K deficiency.

Dated: April 25, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-5436; Filed, May 6, 1968;
8:48 a.m.]

HUMKO PRODUCTS DIVISION OF NATIONAL DAIRY PRODUCTS CORP.**Notice of Filing of Petition for Food Additives**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 8A2283) has been filed by Humko Products Division of National Dairy Products Corp., Post Office Box 398, Memphis, Tenn. 38101, proposing that § 121.1030 *Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate)* be amended to provide for the safe use of polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) as an emulsifier in shortenings and edible oils as prescribed in paragraph (c) (8) at a level exceeding the limitations presently specified therein, provided that the labeling of such shortenings and edible oils bear adequate directions for use to comply with any other applicable limitations prescribed in paragraph (c) of that section.

Dated: April 25, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-5436; Filed, May 6, 1968;
8:48 a.m.]

Office of the Secretary
REORGANIZATION ORDER
Clarifying Amendment

The Reorganization Order of the Department of Health, Education, and Welfare of April 1, 1968 (33 F.R. 5426), is hereby amended by adding the following sentence at the end of the last section thereof, headed "Prior Statements of Organization, Functions, and Delegations of Authority": "No delegation of authority in effect prior to March 13,

1968, concerning administrative management or financial management was intended to be affected, or shall in any way be regarded as affected, by the Reorganization Order of March 13, 1968 (33 F.R. 4894), and all delegations and redelegations of authority relating to such management activities (e.g., personnel, pay, allowances, travel, etc.) are continued in full force and effect."

Dated: May 1, 1968.

[SEAL] WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 68-5437; Filed, May 6, 1968;
8:49 a.m.]

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****ASSISTANT SECRETARY FOR POLICY DEVELOPMENT****Delegation of Authority Regarding Migratory Bird Conservation Commission**

Pursuant to the authority vested in me by section 9 of the Department of Transportation Act (49 U.S.C. 1657), the Assistant Secretary for Policy Development is hereby authorized to perform any of my functions as a member of the Migratory Bird Conservation Commission established pursuant to the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.).

Issued in Washington, D.C., on April 30, 1968.

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 68-5419; Filed, May 6, 1968;
8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order E-26729]

INTERNATIONAL AIR TRANSPORT ASSOCIATION**Order Regarding Specific Commodity Rates**

Issued under delegated authority, April 30, 1968.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated April 18, 1968, names additional specific commodity rates, as set forth in the

attachment hereto,¹ which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 20125, R-10 through R-14, be approved, provided approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

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

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-5445; Filed, May 6, 1968;
8:49 a.m.]

[Docket No. 19825; Order E-26735]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.**Order To Show Cause Regarding Establishment of Service Mail Rate**

Issued under delegated authority, May 1, 1968.

By notice of intent filed on April 15, 1968, pursuant to 14 CFR Part 298, the Postmaster General petitioned the Board to establish for Sedalia, Marshall, Boonville Stage Line, Inc. (Stage Line), an air taxi operator, a final service mail rate of 33.04 cents per great circle mile for the transportation of mail by aircraft between Kansas City, Mo., Springfield, Mo., and Joplin, Mo.

The Postmaster General states the proposed services will meet postal needs in this market. Stage Line proposes to initiate service with Beechcraft Model 18 type aircraft. No protest or objection has been filed against the services proposed in the notice of intent, and the time for filing such objections has now expired. The Postmaster General also states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to Sedalia, Marshall,

¹ Filed as part of the original document.

Boonville Stage Line, Inc., by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order¹ to include the following findings and conclusions:

1. That the fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Kansas City, Mo., Springfield, Mo., and Joplin, Mo., as described in the notice of intent, shall be 33.04 cents per great circle mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302, 14 CFR, Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. All interested persons and particularly Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Delta Air Lines, Inc., Frontier Airlines, Inc., and Ozark Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above, as the fair and reasonable rate of compensation to be paid to Stage Line, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein

¹ As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR, Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, and Delta Air Lines, Inc., Frontier Airlines, Inc., and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL]

MABEL McCART,
Acting Secretary.

[F.R. Doc. 68-5446; Filed, May 6, 1968; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 68-488]

POLITICAL EDITORIALIZING IN AN ELECTION YEAR

Editorials by Licensees

MAY 2, 1968.

The Commission believes it will be helpful to both broadcast licensees and political candidates to bring to their attention at this time the terms of the Commission rules applicable to political editorials. These rules concern editorials by licensees themselves rather than broadcasts by candidates. Although they are the subject of pending judicial review, they are now in effect and should be followed in connection with all editorials endorsing or opposing candidates for public office.

The rules provide as follows:

Where a licensee, in an editorial, (i) endorses or (ii) opposes a legally qualified candidate or candidates, the licensee shall, within 24 hours after the editorial, transmit to respectively (i) the other qualified candidate or candidates for the same office, or (ii) the candidate opposed in the editorial (1) notification of the date and the time of the editorial; (2) a script or tape of the editorial; and (3) an offer of a reasonable opportunity for a candidate or spokesman of the candidate to respond over the licensee's facilities: *Provided, however,* That where such editorials are broadcast within 72 hours prior to the day of the election, the licensee shall comply with the provisions of this subsection sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity to prepare a response and to present it in a timely fashion.

(47 CFR §§ 73.123, 73.300, 73.598 and 73.679)

Action by the Commission May 1, 1968. Commissioners Hyde (Chairman), Bartley, Lee, Cox, Wadsworth, and Johnson.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL]

BEN F. WAPLE,

Secretary.

[F.R. Doc. 68-5447; Filed, May 6, 1968; 8:49 a.m.]

[Docket No. 15721; FCC 68-479]

CONTRACTS OF BROADCAST LICENSEES WITH NEWSPAPER SERVICES

Order Rescheduling Oral Argument

1. The Commission has previously scheduled oral argument in this matter for May 6, 1968, at 11 a.m. Additional time to argue having been granted in the preceding matter, it will be necessary to schedule this matter for 11:30 a.m.

2. Accordingly, it is ordered, That oral argument will be heard before the Commission en banc on May 6, 1968, at 11:30 a.m.

3. It is further ordered, That the Associated Press, South Jersey Broadcasting Co. and United Press International, are each allotted 20 minutes for argument, in that order.

Adopted: May 1, 1968.

Released: May 2, 1968.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL]

BEN F. WAPLE,

Secretary.

[F.R. Doc. 68-5448; Filed, May 6, 1968; 8:49 a.m.]

[Docket No. 18101; FCC 68-492]

WBBM-TV, REPORT ON MARIJUANA PARTY

Order Continuing Inquiry

In the matter of inquiry into WBBM-TV's broadcast on November 1 and 2, 1967, of a report on a marijuana party.

It appearing, that the Commission on March 22, 1968, released an order instituting an inquiry into WBBM-TV's broadcast on November 1 and 2, 1967, of a report on a marijuana party;

It further appearing, that said inquiry is presently scheduled to commence in Chicago, Ill., on May 14, 1968;

It further appearing, that the Commission has been advised that the Special Subcommittee of the House Committee on Interstate and Foreign Commerce desires the Commission not to proceed further with its inquiry until the Special Subcommittee has concluded its own investigation of this matter;

Now, therefore, *It is ordered,* That the Commission's inquiry into WBBM-TV's broadcast on November 1 and 2, 1967, of a report on a marijuana party should

¹ Commissioner Loevinger absent.

be and the same is hereby continued to June 25, 1968.

Adopted: May 1, 1968.

Released: May 2, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-5449; Filed, May 6, 1968;
8:49 a.m.]

[Docket No. 18135; FCC 68M-691]

BRIAN E. COBB

Order Scheduling Hearing

In re application of Brian E. Cobb, Reno, Nev., Docket No. 18135, File No. BPH-6064, for construction permit.

It is ordered, That James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 12, 1968, at 10 a.m.; and that a pre-hearing conference shall be held on May 22, 1968, commencing at 9 a.m.; and, It is further ordered, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: April 30, 1968.

Released: May 1, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-5450; Filed, May 6, 1968;
8:49 a.m.]

[Docket Nos. 17410, 18174]

CORNBELT BROADCASTING CORP.
AND KFMQ, INC.

Order Designating Applications for
Consolidated Hearing on Stated
Issues

In re applications of Cornbelt Broadcasting Corp., Lincoln, Nebr., Docket No. 17410, File No. BPH-5424; requests: 101.9 mcs, No. 270; 50 kw; 205 feet; KFMQ, Inc., Lincoln, Nebr., Docket No. 18174, File No. BPH-6016, has: 95.3 mcs, No. 237; 1 kw; 125 feet, requests: 101.9 mcs, No. 270; 100 kw; 150 feet; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above captioned and described applications for construction permits.

2. These applications are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

3. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity,

¹ Commissioner Loevinger absent.

and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

4. It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

5. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221 (c) of the Commission rules, in person or by attorney, shall, within 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.

6. It is further ordered, That the applicants herein shall pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible 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: April 30, 1968.

Released: May 2, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-5451; Filed, May 6, 1968;
8:49 a.m.]

FEDERAL DEPOSIT INSURANCE
CORPORATION
INSURED BANKS

Joint Call for Report of Condition
Correction

In F.R. Doc. 68-4994 appearing at page 6385 in the issue of Friday, April 26, 1968, the following correction should be made: The title of William B. Camp, following his signature, should read "Comptroller of the Currency."

FEDERAL MARITIME COMMISSION

[Docket No. 68-24]

JOINT AGREEMENT BETWEEN FAR
EAST CONFERENCE AND PACIFIC
WESTBOUND CONFERENCE

Order of Investigation and Hearing

Agreement No. 8200, between the Far East Conference (FMC Agreement No.

17) and the Pacific Westbound Conference (FMC Agreement No. 57) was approved by the Commission's predecessor in service on December 29, 1952. On July 28, 1965, this Commission found in Docket 872, Joint Agreement Between * * * the Far East Conference and * * * the Pacific Westbound Conference, 8 FMC 553, that Agreement No. 8200 was essentially " * * * nothing more than evidence of a general intention of the parties to enter into concerted rate making" and that certain practices and procedures constituted "supplementary" and "unapproved" agreements required to be filed for approval pursuant to section 15 of the Shipping Act, 1916. The Commission ordered the two Conferences to "cease and desist from carrying out their supplementary agreements until filed with and approved by the Commission."

Agreement No. 8200-2 is in response to that directive. The agreement comprises two basic parts, i.e., one which is essentially procedural and concerns the manner and means by which business between the two Conferences will be conducted; the second part extends to the cooperation between the two Conferences with respect to the establishment and maintenance of rates, rules, and regulations to be observed by each. Although essentially permissive in nature, the latter part of the agreement does provide for a system of rate differentials to be observed by each Conference whereby cargoes moving through Atlantic and Gulf ports will be assessed rates above \$2.35-\$3.35 to \$6 per revenue ton higher than those moving through West Coast ports.

Agreement No. 8200-1 would modify the basic Agreement, 8200, to require that all new members of either Conference will become party to any "supplementary" agreements as well as the basic agreement.

In response to notices of filing appearing in the FEDERAL REGISTER, any approval of Agreement No. 8200-2 was protested by the Ports of New Orleans and New York, the New Orleans Traffic and Transportation Bureau, and the Pacific Coast Association of Port Authorities.

Now, therefore, it is ordered, That, pursuant to sections 15 and 22 of the Shipping Act, 1916, an investigation and hearing be and is hereby instituted to determine whether Agreements Nos. 8200-1, 8200-2 should be approved, disapproved, or modified; and whether or not continued approval of Agreement No. 8200 is warranted and, if not, whether it should be canceled or modified.

It is further ordered, That the Far East Conference and the Pacific Westbound Conference, and the member lines of each, as listed in appendix A attached hereto, be made respondents in this proceeding;

It is further ordered, That protestants be denominated petitioners in this proceeding;

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; and

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 and petitioners; and

It is further ordered, That any person, other than respondents and petitioners, 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 May 17, 1968, with copy to respondents and petitioners;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL]

THOMAS LISI,
Secretary.

APPENDIX "A"

FAR EAST CONFERENCE

American President Lines, Ltd., 29 Broadway, New York, N.Y. 10006.
Fern-Ville Lines—Fearnley & Eger and A. F. Klaveness & Co., A/S Joint Service, 29 Broadway, New York, N.Y. 10006.
Isthmian Lines, Inc., 90 Broad Street, New York, N.Y. 10004.
Japan Line, Ltd., 120 Wall Street, New York, N.Y. 10005.
Kawasaki Kisen Kaisha, Ltd., 29 Broadway, New York, N.Y. 10006.
Lykes Bros. Steamship Co., Inc., 17 Battery Place, New York, N.Y. 10004.
Maritime Co. of the Philippines, Inc., 26 Broadway, New York, N.Y. 10004.
Mitsui O.S.K. Lines, Ltd., 17 Battery Place, New York, N.Y. 10004.
A. P. Moller-Maersk Line—Joint Service, 67 Broad Street, New York, N.Y. 10004.
Nippon Yusen Kaisha, Ltd., 25 Broadway, New York, N.Y. 10004.
States Marine Lines—Joint Service, 90 Broad Street, New York, N.Y. 10004.
United Philippine Lines, Inc., 17 Battery Place, New York, N.Y. 10004.
United States Lines Co. (American Pioneer Line), 1 Broadway, New York, N.Y. 10004.
Wilhelmsen Line—Joint Service, 17 Battery Place, New York, N.Y. 10004.
Yamashita-Shinnihon Steamship Co., Ltd., 52 Broadway, New York, N.Y. 10004.
American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.
Thai Mercantile Marine, Ltd., 90 Broad Street, New York, N.Y. 10004.
Far East Conference, Raymond J. Flynn, Chairman, 11 Broadway, Room 760, New York, N.Y. 10004.

PACIFIC WESTBOUND CONFERENCE

American Mail Line, Ltd., 601 California Street, San Francisco, Calif. 94108.
American President Lines, Ltd., 601 California Street, San Francisco, Calif. 94108.
Isthmian Lines, Inc., 100 Bush Street, San Francisco, Calif. 94104.
Japan Line, Ltd., 1 Bush Street, San Francisco, Calif. 94104.
Kawasaki Kisen Kaisha, Ltd., Clegg Building, 350 California Street, San Francisco, Calif.
Klaveness Line—Joint Service, 310 Sansome Street, San Francisco, Calif. 94104.
Knutsen Line—Joint Service, 650 California Street, San Francisco, Calif. 94108.
Marine Co. of the Philippines, Inc., 214 Front Street, San Francisco, Calif. 94111.

Matson Navigation Co., 215 Market Street, San Francisco, Calif. 94104.
Mitsui O.S.K. Line, 215 Market Street, San Francisco, Calif.
A. P. Moller-Maersk Line—Joint Service, 650 California Street, San Francisco, Calif. 94108.
Nedlloyd & Hoegh Lines—Joint Service, 351 California Street, San Francisco, Calif. 94104.
Nippon Yusen Kaisha, Ltd., 311 California Street, San Francisco, Calif. 94104.
Pacific Far East Line, Inc., 141 Battery Street, San Francisco, Calif. 94111.
Showa Shipping Co., Ltd., 558 Sacramento Street, San Francisco, Calif. 94111.
States Marine Lines—Joint Service, 100 Bush Street, San Francisco, Calif. 94104.
States Steamship Co., 320 California Street, San Francisco, Calif. 94104.
Thai Mercantile Marine, Ltd., 100 Bush Street, San Francisco, Calif. 94104.
United Philippine Lines, Inc., 1 Bush Street, San Francisco, Calif. 94104.
Waterman Steamship Co., 310 Sansome Street, San Francisco, Calif. 94104.
Weyerhaeuser Lines, 141 Battery Street, San Francisco, Calif.
Yamashita-Shinnihon Steamship Co., Ltd., 230 California Street, San Francisco, Calif.
Pacific Westbound Conference, W. C. Galloway, Chairman, 635 Sacramento Street, San Francisco, Calif. 94111.

Associate Members

Fern-Ville Lines—Fearnley & Eger and A. F. Klaveness & Co., A/S—Joint Service, 310 Sansome Street, San Francisco, Calif. 94104.
Peninsular & Oriental Steam Navigation Co., 230 California Street, San Francisco, Calif.
Wilhelmsen Line—Joint Service, 310 Sansome Street, San Francisco, Calif. 94104.

Petitioners

Board of Commissioners of the Port of New Orleans.
Port of New York Authority.
Pacific Coast Association of Port Authorities.
New Orleans Traffic and Transportation Bureau.

[F.R. Doc. 68-5393; Filed, May 6, 1968; 8:45 a.m.]

GRACE LINE INC. AND COMPANIA ANONIMA VENEZOLANA DE NAVEGACION

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 agreement 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. John N. Thurman, Vice President, Grace Line, Inc., 1511 K Street NW., Washington, D.C. 20005.

Agreement No. 9716, between Compania Anonima Venezolana de Navegacion and Grace Line, Inc., provides for the interchange of cargo containers and/or related equipment in the trade between East Coast ports of the United States and ports in Venezuela in accordance with the terms and conditions set forth therein.

Dated: May 2, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-5394; Filed, May 6, 1968; 8:45 a.m.]

PACIFIC WESTBOUND 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 current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, 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 changes 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 petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to modify an approved dual rate contract filed by:

Mr. W. C. Galloway, Chairman, Pacific Westbound Conference, 635 Sacramento Street, San Francisco, Calif. 94111.

The Pacific Westbound Conference, Agreement No. 57, has filed with the Commission an application to modify its approved Dual Rate Merchant's Agreement. The proposed contract modification adds currency devaluation to those governmental activities contained in Article 13(a), which if occur, permits the Conference to suspend the said agreement with respect to the operations affected; or in lieu of suspension may increase rates on not less than 15 days written notice to the Merchant who retains the right to notify the Conference in writing of his intent to suspend

the contract insofar as such increase is concerned.

Dated: May 2, 1968.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 68-5395; Filed, May 6, 1968;
8:45 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

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 current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; 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 changes 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 petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to modify an approved dual rate contract filed by:

Mr. Elkan Turk, Jr., Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, N.Y. 10004.

The Trans-Pacific Freight Conference of Japan (Agreement No. 150, as amended) has filed with the Commission an application to modify its approved Dual Rate Merchant's Agreement. The proposed contract modification adds currency devaluation to those governmental activities contained in Article 15(a), which if occur, permits the Conference to suspend the said agreement with respect to the operations affected or in lieu of suspension may increase rates on not less than 15 days written notice to the Merchant who retains the right to notify the Conference in writing of his intent to suspend the contract insofar as such increase is concerned.

Dated: May 2, 1968.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 68-5396; Filed, May 6, 1968;
8:45 a.m.]

[Independent Ocean Freight Forwarder
License 1156]

ROCKY MOUNTAIN INTERNATIONAL FREIGHT FORWARDING CO.

Order of Revocation

Whereas, on March 28, 1968, The Home Indemnity Co. notified the Commission that the Independent Ocean Freight Forwarder Surety Bond No. NB 482374 underwritten in behalf of Rocky Mountain International Freight Forwarding Co., 5725 East 39th Avenue, Denver, Colo. 80207, would be canceled effective April 28, 1968; and

Whereas, Rocky Mountain International Freight Forwarding Co. was notified that unless a new surety bond was submitted to the Commission its Independent Ocean Freight Forwarder License No. 1156 would be revoked effective April 28, 1968, pursuant to General Order 4, Amendment 12 (46 CFR 510.9) and;

Whereas, Rocky Mountain International Freight Forwarding Co. has failed to submit a valid surety bond in compliance with the above Commission rule.

It is ordered, That the Independent Ocean Freight Forwarder License No. 1156 is revoked effective April 28, 1968; and

It is further ordered, That the Independent Ocean Freight Forwarder License No. 1156 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

LEROY F. FULLER,

Director,

Bureau of Domestic Regulation.

[F.R. Doc. 68-5453; Filed, May 6, 1968;
8:50 a.m.]

[Docket No. 68-10]

INTER-AMERICAN FREIGHT CONFERENCE CARGO POOLING AGREEMENTS NOS. 9682, 9683, AND 9684

Second Supplemental Order

On February 19, 1968, the Commission instituted the subject investigation and by First Supplemental Order served March 15, 1968, it broadened the proceeding to include the specific issue of rebates and malpractices in the trades, including the trade between Brazil and the Gulf. It now appears that further clarification is needed to specify that the Gulf is included in this issue.

Therefore, it is ordered, That pursuant to sections 16, 18(b) (3) and 22 of the Shipping Act, 1916, as amended, the investigation and hearing in the subject proceeding is expanded to include the Gulf Coast of the United States; and

It is further ordered, That Delta Steamship Lines, Inc., Mitsui-O.S.K. Lines, Ltd., Navegacao Mercantil S.A., and The Northern Pan-America Line

S/A, be made respondents in the proceeding; and

It is further ordered, That notice of this supplemental order be published in the FEDERAL REGISTER and a copy thereof served upon all parties.

By the Commission.

[SEAL]

THOMAS LIST,
Secretary.

[F.R. Doc. 68-5454; Filed, May 6, 1968;
8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI68-604, etc.]

READING & BATES OFFSHORE DRILLING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

APRIL 26, 1968.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement

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

and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing

of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 12, 1968.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI68-604....	Reading & Bates Offshore Drilling Co., 11th Floor Philtower Bldg., Tulsa, Okla. 74103.	3	1	Michigan Wisconsin Pipe Line Co. (Laverne Area, Harper County, Okla.) (Panhandle Area).	\$28	4-1-68	5-2-68	5-3-68	\$ 17.65	\$ 17.65	
RI68-605....	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	177	1	Panhandle Eastern Pipe Line Co. (Petrowsky Lease, Pratt County, Kans.).	92	3-28-68	5-1-68	5-2-68	\$ 15.0	\$ 16.0	
.....do.....	do.....	182	2	Kansas-Nebraska Natural Gas Co., Inc. (Beaver County, Okla.) (Panhandle Area).	1,157	3-28-68	5-1-68	5-2-68	\$ 15.0	\$ 16.0	

¹ The stated effective date is the effective date requested by Respondent.

² The suspension period is limited to 1 day.

³ Tax reimbursement increase.

⁴ Pressure base is 14.65 p.s.i.a.

⁵ Includes 0.65 cent upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.

⁶ Includes 0.015 cent tax reimbursement.

⁷ Contract dated after Sept. 28, 1960, the date of issuance of general policy statement

No. 61-1 and the proposed rate does not exceed initial service ceiling rate of 16 cents per Mcf.

⁸ Periodic rate increase.

⁹ Subject to a downward B.t.u. adjustment.

¹⁰ Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and the proposed rate does not exceed initial service ceiling rate of 17 cents per Mcf.

Reading & Bates Offshore Drilling Co.'s proposed rate increase is for tax reimbursement only and exceeds the applicable area increased rate ceiling of 11 cents per Mcf for the Panhandle Area as announced in the Commission's statement of general policy No. 61-1, as amended, and should be suspended. Since the proposed increase relates to tax reimbursement only, we conclude that it should be suspended for one day from May 2, 1968, the proposed effective date.

The contracts related to the rate filings proposed by Skelly Oil Co. (Skelly) were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable area ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Skelly's rate filings should be suspended for 1 day from May 1, 1968, the proposed effective date.

[F.R. Doc. 68-5377; Filed, May 6, 1968; 8:45 a.m.]

[Docket Nos. RI68-590 etc.]

PETROLEUM, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

APRIL 26, 1968.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regula-

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

tions pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until the date shown in the "Date Suspended Until" column and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 12, 1968.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

NOTICES

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APPENDIX A

Docket No.	Respondent	Rate sched- ule No.	Sup- ple- ment No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless sus- pended	Date suspend- ed until—	Cents per Mcf		Rate in effect sub- ject to refund in docket Nos.
RI68-500....	Petroleum, Inc., 300 West Douglas, Wichi- ta, Kans. 67202.	32	2	Northern Natural Gas Co. (Bald- win Unit, Como Field, Beaver County, Okla.) (Panhandle Area).	\$203	4- 1-68	5- 2-68	10- 2-68	\$ 17.0	\$ 18.015	
.....do.....	do.....	33	3	Northern Natural Gas Co. (Bowden "B" Unit, Como Field, Beaver County, Okla.) (Panhandle Area).	365	4- 1-68	5- 2-68	10- 2-68	\$ 17.0	\$ 18.015	
RI68-501....	Cabot Corp. (SW) (Op- erator) et al., Post Office Box 1101, Pam- pa, Tex.	80	0	Natural Gas Pipeline Co. of Ameri- ca (Undesignated Field, and Hooker-Harrington Upper Mor- row Field, Texas County, Okla.) (Panhandle Area).	15,255	4- 1-68	5- 2-68	10- 2-68	\$ 10.272	\$ 17.280	
RI68-502....	Ashland Oil & Refining Co., Post Office Box 18995, Oklahoma City, Okla. 73118.	144	2	Texas Gas Transmission Corp. (Tre- mont and Calhoun Fields, Lin- coln and Jackson Parishes, La.) (North Louisiana).	495	4- 2-68	5- 3-68	10- 3-68	\$ 10.18.75	\$ 20.25	
RI68-503....	Union Oil Co. of Calif- ornia, Union Oil Center, Los Angeles, Calif. 90017.	16	17	Natural Gas Pipeline Co. of Ameri- ca (Camrick Southeast Gas Pool, Beaver County, Okla.) (Panhan- dle Area).	160	4- 4-68	5-10-68	10-10-68	\$ 18.2	\$ 18.4	RI67-354.
.....do.....	do.....	23	18	Natural Gas Pipeline Co. of Ameri- ca (Camrick Field, Boyd Area, Beaver County, Okla.) (Panhan- dle Area).	350	4- 4-68	5- 8-68	10- 8-68	\$ 17.8	\$ 18.0	RI67-354.
RI68-504....	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	183	1	Cities Service Gas Co. (Magnusen Lease, Comanche County, Okla.) (Oklahoma "Other" Area).	1,108	3-28-68	5- 1-68	10- 1-68	\$ 15.0	\$ 16.0	
.....do.....	do.....	20	12	Texas Eastern Transmission Corp. (Mineral Field, Bee County, Tex.) (R.R. District No. 2).	637	4- 5-68	5- 6-68	10- 6-68	14.3733	\$ 14.8733	RI63-317.
RI68-505....	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al., Post Office Box 2130, Houston, Tex. 77001.	19	4	Arkansas Louisiana Gas Co. (Chic- kasha Field, Grady County, Okla.) (Carter-Knox Area).	1,229	4- 4-68	5- 5-68	10- 5-68	\$ 12.0	\$ 14.015	RI62-258.
.....do.....	do.....	24	4	do.....	1,934	4- 4-68	5- 5-68	10- 5-68	\$ 12.0	\$ 14.015	RI62-258.
.....do.....	do.....	14	13	Texas Eastern Transmission Corp. (Stranch-Wilcox Field, Bee Coun- ty, Tex.) (R.R. District No. 2).	1,035	4- 1-68	5- 2-68	10- 2-68	\$ 14.3733	\$ 14.8733	RI63-325.
.....do.....	do.....	16	13	Texas Eastern Transmission Corp. (San Domingo Field, Bee County, Tex.) (R.R. District No. 2).	720	4- 1-68	5- 2-68	10- 2-68	\$ 14.3733	\$ 14.8733	RI63-325.
.....do.....	do.....	20	11	do.....	420	4- 1-68	5- 2-68	10- 2-68	\$ 14.3733	\$ 14.8733	RI63-325.
RI68-506....	Texaco, Inc., Post Office Box 2420, Tulsa, Okla. 74102.	10	6	Northern Natural Gas Co. (Guy- mon-Hugoton Field, Texas Coun- ty, Okla.) (Panhandle Area).	33	4- 4-68	5- 5-68	10- 5-68	\$ 11.0	\$ 12.0	
.....do.....	do.....	318	4	Panhandle Eastern Pipe Line Co. (Mouser Deep Field, Texas Coun- ty, Okla.) (Panhandle Area).	6,200	4- 4-68	5- 5-68	10- 5-68	\$ 17.0	\$ 18.0	
.....do.....	do.....	381	4	Michigan Wisconsin Pipe Line Co. (Putnam Field, Dewey County, Okla.) (Oklahoma "Other" Area).	2,482	4- 4-68	5- 5-68	10- 5-68	\$ 16.84	\$ 19.74	
RI68-507....	Tenneco Oil Co. (Oper- ator) et al., Post Office Box 2511 Houston, Tex. 77001.	79	14	Mississippi River Transmission Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. District No. 6).	9,182	2-20-68	5-22-68	10-22-68	\$ 15.1307 \$ 15.0	\$ 15.6488 \$ 15.5	RI64-741.
RI68-508....	Reading & Bates Pro- duction Co. (Oper- ator) et al., 11th Floor, Philtower Bldg., Tulsa, Okla. 74103.	3	1	Northern Natural Gas Co. (North- east Harmon Field, Woodward County, Okla.) (Panhandle Area).	914	3-29-68	4-29-68	9-29-68	\$ 19.024	\$ 21.111	
RI68-509....	Union Texas Petro- leum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, Tex. 77001.	21	4	Arkansas Louisiana Gas Co. (Chickasha Field, Grady County, Okla.) (Oklahoma "Other" Area).	2,761	4- 4-68	5- 1-68	10- 1-68	\$ 12.0	\$ 14.015	RI62-259.
RI68-500....	Turnbull & Zoch Drill- ing Co., agent for Arnold O. Morgan et al., 1600 The 600 Bldg., Corpus Christi, Tex. 78401.	3	4	United Gas Pipe Line Co. (Hynes Ranch Field, Refugio County, Tex.) (R.R. District No. 2).	5,484	4- 4-68	5- 5-68	10- 5-68	\$ 13.2002	\$ 14.2156	
RI68-601....	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102, Attn: Homer E. McEwen, Jr., Esq.	196	4	United Gas Pipe Line Co. (North LeRoy Field, Vermilion Parish, La.) (South Louisiana).	409	4- 4-68	5- 5-68	10- 5-68	\$ 20.625	\$ 23.25	
RI68-602....	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102, Attn: Mr. W. H. Bourne.	82	3	Florida Gas Transmission Co. (Lake Chicot Area, St. Martin and Iberia Parishes, La.) (South Louisiana).	32,194	4- 4-68	5- 5-68	10- 5-68	\$ 21.23	\$ 23.55	
.....do.....	do.....	90	4	Texas Gas Transmission Corp. (Bayou Chevreuil Field, Lafourche and St. John Parishes, La.).	1,322	4- 4-68	5- 5-68	10- 5-68	\$ 21.23	\$ 23.55	
.....do.....	do.....	91	5	Tennessee Gas Pipeline Co., a divi- sion of Tenneco, Inc. (Lac Blanc Field, Vermilion Parish, La.) (South Louisiana).	49,905	4- 4-68	5- 5-68	10- 5-68	\$ 21.23	\$ 23.55	
.....do.....	do.....	96	4	Michigan Wisconsin Pipe Line Co. (Veltin Field, St. Landry Parish, La.) (South Louisiana).	4,091	4- 4-68	5- 5-68	10- 5-68	\$ 21.23	\$ 23.55	

See footnotes at end of table.

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	Proposed increased rate	Rate in effect subject to refund in docket No.
RI68-603	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, Attn: Mr. John J. Carter.	241	4	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (South Timber Block 54 Field, Offshore Louisiana).	88,053	4-1-68	7-5-2-68	10-2-68	28 19.0		28 20.0	
.....do.....	do.....	304	5	Transcontinental Gas Pipe Line Corp. (Ship Shoal Area, Offshore Louisiana).	17,077	4-1-68	5-2-68	10-2-68	28 19.0		28 20.0	

² The stated effective date is the effective date requested by Respondent.

³ Periodic rate increase.

⁴ Pressure base is 14.65 p.s.i.g.

⁵ Subject to a downward B.t.u. adjustment.

⁶ Includes 0.015 cent tax reimbursement.

⁷ The stated effective date is the first day after expiration of the statutory notice.

⁸ Includes base rate of 16 cents plus upward B.t.u. adjustment before increase and base rate of 17 cents plus upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.

⁹ Pressure base is 15.025 p.s.i.g.

¹⁰ Includes 1.75 cents tax reimbursement.

¹¹ Subject to 1 cent compression charge if buyer compresses gas.

¹² Two-step periodic increase plus tax reimbursement.

¹³ Settlement rate as approved by Commission order issued Dec. 30, 1963, in Docket Nos. G-8969 et al. Moratorium on filing increased rates expired on Mar. 1, 1966.

¹⁴ "Fractured" rate increase. Contractually due a base rate of 19.5 cents per Mcf.

¹⁵ Includes base rate of 15 cents plus upward B.t.u. adjustment before increase and 17.9 cents plus upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.

¹⁶ Filing completed by correction letters dated Mar. 8, 1968, and Apr. 3, 1968, submitted on Mar. 11, 1968, and Apr. 3, 1968, respectively.

¹⁷ Applicable to acreage added by Supplement Nos. 9, 11, 12, and 13.

¹⁸ Includes base rate of 17 cents plus upward B.t.u. adjustment (1,072 B.t.u.'s per cubic foot of gas) before increase and base rate of 18 cents plus upward B.t.u. adjustment and 0.015 cent tax reimbursement after increase. Base rate subject to upward and downward B.t.u. adjustment.

Cabot Corp. (SW) (Operator) et al., request that their proposed rate increase be permitted to become effective on May 1, 1968. Texaco, Inc., requests an effective date of April 4, 1968, for its rate increases. Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al., request an effective date of May 1, 1968, for Supplement No. 4 to their FPC Gas Rate Schedule Nos. 19 and 24, respectively; April 29, 1968, for Supplement No. 13 to their FPC Gas Rate Schedule Nos. 14 and 16, respectively, and Supplement No. 11 to their FPC Gas Rate Schedule No. 20. Amerada Petroleum Corp., Sunray DX Oil Co., and Humble Oil & Refining Co. request that their proposed rate increases be permitted to become effective as of April 1, 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 earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Humble Oil & Refining Co. (Humble) requests that should the Commission suspend its rate filings that the suspension periods be shortened to 1 day, or as short a period as possible. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension periods with respect to its rate filings and such request is denied.

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

[F.R. Doc. 68-5376; Filed, May 6, 1968; 8:45 a.m.]

[Docket No. RI68-589]

H. L. HUNT ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

APRIL 25, 1968.

On March 27, 1968, H. L. Hunt et al. (Hunt),¹ tendered for filing a proposed change in their presently effective rate

¹ Address is: 1401 Elm Street, Dallas, Tex. 75202, Attention: Donald K. Young, Esquire.

schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following designated filing:

Description: Notice of change, dated March 26, 1968.

Purchaser and producing area: El Paso Natural Gas Co. (Pecos Valley Field, Pecos County, Texas) (RR. District No. 8) (Permian Basin Area).

Rate schedule designation: Supplement No. 5 to Hunt's FPC Gas rate schedule No. 21.

Effective date: April 27, 1968.²

Amount of annual decrease: \$760.

Effective rate: 16.72275 cents per Mcf.^{3,4}

Proposed rate: 16.2160 cents per Mcf.^{5,6}

Pressure base: 14.65 p.s.i.g.

Hunt request that their proposed rate increase be permitted to become effective on February 1, 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 Hunt's rate filing and such request is denied.

Hunt has filed a proposed decrease in rate from 16.72275 cents (16.5 cents plus tax reimbursement) to 16.2160 cents (16 cents plus tax reimbursement). The decrease amounts to \$760 annually and is for a sale of old gas-well gas in the Permian Basin Area of Texas. The filing is based on a contract provision which provides for a 0.5 cent per Mcf deduction

² The stated effective date is the 1st day after expiration of the statutory notice.

³ Rate of 16.5 cents per Mcf plus tax reimbursement.

⁴ Rate in effect subject to refund in Docket No. RI65-80.

⁵ Rate of 16 cents per Mcf plus tax reimbursement.

⁶ Contractually provided decrease due to gas producing pressures falling below 650 p.s.i.g., thereby necessitating compression of the gas by the buyer.

¹⁰ Initial contract rate.

¹¹ Settlement rate approved by order issued Aug. 23, 1963, in Docket Nos. G-13221 et al. Moratorium on increased rate filings expired Apr. 1, 1968.

¹² Inclusive of tax reimbursement.

¹³ "Fractured" rate increase. Contractually due 27.55 cents per Mcf (25.5 cents base plus 2.05 cents tax reimbursement).

¹⁴ Settlement rate approved by order issued Oct. 29, 1963, in Docket Nos. G-13221 et al. Moratorium on increased rate filings expired Apr. 1, 1968.

¹⁵ "Fractured" rate increase. Contractually due 24.5 cents per Mcf (22.75 cents base plus 1.75 cents tax reimbursement).

¹⁶ "Fractured" rate increase. Contractually due 24.833 cents per Mcf (23.333 cents base plus 1.5 cents tax reimbursement).

¹⁷ "Fractured" rate increase. Contractually due 24 cents per Mcf (22.5 cents base plus 1.5 cents tax reimbursement).

¹⁸ "Fractured" rate increase. Contractually due 23.8 cents per Mcf plus applicable tax reimbursement.

¹⁹ Settlement rate approved by Order issued Aug. 7, 1963, in Docket Nos. G-13221 et al. Moratorium on increased rate filings expired on Apr. 1, 1968.

²⁰ "Fractured" rate increase. Contractually due 23.5 cents per Mcf plus applicable tax reimbursement.

by the buyer, should the producing pressure fall below 650 p.s.i.g., thereby necessitating compression of the gas by the buyer, El Paso Natural Gas Co. The current rate of 16.72275 cents per Mcf is effective subject to refund as of January 1, 1965, in Docket No. RI65-80, which is consolidated in the Order to Show Cause⁷ issued concurrently with Opinion No. 468.

Although the subject rate change filing was submitted in the form of a rate decrease, the presently effective rate of 16.72275 cents per Mcf will be subject to reduction to the applicable area ceiling rate of 14.24 cents,⁷ upon court approval of Opinion No. 468. Thus, in effect, if Opinion No. 468 is upheld, the proposed rate of 16.2160 cents will represent an increase from the applicable area ceiling rate to an above ceiling rate.

Hunt's proposed rate exceeds the applicable area ceiling rate established in the related quality statement previously accepted by the Commission pursuant to Opinion No. 468, as amended, and should be suspended for 5 months from April 27, 1968, the expiration date of the statutory notice.

The proposed changed rate and charge 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 change, and that Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 21 be suspended and the use thereof deferred as herein-after ordered.

⁷ Rate established by previously accepted rate schedule quality statement.

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 change contained in Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 21.

(B) Pending such hearing and decision thereon, Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 21 is hereby suspended and the use thereof deferred until September 27, 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 June 12, 1968.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-5397; Filed, May 6, 1968;
8:45 a.m.]

[Docket No. E-7411]

PENNSYLVANIA POWER & LIGHT CO.

Notice of Application

APRIL 30, 1968.

Take notice that on April 22, 1968, Pennsylvania Power & Light Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act, authorizing the issuance of unsecured promissory notes in the aggregate principal amount not to exceed 25 percent of the company's revenues during the preceding 12 months of operations.

Applicant is incorporated under the laws of the State of Pennsylvania, with its principal business office at Allentown, Pa., and is engaged in the electric utility business in 29 counties in central eastern Pennsylvania with an estimated population of 2,330,000 persons.

The notes will be issued to both commercial banks and to commercial paper dealers, and each note will have a maturity date, at the date of issuance, of less than 12 months. Applicant contemplates the issuance of these notes without further application to this Commission, from time to time prior to December 31, 1970. On the basis of revenues of \$191 million for the 12 months ended December 31, 1967, the requested authorization would have permitted Applicant to have outstanding an

aggregate face amount of \$47.8 million in promissory notes.

The proceeds from the sale of promissory notes will be used, among other things, to purchase and carry fuel inventories, to provide for periodic large cash needs, such as tax and dividend payments, and to provide interim financing for the construction of additions to Applicant's generation, transmission, and distribution facilities. Applicant's construction program for the 5-year period, 1968-1972, is presently estimated at \$506 million of which \$96 million is scheduled for 1968, \$120 million for 1969, and \$118 million for 1970. Included in Applicant's 1968 construction program is the 765 MW Generating Unit at Brunner Island, \$3 million for Applicant's share of the Keystone Generating Station near Indiana, Pa., and \$5.7 million for Applicant's share of a steam electric generating station to be located near Johnstown, Pa.

Any person desiring to be heard or to make any protest with reference to said application should, on or before May 24, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules or practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-5398; Filed, May 6, 1968;
8:45 a.m.]

FEDERAL RESERVE SYSTEM

UNION BOND & MORTGAGE CO.

Notice of Applications for Approval of Acquisition of Shares of Banks

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Union Bond & Mortgage Co., which is a bank holding company located in Port Angeles, Wash., for the prior approval of the Board of the acquisition by Applicant of 190 shares of the capital stock of First American National Bank of Port Townsend, Port Townsend, Wash.; 274.5 shares of the capital stock of Forks State Bank, Forks, Wash.; and 1,388 shares of the capital stock of Bank of Sequim, Sequim, Wash.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly

or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration, the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Public access to the applications may be had at the office of the Board of Governors or the Federal Reserve Bank of San Francisco.

Dated at Washington, D.C., this 30th day of April 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-5400; Filed, May 6, 1968;
8:45 a.m.]

SECURITIES AND EXCHANGE
COMMISSION

[812-2198]

JAMAICA ALUMINA SECURITY CO.,
LTD.Notice of Filing of Application for
Order Exempting Company From
All Provisions of Act

MAY 1, 1968.

Notice is hereby given that Jamaica Alumina Security Co., Ltd. ("Applicant"), 100 West Tenth Street, Wilmington, Del. 19899, a Delaware corporation, has applied pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), for an order of the Commission exempting it from all provisions of the Act. In connection with its application, Applicant has requested, pursuant to section 45(a) of the Act, confidential treatment of certain exhibits to the application. All interested persons are referred to the application which is on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant was organized solely for the purpose of facilitating the long-term financing of an alumina plant and related facilities in Jamaica, West Indies. Said plant will be constructed, owned, and operated by Alumina Partners of Jamaica ("Partnership"), a partnership

organized under the Uniform Partnership Act of Delaware. The voting securities of Applicant are owned by wholly owned subsidiaries of The Anaconda Co. ("Anaconda"), Reynolds Metals Co. ("Reynolds"), and Kaiser Aluminum & Chemical Corp. ("Kaiser"), respectively as follows: Anaconda Jamaica, Inc., 36.84 percent; Reynolds Jamaica Alumina, Ltd., 36.84 percent; Kaiser Jamaica Corp., 26.32 percent. Each of said subsidiaries will have approximately the same percentage interest in the Partnership. In the event of changes in the partners' respective interests in the Partnership, the partners' interests in Applicant will be correspondingly adjusted.

Applicant proposes to purchase initially up to \$118 million in debt securities of the Partnership and proposes to issue and sell to five insurance companies \$118 million principal amount of secured notes, 6 1/2 percent Series A Due 1992 ("Series A Notes"). The purchasers of the Series A Notes will represent that they are purchasing such securities for investment and not with a view to resale or distribution. Such debt securities of the Partnership and of Applicant will be issued, respectively, under a deed of mortgage and trust and a collateral trust indenture which will permit under certain conditions the issuance of additional debt securities in connection with expansions of the plant.

The Partnership will mine bauxite in Jamaica from properties to be transferred to it by the partners, process such bauxite into alumina at the plant and deliver alumina in kind to the partners in proportion to their respective interests in the Partnership pursuant to an alumina production agreement under which the costs of production will be shared by the partners in the ratio of alumina taken. Each partner will enter into a long-term alumina sales agreement for the sale of its share of the plant's production to its parent corporation (or a wholly owned subsidiary thereof).

The Partnership's borrowings from Applicant will be evidenced by bonds issued under a deed of mortgage and trust and will be secured by a first mortgage and fixed and floating charges on assets of the Partnership and by certain rights under the alumina production agreement and alumina sales agreements. Applicant's borrowings, other than borrowings from Anaconda, Kaiser, Reynolds, or wholly owned subsidiaries thereof, will be evidenced by notes issued under a collateral trust indenture and will be secured by a pledge by Applicant of the Partnership's bonds and a pledge by the partners of the common stock of Applicant.

Anaconda, Kaiser, and Reynolds will be severally obligated indirectly to provide their proportionate shares of the funds necessary to pay the principal of, and premium, if any, and interest on, Applicant's Series A Notes, except in the event of an actual or constructive total destruction of the Partnership's plant covered by insurance satisfactory to the holders of Applicant's Series A Notes. Applicant's Series A Notes will be secured

by a pledge under the collateral trust indenture of the Partnership's bonds of like terms.

If amounts borrowed by Applicant are not immediately required by the Partnership for the construction of the plant, Applicant may invest them in government securities, commercial paper and certificates of deposit. Applicant will not deal or trade in securities. Applicant has no present intention of authorizing or issuing any additional securities (although as noted the collateral trust indenture will permit the issuance of additional debt securities in connection with the financing of expansions of the plant), or engaging in any other activities. Applicant will not issue any debt securities other than the Series A Notes unless one or more of Anaconda, Kaiser, and Reynolds will be obligated, directly or indirectly, to provide for their payment at least to the same extent as in the case of the Series A Notes. Subject to the pledge of Applicant's common stock as security for its notes, Applicant's equity securities will at all times be owned by Anaconda, Kaiser, and Reynolds or by their wholly owned subsidiaries. If Anaconda, Kaiser, Reynolds, or wholly owned subsidiaries thereof acquire debt securities of Applicant, they will not dispose of them except to such companies or wholly owned subsidiaries thereof or to Applicant.

Applicant may be considered to be an investment company as that term is defined in section 3 of the Act because of its acquisition and holding of the debt securities of the Partnership, which will constitute substantially all of Applicant's assets, and the beneficial ownership by publicly held companies (indirectly through one or more wholly owned subsidiaries) of more than 10 percent of Applicant's voting stock.

Section 6(c) of the Act provides that the Commission by order upon application may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant has requested pursuant to section 45(a) of the Act that the Commission grant confidential treatment to the alumina sales agreements, filed as exhibits to the application. Anaconda, Kaiser, and Reynolds each negotiated its respective alumina sales agreement separately with the proposed purchasers of the Series A Notes and their counsel. They believe that disclosure of these agreements to each other and to the public would be prejudicial. Applicant represents that the relevant effect of the agreements is described in the application and that disclosure of the actual text of the agreements is not necessary or appropriate in the public interest or for the protection of investors.

Notice is further given that any interested person may, not later than May 14, 1968, at 5:30 p.m., submit to the Commission in writing a request for a

hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-5403; Filed May 6, 1968;
8:45 a.m.]

[File No. 7-2911]

SCHLUMBERGER, N.V.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 1, 1968.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Schlumberger, N.V., File No. 7-2911.

Upon receipt of a request, on or before May 16, 1968, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said

application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-5404; Filed, May 6, 1968;
8:46 a.m.]

AMERICAN CHECKMASTER SYSTEM, INC.

Order Suspending Trading

MAY 1, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of American Checkmaster System, Inc., Houston, Tex., 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 May 2, 1968 through May 11, 1968, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-5402; Filed, May 6, 1968;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 2, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41315—*Iron or steel billets to points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-9078), for interested rail carriers. Rates on iron or steel billets, in carloads, from specified points in New York, Ohio, and Pennsylvania, to Beaumont, Houston, and Pierce Junction, Tex.

Grounds for relief—Water competition and market competition.

Tariff—Supplement 47 to Southwestern Freight Bureau, agent, tariff ICC 4753.

FSA No. 41316—*Iron and steel articles from New Castle, Ind.* Filed by Southwestern Freight Bureau, agent (No. B-9067), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from New Castle, Ind., to specified points in Louisiana and Texas.

Grounds for relief—Market competition.

Tariff—Supplement 46 to Southwestern Freight Bureau, agent, tariff ICC 4753.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-5438; Filed, May 6, 1968;
8:49 a.m.]

[Notice 600]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 1, 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 8948 (Sub-No. 79 TA), filed April 26, 1968. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Post Office Box 15274, Vernon Station. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplements*, in bulk, in tank vehicles, from Fresno and Tulare, Calif., to points in Arizona, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington, for 180 days. Supporting shipper: C. K. Cool, Traffic Manager, Albers Milling Division Carnation Co., 5045 Wilshire Boulevard, Los Angeles, Calif. 90036. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, Room 7708

Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 95084 (Sub-No. 68 TA) (Correction), filed April 15, 1968, published FEDERAL REGISTER, issue of April 25, 1968, and republished as corrected this issue. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery and agricultural implement parts and attachments, and farm machinery parts*, from Durham, Kans., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Vermont, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Note: The purpose of this republication is to correctly set forth the commodities proposed to be transported and also to include the correct origin and destination points proposed to be served. Supporting shipper: Donahue Manufacturing, Inc., Durham, Kans. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 112617 (Sub-No. 249 TA), filed April 26, 1968. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 40205. Applicant's representative: James S. Holloway (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Tilton, Ill., to points in Indiana, Kentucky, Michigan, Ohio, and Wisconsin, for 180 days. Supporting shipper: Wallace R. Reed, Transportation Analyst, Bulk Truck Section, Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 114284 (Sub-No. 38 TA), filed April 26, 1968. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, Post Office Box 82307, Stockyards Station, 1700 South Portland, Oklahoma City, Okla. 73108. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packing-houses*, as described in section A and C of appendix I Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), from the plantsite of the Missouri Beef Packers located at or near Friona, Tex., to points in Arizona,

California, Kansas, New Mexico, and Oklahoma, for 180 days. Supporting shipper: Missouri Beef Packers, Inc., William C. Andrews, Traffic Manager, Rockport, Mo. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 114897 (Sub-No. 77 TA) (Correction), filed April 3, 1968, published FEDERAL REGISTER, issue of April 17, 1968, and corrected this issue. Applicant: WHITFIELD TANK LINES, INC., 300-316 North Clark Road, Post Office Drawer 9897, El Paso, Tex. 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Monument, N. Mex., to points in Barton, Ellis, Logan, Thomas, Seward, Meade, Ford, Ellsworth, and Grant Counties Kans., and Cimarron, Texas, Beaver, and Harper Counties, Okla., for 180 days. NOTE: The purpose of this republication is to show that Texas is a county in Oklahoma. Applicant does not propose to serve any point in Texas. Supporting shippers: O. W. McKee, Office Manager, Climax Chemical Co., Monument, N. Mex. 88265; M. H. Price, Weskem Corp., 601 South Locust Street, Borger, Tex. 79007. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 123067 (Sub-No. 65 TA), filed April 26, 1968. Applicant: M & M TANK LINES, INC., Post Office Box 4174 North Station, Winston-Salem, N.C. 27105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt*, dry, in bulk, in tank, hopper, or dump vehicles, restricted to shipments having had a prior movement by rail, from Mount Olive, N.C., to points in North Carolina, for 180 days. Supporting Shipper: International Salt Co., Southern Traffic Office, Whitney Bank Building, New Orleans, La. 70130. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 417, BSR Building, 316 East Morehead Street, Charlotte, N.C. 28202.

No. MC 124324 (Sub-No. 11 TA) (Correction), filed April 16, 1968, published FEDERAL REGISTER, issue of April 25, 1968, and republished as corrected this issue. Applicant: MURPHY TRUCKING CO., INC., Denver, Ind. 46926. Applicant's representative: Alki E. Scopelitis, Suite 511, Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, (1) from Joliet, Ill., to points in Indiana and Ohio; (2) from Plymouth, Ill., to points in the Lower Peninsula of Michigan, for 180 days. NOTE: The purpose of this republication is to add an additional shipper, inadvertently omitted from previous publication. Supporting shippers: Agri-

cultural Division Olin, Post Office Box 991, Little Rock, Ark.; and International Minerals and Chemical Corp., Plymouth, Ind. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 129792 (Sub-No. 1 TA), filed April 26, 1968. Applicant: MIDWEST INSTALLATION CO., INC., 11632 Fairgrove Industrial Boulevard, Maryland Heights, Mo. 63042. Applicant's representative: Sam L. Brooks (same address as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Household appliances and installation thereof*, from St. Louis and points in St. Louis County, Mo., to points in Illinois, beginning on the north at intersection of Illinois Highways 16 and 100 and continue south along Illinois Highway 100 to a point where the Mississippi and Illinois Rivers intersect, thence south along the Mississippi River to Illinois Highway 156, east along Illinois Highway 156 to the Kaskasia River, northeast along the Kaskasia River to Illinois Highway 4 to the intersection with Illinois Highway 16, west along Illinois Highway 16 to intersection with Illinois Highway 100, for 180 days. Supporting shippers: General Electric Co., 1355 Warson Road North, St. Louis, Mo. 63132; Biederman National Stores, Inc., 801 Franklin Avenue, Post Office Box 14110, St. Louis, Mo. 63178. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 324-B, 1520 Market Street, St. Louis, Mo. 63103.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-5439; Filed, May 6, 1968;
8:49 a.m.]

[Notice 601]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 1, 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 31879 (Sub-No. 27 TA), filed April 30, 1968. Applicant: EXHIBITORS FILM DELIVERY & SERVICE CO., INC., 101 West 10th Avenue, North Kansas City, Mo. 64116. Applicant's representative: Earl E. Jameson, Jr. (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, household goods, as defined in 17 M.C.C. 467, commodities in bulk, and livestock, restricted so that no service shall be rendered in the transportation of any parcels, packages, or articles weighing in the aggregate more than 100 pounds from one consignor at any one location to one consignee at any one location on any one day, between Denver, Colo., on the one hand, and, on the other, points in Kansas, for 180 days. NOTE: Applicant intends to tack the authority applied for to other authority held by it, and to interline with other carriers. Supporting shippers: There are approximately (99) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 110525 (Sub-No. 864 TA), filed April 30, 1968. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Hydrazine*, in bulk, in tank vehicles, from Lake Charles, La., to Marinette, Wis., for 150 days. Supporting shipper: Olin Mathieson Chemical Corp., 745 Fifth Avenue, New York, N.Y. 10022. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 111812 (Sub-No. 363 TA), filed April 29, 1968. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Joseph W. Harvey (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen pizzas*, from Black River Falls, Wis., to points in Oregon and Washington, for 150 days. Supporting shipper: Black River Dairy Products, Inc., 2543 Clairemont Parkway, Box 883, Eau Claire, Wis. 54701, Attention: Byron J. Kahl, Plant Manager. Send protests to: J. L. Hammond, District Supervisor,

Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 111941 (Sub-No. 13 TA), filed April 30, 1968. Applicant: **PIERCETON TRUCKING COMPANY, INC.**, Post Office Box 97, Laketon, Ind. 46943. Applicant's representative: Alki E. Scopelitis, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated steel, and materials, equipment and supplies*, used in the installation and erection of prefabricated steel when moving at the same time and in the same vehicle with prefabricated steel, from Muncie, Ind., to points in Michigan, Ohio, and Kentucky, for 180 days. Supporting shipper: Indiana Bridge Co., Inc., 1810 South Macedonia, Muncie, Ind. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 119839 (Sub-No. 3 TA), filed April 23, 1968. Applicant: **DARRELL M. BAKER AND LEE SHELL**, a partnership doing business as **SHELL FEED & SUPPLY CO.**, Lutesville, Mo. 63762. Applicant's representative: Joseph R. Nacy, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from plantsites of Mitchell Pallet & Lumber Co., at or near Lutesville, Mo., to points in the Chicago, Ill., commercial zone, as defined by the Commission, for 180 days. Supporting shipper: Mitchell Pallet & Lumber Co., Post Office Box 21, Marble Hill, Mo. 63764 (Charles T. Mitchell). Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 119907 (Sub-No. 3 TA), filed April 29, 1968. Applicant: **PRUITT MOVING AND STORAGE COMPANY**, 800 West Hardin Street, Findlay, Ohio 45840. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Photo-film and photo-print*; (2) *materials and supplies* used in the packing or identification of commodities named in (1) above between Findlay, Ohio, and Adrian, Monroe, Jackson, Lansing, and Mason, Mich., for 180 days. Supporting shipper: Eastman Kodak Co., Rochester, N.Y. 14650. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 123544 (Sub-No. 4 TA), filed April 26, 1968. Applicant: **BERTSCH TRUCKING, INC.**, Box 15, Hillsboro, N. Dak. 58045. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and implements, and parts therefor*,

from points of entry on the international boundary of the United States and Canada at Neche and Pembina, N. Dak., and Noyes, Minn., to points in Arkansas, Illinois, Indiana, Iowa, Louisiana, Missouri, Ohio, Texas, and Wisconsin, for 150 days. Supporting shipper: Versatile Manufacturing, Ltd., 1260 Clarence Avenue, Winnipeg 19, Manitoba, Canada. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 124078 (Sub-No. 324 TA), filed April 29, 1968. Applicant: **SCHWERMANN TRUCKING CO.**, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, from Piqua, Ohio, to points in Indiana, for 150 days. Supporting shipper: F. S. Royster Guano Co., Norfolk, Va. (Henry C. Adams, Jr., Assistant General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 129520 (Sub-No. 7 TA), filed April 29, 1968. Applicant: **D & E ENTERPRISES, INC.**, 90 South Dearborn, Seattle, Wash. 98134. Applicant's representative: Ed Dietsch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and fixtures, and aircraft, airplane and aerospace tools, dies, patterns, components, and parts* (uncrated and in pads), between points in Oregon, Washington, and California, for 180 days. Supporting shippers: Apple Furniture Manufacturing Co., 455 North 34th Street, Seattle, Wash. 98103; The Bon Marche, Seattle, Wash. Attention: Robert G. Gleason, Traffic Manager (98101); Abbey Rents, 4111 Aurora Avenue North, Seattle, Wash. 98103; Heath Plastics Division of Heath Tecna Corp., 19819, 84th Avenue South, Kent, Wash. 98031. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 129818 (Sub-No. 2 TA), filed April 29, 1968. Applicant: **SIMPSON TRUCK LINE, INC.**, 1433 Elm, Rochester, Ind. 46975. Applicant's representative: Alki E. Scopelitis, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients, animal health aids, and sanitation products*, from Cedar Rapids, Iowa, to points in Michigan, Indiana, Illinois, Ohio, Pennsylvania, Maryland, Georgia, Virginia, and West Virginia, for 180 days. Supporting shipper: Vigortone Products, Inc., 931 Blairs Ferry, Cedar Rapids, Iowa. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 129863, filed April 29, 1968. Applicant: **FREDERICK L. BULTMAN, INC.**, 3140 West Fond du Lac Avenue, Milwaukee, Wis. 53210. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lithographed check forms and related raw materials*, between the plantsites at Columbian Industries, Inc., at Milwaukee, Wis., and Elmhurst, Ill., for the account of Columbian Industries, Inc., for 180 days. Supporting shipper: Columbian Industries, Inc., 2300 West Cornell Street, Milwaukee, Wis. 53209 (H. Coleman Norris, Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

By the Commission:

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-5440; Filed, May 6, 1968; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular; Public Debt Series—
No. 4-68]

6 PERCENT TREASURY NOTES OF SERIES C-1969

Offering of Notes

MAY 2, 1968.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers \$3 billion, or thereabouts, of notes of the United States, designated 6 percent Treasury Notes of Series C-1969, at par and accrued interest. The following securities, maturing May 15, 1968, will be accepted at par in payment, in whole or in part, to the extent subscriptions are allotted by the Treasury:

4½ percent Treasury Notes of Series B-1968;
or
3½ percent Treasury Bonds of 1968.

The books will be open only on May 8, 1968, for the receipt of subscriptions.

II. *Description of notes.* 1. The notes will be dated May 15, 1968, and will bear interest from that date at the rate of 6 percent per annum, payable on a semi-annual basis on August 15, 1968, and February 15, and August 15, 1969. They will mature August 15, 1969, and will not be subject to call for redemptions prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the

United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, \$1,000,000, \$100,000,000 and \$500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing U.S. notes.

III. Subscription and allotment. 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital (not including capital notes or debentures), surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from banking institutions for their own account, federally insured savings and loan associations, States, political subdivisions, or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Federal Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by payment (in cash or in securities of the issues enumerated in paragraph 1 of section I hereof, which will be accepted at par) of 10 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Registered securities submitted as deposits should be assigned as provided in section V hereof. Following allotment, any portion of the 10 percent payment in excess of 10 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after midnight May 8, 1968.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers when he deems it to be in the public interest; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. Payment. 1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before May 15, 1968, or on later allotment. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with application up to 10 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any notes allotted hereunder in cash or in securities of the issues enumerated in paragraph 1 of section I hereof, which will be accepted at par. Any qualified depository will be permitted to make payment by credit in its Treasury Tax and Loan Account for notes allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District. When payment is made with securities in bearer form, coupons dated May 15, 1968, should be detached and cashed when due. When payment is made with registered securities, the final interest due on May 15, 1968, will be paid by issue of interest checks in regular course to holders of record on April 15, 1968, the date the transfer books closed.

V. Assignment of registered securities. 1. Treasury securities in registered form tendered as deposits and in payment for notes allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department, in one of the forms hereafter set forth. Securities tendered in payment should be surrendered to a Federal Re-

serve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing securities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for 6 percent Treasury Notes of Series C-1969"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 6 percent Treasury Notes of Series C-1969 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 6 percent Treasury Notes of Series C-1969 in coupon form to be delivered to _____".

VI. General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL]

HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 68-5491; Filed, May 6, 1968;
8:50 a.m.]

[Dept. Circular; Public Debt Series—
No. 5-68]

6 PERCENT TREASURY NOTES OF SERIES B-1975

Offering of Notes

MAY 2, 1968.

I. Offering of notes. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 6 percent Treasury Notes of Series B-1975, at par, in exchange for the following securities maturing May 15, 1968:

4½ percent Treasury Notes of Series B-1968;
or
3½ percent Treasury Bonds of 1968, in
amounts of
\$1,000 or multiples thereof.

The amount of this offering will be limited to the amount of eligible securities tendered in exchange. The books will be open only on May 6 through May 8, 1968, for the receipt of subscriptions.

II. Description of notes. 1. The notes will be dated May 15, 1968, and will bear interest from that date at the rate of 6 percent per annum, payable semiannually on November 15, 1968, and there-

after on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1975, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, \$1,000,000, \$100,000,000 and \$500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before May 15, 1968, or on later allotment, and may be made only in a like face amount of securities of the issues enumerated in Paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents sub-

mitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made with securities in bearer form, coupons dated May 15, 1968, should be detached and cashed when due. When payment is made with registered securities, the final interest due on May 15, 1968, will be paid by issue of interest checks in regular course to holders of record on April 15, 1968, the date the transfer books closed.

V. *Assignment of registered securities.*

1. Treasury securities in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing securities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 6 percent Treasury Notes of Series B-1975"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 6 percent Treasury Notes of Series B-1975 in the name of _____";

if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 6 percent Treasury Notes of Series B-1975 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL]

HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 68-5492; Filed, May 6, 1968;
8:50 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRO- DUCED OR MANUFACTURED IN MEXICO

Entry and Withdrawal From Ware- house for Consumption

MAY 3, 1968.

On March 19, 1968, there was published in the FEDERAL REGISTER (33 F.R. 4711) a letter of March 15, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that as soon as possible after March 14, 1968, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 28 through 64, produced or manufactured in Mexico and exported to the United States during the period beginning May 1, 1967, and extending through April 30, 1968, be prohibited because shipments in these categories had exceeded the Group level provided for in the bilateral cotton textile agreement of June 2, 1967.

In order to provide the U.S. Government with the information needed for consultation with the Government of Mexico, all interested parties are requested to report, as soon as possible and not later than May 20, 1968, to Mr. Stanley Nehmer, Chairman, Interagency Textile Administrative Committee, Room 5036, U.S. Department of Commerce, Washington, D.C. 20230, any cotton textile products in Categories 28 through 64 produced or manufactured in Mexico, including goods assembled in Mexico of United States or other fabric, and exported from Mexico on or after May 1, 1967, which have cleared Mexican customs and are in the United States held either in a bonded warehouse, a general order warehouse, or a foreign trade zone, on the date of publication of this notice. Reports should include the following information:

Complete description of the goods, category or categories under which classified, quantities involved, location of the goods, bond number, and general order lot number or foreign trade zone number and lot number assigned.

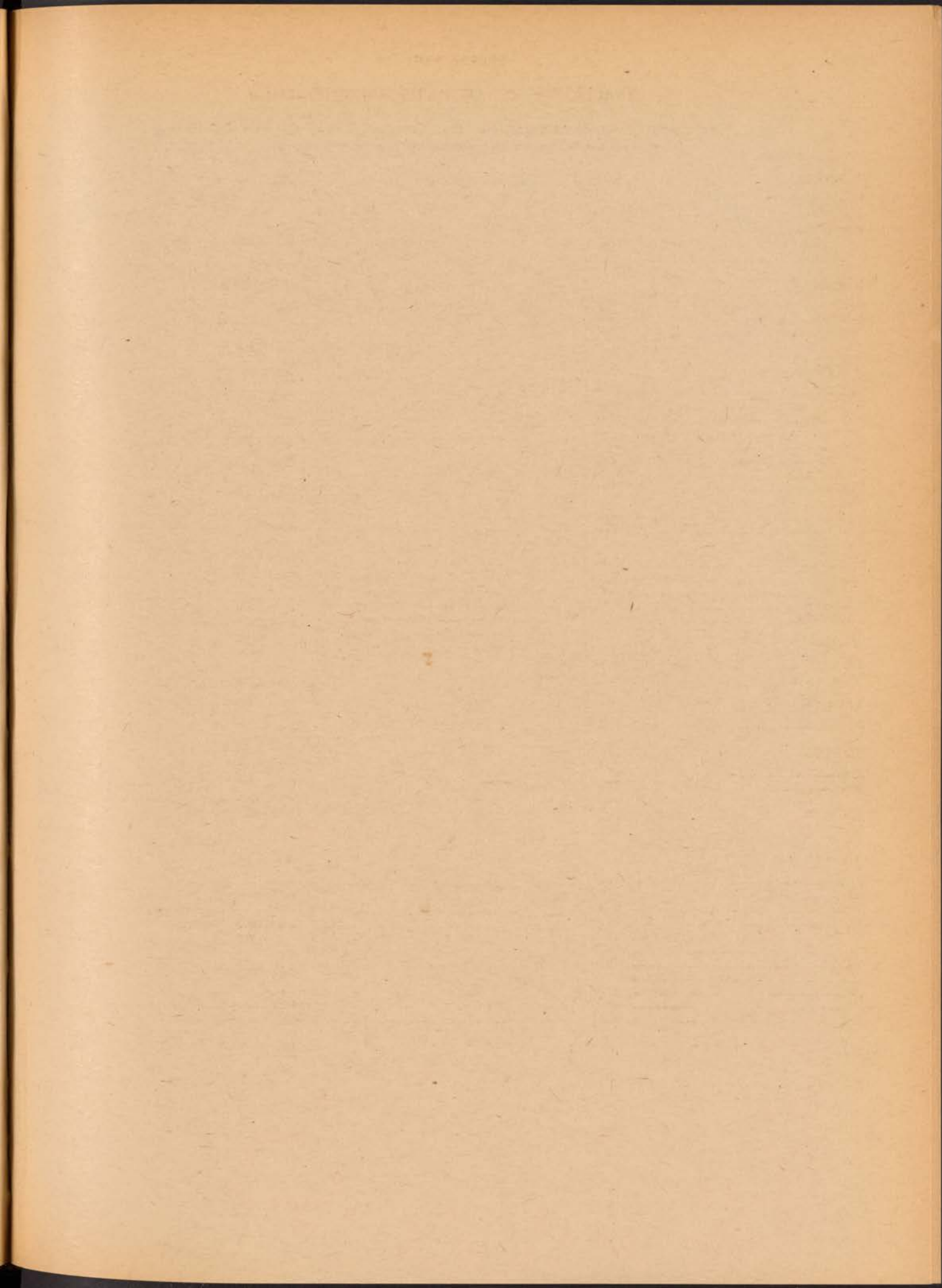
STANLEY NEHMER,
Chairman, Interagency Textile
Administrative Committee,
and Deputy Assistant Sec-
retary for Resources.

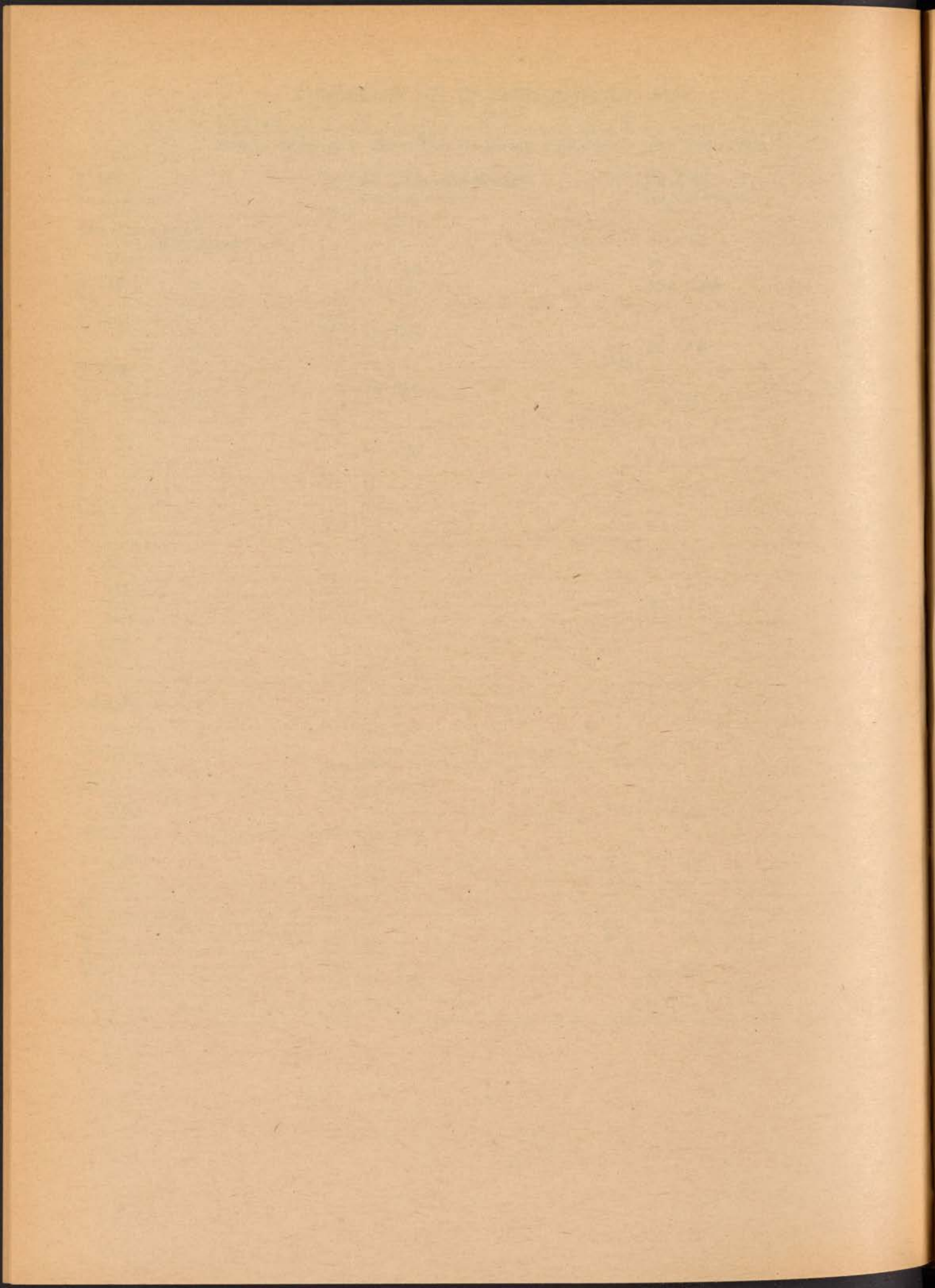
[F.R. Doc. 68-5490; Filed, May 6, 1968;
8:50 a.m.]

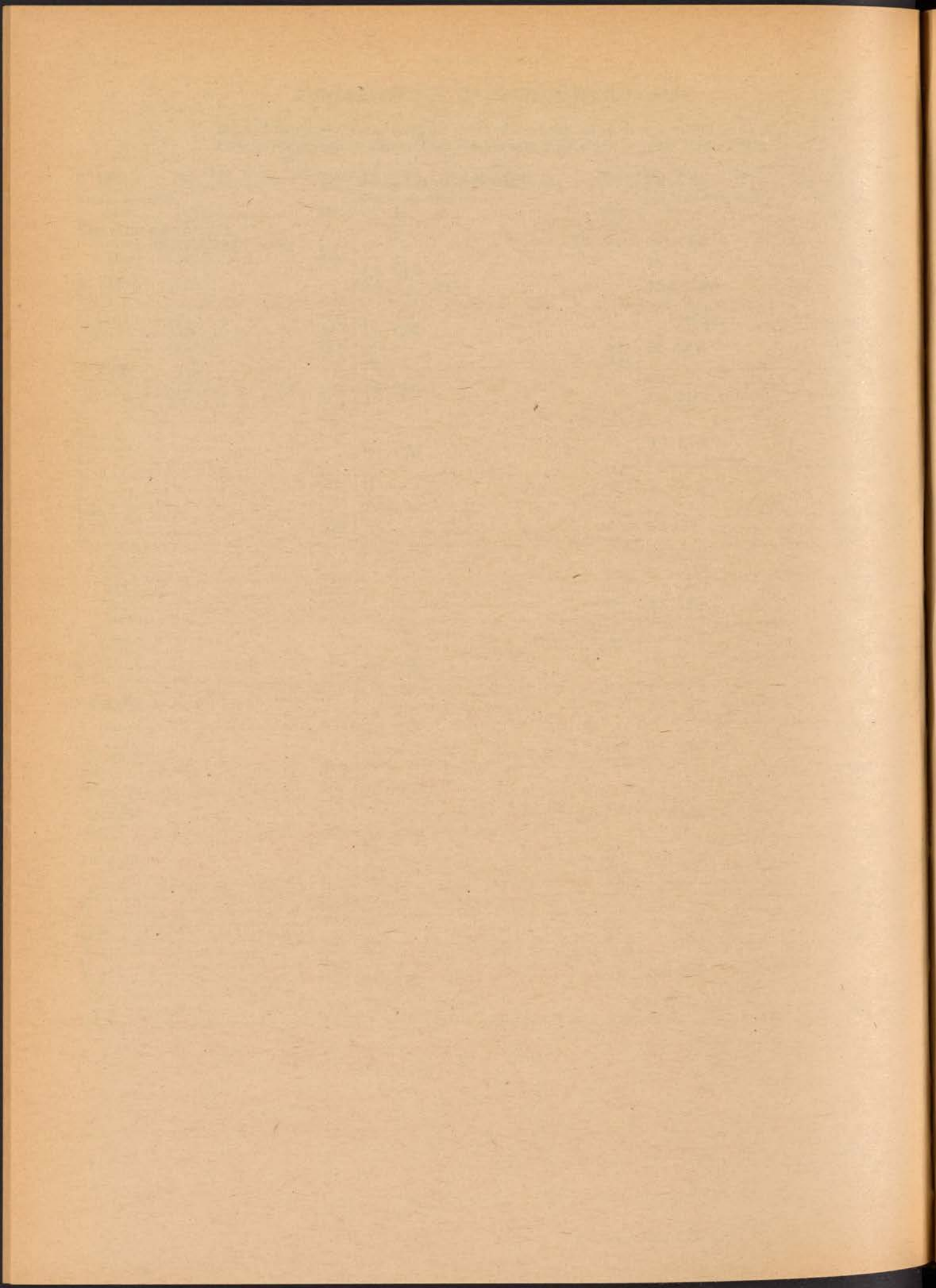
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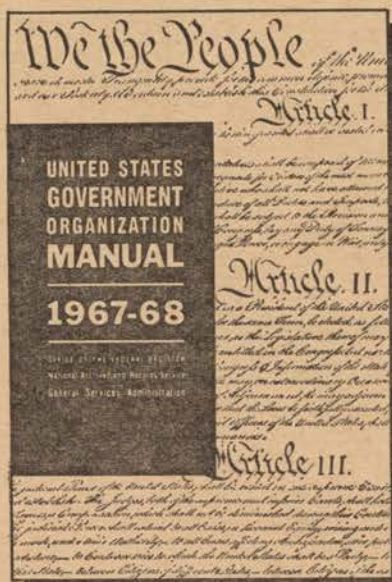






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