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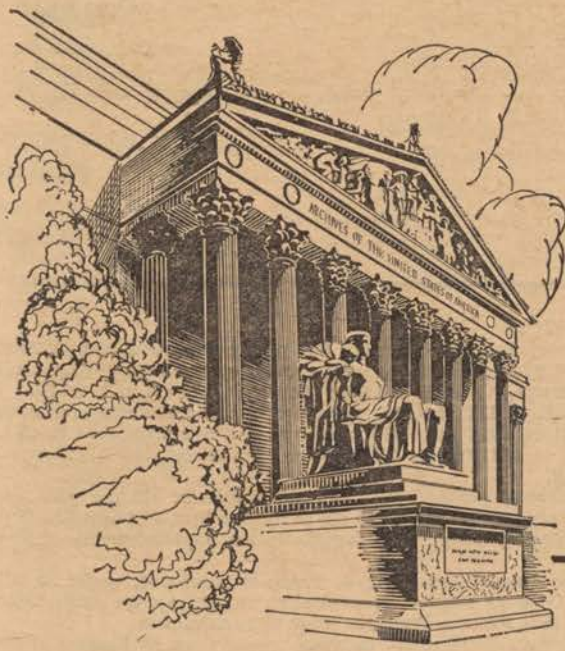

FEDERAL REGISTER

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

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Title 3—THE PRESIDENT

Proclamation 3849

CHARLOTTE, NORTH CAROLINA, DAY

By the President of the United States of America

A Proclamation

This year will mark the 200th anniversary of the establishment of the City of Charlotte, in Mecklenburg County, North Carolina.

As one of the original thirteen colonies, North Carolina—and particularly the people of Mecklenburg County—played an important role in our early struggle for freedom.

The historical background and dynamic growth of Charlotte are typical of our Nation. It is fitting, therefore, that recognition be given to the bicentennial anniversary of Charlotte—the Queen City. To this end, the Congress, by a joint resolution of May 13, 1968, has designated May 20, 1968, as Charlotte, North Carolina, Day, and has requested the President to issue a proclamation calling for the appropriate observance of that day.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby invite the people of the United States to observe Charlotte, North Carolina, Day, May 20, 1968, with appropriate ceremonies and activities.

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

[F.R. Doc. 68-5942; Filed, May 15, 1968; 10:24 a.m.]

Proclamation 3850

PRAYER FOR PEACE, MEMORIAL DAY, 1968

By the President of the United States of America

A Proclamation

On Memorial Day, we remember our debt to those who have died so that we might live in freedom.

We remember also those Americans who today, at home and in the lands of our allies, stand guard against all who threaten our freedom.

On this Memorial Day, we who remain free by the sacrifice of the dead and the service of the living will requite our debt to both with thoughts and acts of gratitude and love.

And we will gain renewed inspiration from their sacrifice—to push forward with the task of trying to bring about a just and enduring peace by every reasonable means.

The Congress, by joint resolution of May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period during such day when the people of the United States might unite in such supplication.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Memorial Day, Thursday, May 30, 1968, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at eleven o'clock in the morning of that day as a time to unite in such prayer.

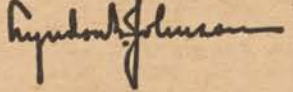
I urge the press, radio, television, and all other information media to cooperate in this observance.

And I urge all Americans, wherever they may be on this designated day, to join their prayers to the Almighty to bestow upon this Nation the blessing of peace restored and lasting among all the nations of the world.

On this Memorial Day—as a special mark of respect to the memory of the gallant Americans who have sacrificed their lives in Vietnam, so that this Nation might live to be for all people everywhere a symbol of peace and justice and freedom—I direct that the flag of the United States be flown at half-staff during the entire day, instead of during the customary forenoon period, on all buildings, grounds, and naval vessels of the Federal Government throughout the United States and all areas under its jurisdiction and control.

I also request the Governors of the States and of the Commonwealth of Puerto Rico and the appropriate officials of all local units of government to direct that the flag be flown at half-staff on all public buildings during that entire day, and request the people of the United States to display the flag at half-staff from their homes for the same period.

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



[F.R. Doc. 68-5943; Filed, May 15, 1968; 10:24 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 353—RESTORATION AFTER MILITARY DUTY

Appeals

Sections 353.702, 353.703, and 353.704 are amended to delete obsolete references to the Chief of the Veterans Service Staff and substitute references to the appropriate office of the Civil Service Commission. Part 353 is amended as set out below.

§ 353.702 Where initial appeals are filed.

Initial appeals under this subpart are to be filed with the appropriate office of the Commission, as prescribed in the Federal Personnel Manual.

§ 353.703 Finality of initial appeal decision.

Unless further appeal is filed in accordance with this subpart, the decision rendered by the Commission office handling the initial appeal is final.

§ 353.704 Further appeals to the Commission.

An appeal decision rendered by a Commission office designated to handle initial appeals may be appealed to the Board of Appeals and Review, U.S. Civil Service Commission, Washington, D.C. 20415, within 15 calendar days after receipt of the decision on the initial appeal. The further appeal shall be in writing and shall contain the reasons for disagreeing with the initial decision.

(Sec. 9, 62 Stat. 614, as amended; 50 U.S.C. App. 459)

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

[F.R. Doc. 68-5878; Filed, May 15, 1968; 8:50 a.m.]

Title 7—AGRICULTURE

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

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

U.S. Standards for Milled Rice

Correction

In F.R. Doc. 68-5549 appearing at page 6971 in the issue of Thursday, May 9, 1968, the following changes should be made:

1. In the first line of footnote 1 to the table in § 68.328, delete the word "extra".

2. In the first line of the "Color and milling requirements" column of the table in § 68.330, delete the word "extra".

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

[Valencia Orange Reg. 239]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.539 Valencia Orange Regulation 239.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 14, 1968.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 17, 1968, through May 23, 1968, are hereby fixed as follows:

(i) District 1: 278,138 cartons;

(ii) District 2: 283,309 cartons;

(iii) District 3: 225,000 cartons.

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

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

Dated: May 15, 1968.

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

[F.R. Doc. 68-5948; Filed, May 15, 1968; 11:22 a.m.]

PART 991—HOPS OF DOMESTIC PRODUCTION

Order Amending Order Regulating Handling

§ 991.0 Findings and determinations.

(a) *Previous 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 said previous findings and determinations are hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 31 F.R. 9713.)

(b) *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 in Portland, Oreg., on February 1, 1968, on a proposed amendment of the tentative marketing agreement, and Order No. 991, (7

CFR Part 991), regulating the handling of hops of domestic production. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all 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 hops of domestic production in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a marketing agreement and order upon which hearings have been held;

(3) The said order as hereby amended, is limited in its 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 not effectively carry out the declared policy of the act;

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

(5) All handling of hops produced in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the volume of hops, which is produced within the production area specified in a proposed marketing agreement, refused or failed to sign said marketing agreement; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

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

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers of hops who participated in a referendum held April 20–29, 1968, on the question of its approval and who, during the determined representative period (Aug. 1, 1967, through Mar. 31, 1968), have been engaged within the production area specified in the order as hereby amended in the production of hops for market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of hops produced 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. Section 991.33 is deleted.

2. Section 991.37(b) is revised to read as follows:

(b) *Limitations on allotment percentage.* The allotment percentage applicable to the 1966 and 1967 crops shall be not less than 93 percent each. The allotment percentage applicable to the 1968 crop shall be not less than 85 percent. No allotment percentage applicable to the 1969 and subsequent crops shall be less than 75 percent.

3. In § 991.38(c) the colon in the first proviso is changed to a period, the second proviso is deleted, paragraphs (d) and (e) are relettered (e) and (f) respectively, and a new paragraph (d) is added and reads as follows:

(d) *Contract exemptions.* A handler may acquire through 1970 from a producer who, except for this part, is legally obligated to deliver to said handler at a specific price a specific quantity of hops, from specified acreage of his own production, pursuant to the terms of a written contract entered into prior to, and effective by February 8, 1966, and calling for delivery of hops produced prior to 1971, hops of the producer's own production to fulfill such contract terms, but the total so acquired by all handlers from the producer during any marketing year shall not exceed 100 percent of the producer's then effective allotment base. Similarly, a handler may acquire through 1970 from a producer who, except for this part, is legally obligated to deliver to said handler at a specific price a specific quantity of hops, from specified acreage of his own production, pursuant to the terms of a written contract entered into prior to, and effective by January 5, 1968, and calling for delivery of hops produced prior to 1971, hops of the producer's own production to fulfill such contract terms, but the total acquired by all handlers from the producer during any marketing year shall not exceed 85 percent of the producer's then effective allotment base. This exemption to 85 percent shall be applicable to both original allotment bases and acquisitions of bases under negotiation as of January 5, 1968, and completed by May 1, 1968. Producers not entitled to contract exemptions pursuant to this paragraph shall not be granted a contract exemption as a result of the sale or transfer of any portion of their allotment base.

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

Issued at Washington, D.C., this 13th day of May 1968, to become effective July 1, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 68–5859; Filed, May 15, 1968; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Cotton Loan Program Regs., Amdt. 9]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

EXTENSION OF 1967 COTTON LOAN AVAILABILITY DATE

In order to provide for extension of the 1967 loan availability date, paragraph (c) of § 1427.1354 of the Cotton Loan Program Regulations issued by Commodity Credit Corporation published in 30 F.R. 8096, 15795, 31 F.R. 4389, 9791, 32 F.R. 5671, 6967, 9302, 14548, and 19156, and containing terms and conditions with respect to the Cotton Loan Program is hereby amended to read as follows:

§ 1427.1354 Availability of loans.

* * * * *

(c) *Period of availability of loans.* Loans on a crop of cotton will be available from the beginning of harvest of the crop through April 30 following the calendar year in which such crop is grown, except that loans on the 1967 crop of cotton will be available through May 31, 1968. Notes for loans must be signed by the producer and mailed or delivered to the county office that is to disburse the loans within 15 days after the producer signs the notes and within this period of loan availability. Whenever the final date of availability falls on a nonworkday for county offices, the applicable final date of availability shall be extended to include the next workday.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421)

Effective date. This amendment shall become effective upon filing with the Office of the Federal Register for publication.

Signed at Washington, D.C., on May 9, 1968.

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

[F.R. Doc. 68–5842; Filed, May 15, 1968; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. G]

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

Lender Acting as Agent

1. Effective immediately § 207.4(f) is revoked and (g) is redesignated as (f) to read as follows:

§ 207.4 **Miscellaneous provisions.**

* * * * *

(f) *Arranging for credit.* A lender may arrange for the extension or maintenance of credit by any person upon the same terms and conditions as those upon which the lender, under the provisions of this part, may himself extend or maintain such credit, but only upon such terms and conditions, except that this limitation shall not apply with respect to the arranging by a lender for a bank subject to Part 221 of this chapter (Regulation U) to extend or maintain credit on registered securities or exempted securities.

2a. The purpose of this amendment is to delete a provision relating to a lender acting as agent. (The effective date of such provision, which had been designated as § 207.4(f), was earlier deferred until May 17, 1968 (33 F.R. 5943).) It is deleted because of the possibility that it might give rise to disproportionate operational problems, particularly with respect to transactions involving foreign principals.

b. The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with this amendment. The effect of the amendment is to relieve a restriction. In the circumstances, the Board found that following such procedures would result in delay that would be contrary to the public interest and serve no useful purpose.

Dated at Washington, D.C., the 7th day of May 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-5809; Filed, May 15, 1968; 8:45 a.m.]

[Reg. T]

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

Creditor Acting as Agent

1. Effective immediately, § 220.7(f) is revoked.

2a. The purpose of this amendment is to delete a provision relating to a creditor acting as agent. (The effective date of such provision was earlier deferred until May 17, 1968 (33 F.R. 5943).) It is deleted because of the possibility that it might give rise to disproportionate operational problems, particularly with respect to transactions involving foreign principals.

b. The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with this amendment. The effect of the amendment is to relieve a restriction. In the circumstances, the Board found that following such procedures would result in delay that would be contrary to the public interest and serve no useful purpose.

Dated at Washington, D.C., the 7th day of May 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-5811; Filed, May 15, 1968; 8:45 a.m.]

[Reg. U]

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

Bank Acting as Agent

1. Effective immediately, § 221.3(u) is revoked and (v) is redesignated as (u) to read as follows:

§ 221.3 **Miscellaneous provisions.**

* * * * *

(u) *Arranging for credit.* No bank shall arrange for the extension or maintenance of any credit for the purpose of purchasing or carrying any stock registered on a national securities exchange, except upon the same terms and conditions on which the bank itself could extend or maintain such credit under the provisions of this part.

2a. The purpose of this amendment is to delete a provision relating to a bank acting as agent. (The effective date of such provision, which had been designated as § 221.3(u), was earlier deferred until May 17, 1968 (33 F.R. 5943).) It is deleted because of the possibility that it might give rise to disproportionate operational problems, particularly with respect to transactions involving foreign principals.

b. The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with this amendment. The effect of the amendment is to relieve a restriction. In the circumstances, the Board found that following such procedures would result in delay and would be contrary to the public interest and serve no useful purpose.

Dated at Washington, D.C., the 7th day of May 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-5810; Filed, May 15, 1968; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-CE-7]

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

Alteration of Control Zone and Transition Area

On page 4201 of the FEDERAL REGISTER dated March 6, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Cape Girardeau, Mo.

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

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

These amendments shall be effective 0901 G.m.t., July 25, 1968.

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

Issued in Kansas City, Mo., on May 2, 1968.

EDWARD C. MARSH,
Director, Central Region.

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

CAPE GIRARDEAU, MO.

Within a 5-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.); within 2 miles each side of the Cape Girardeau VOR 036° radial extending from the 5-mile radius zone to 10½ miles northeast of the VOR; within 2 miles each side of the Cape Girardeau VOR 196° radial extending from the 5-mile radius zone to 8 miles south of the VOR; and within 2 miles each side of the Cape Girardeau VOR 279° radial, extending from the 5-mile radius zone to 8 miles west of the VOR.

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

CAPE GIRARDEAU, MO.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.); within 5 miles east and 8 miles west of the Cape Girardeau VOR 196° radial, extending from the 8-mile radius area to 12 miles south of the VOR; and within 5 miles north and 8 miles south of the Cape Girardeau VOR 279° radial, extending from the 8-mile radius area to 12 miles west of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8

miles southeast of the Cape Girardeau VOR 036° radial, extending from the VOR to 14 miles northeast of the VOR.

[F.R. Doc. 68-5829; Filed, May 15, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-12]

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

Alteration of Transition Area

On page 3571 of the FEDERAL REGISTER dated February 29, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Missoula, Mont.

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

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

This amendment shall be effective 0901 G.m.t., July 25, 1968.

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

Issued in Kansas City, Mo., on April 29, 1968.

EDWARD C. MARSH,
Director, Central Region.

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

MISSOULA, MONT.

That airspace extending upward from 700 feet above the surface within 5 miles northeast and 8 miles southwest of the Missoula VORTAC 122° and 302° radials, extending from 5 miles southeast to 19 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 9 miles northeast of the Missoula VORTAC 118° and 298° radials, extending from 7 miles southeast to 16 miles northwest of the VORTAC; within the arc of a 19-mile radius circle centered on the Missoula VORTAC, extending from the northeast edge of V-2 northwest of Missoula clockwise to the west edge of V-231 northwest of Missoula; and within 7 miles east and 8 miles west of the Missoula VORTAC 354° radial extending from the VORTAC to the south edge of V-120.

[F.R. Doc. 68-5830; Filed, May 15, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-13]

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

Alteration of Transition Area

On page 4202 of the FEDERAL REGISTER dated March 6, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Dodge City, Kans.

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

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

This amendment shall be effective 0901 G.m.t., July 25, 1968.

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

Issued in Kansas City, Mo., on May 2, 1968.

EDWARD C. MARSH,
Director, Central Region.

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

DODGE CITY, KANS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Dodge City Municipal Airport (latitude 37°45'45" N., longitude 99°58'00" W.); and that airspace extending upward from 1,200 feet above the surface within the arc of a 13-mile radius circle centered on the Dodge City VORTAC, extending from the south edge of V-10 west of Dodge City clockwise to the south edge of V-10 of Dodge City.

[F.R. Doc. 68-5831; Filed, May 15, 1968; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

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

Correction

In F.R. Doc. 68-5427 appearing at page 6865 in the issue of Tuesday, May 7, 1968, the figure in the penultimate line of § 27.120(a) should read "5.9" instead of "5.0".

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER A—POST OFFICE SERVICES, DOMESTIC

PART 155—CITY DELIVERY

Authorized Mail Receptacles Manufacturers

In § 155.6 make the following deletions and additions in paragraph (f)(1) to update the list of authorized mail receptacles manufacturers:

A. Delete the following manufacturers:

Kent Corp., Bellevue, Ky. 41071.
Leigh Products, Inc., Coopersville, Mich. 49404.
Progress Mfg. Co., Inc., C and Erie Avenues, Philadelphia, Pa. 19134.

B. Insert in proper alphabetical order the following list of authorized manufacturers:

L.A. Cal. Sheet Metal, Inc., Post Office Box 385, Pico River, Calif. 90660.
Wisor, Smith Metal Products Co., Inc., 35 York Street, Brooklyn, N.Y. 11201.

NOTE: The corresponding Postal Manual section is 155.66a.

As the foregoing amendments to Title 39, Code of Federal Regulations, do not affect substantive rights, public rule making procedures, advance notice or a delayed effective date are unnecessary.

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

TIMOTHY J. MAY,
General Counsel.

MAY 9, 1968.

[F.R. Doc. 68-5822; Filed, May 15, 1968; 8:46 a.m.]

PART 155—CITY DELIVERY

Apartment House Receptacles

A notice of proposed rule making concerning the above subject was published in the daily issue of Wednesday, March 6, 1968 (33 F.R. 4199-4200). The proposed revisions were as follows:

1. Addition to paragraph (a) of § 155.6 to prescribe conditions under which delivery employees can provide service where apartment buildings are equipped with locked street entrance doors.

2. Addition to paragraph (a) of § 155.6 to furnish information to firms interested in the manufacture of apartment mail receptacles.

3. Revision to paragraph (b)(3) of § 155.6 to require, effective July 1, 1968, five-pin tumbler cylinder locks on all newly installed or replaced individual box doors.

4. Addition to paragraph (b) of § 155.6 to require a flanged edge of at least one-fourth inch on the side of vertical-type doors; if extruded aluminum equivalent to a section modulus of a ¼-inch bar.

5. Revision to paragraph (b)(4) of § 155.6 to require that master doors stay in the open position while a carrier is depositing mail.

6. Revision to paragraph (b)(5) of § 155.6 to prohibit slots, glass or plastic inserts, and all decorative openings in doors.

7. Revision to subparagraph (1)(iii)(*b*) in paragraph (c) to limit to 10 the number of vertical-type boxes which may be installed under one arrow lock.

Interested persons were given 30 days in which to submit written data, views, and arguments concerning the proposals. After consideration of the comments received, the Department has decided to adopt the proposed amendments with the exception that paragraph (b)(3)(i) will not become effective until January 1, 1969 requiring five-pin tumbler locks on all newly installed or replaced individual box doors. Accordingly, the amendments to § 155.6 will read as follows, effective July 1, 1968, with the noted exception.

§ 155.6 Apartment house receptacles.

(a) *Conditions requiring installation of receptacles.* (1) The delivery of mail to individual boxes in apartment houses, family hotels, residential flats, and business flats in residential area, containing three or more apartments having a common street entrance or common street number, shall be contingent on the installation and maintenance of U.S. Post Office approved mail receptacles, one for each apartment, including resident manager and janitor, unless the management has arranged for the mail to be delivered at the office or desk for distribution by its employees. The cost of receptacles and their installation is paid for by the owner of the building.

(2) Owners and managers of apartment houses, family hotels, and flats, equipped with obsolete apartment house mail receptacles are urged to install up-to-date and approved receptacles to assure more adequate protection to the mail of occupants. When these buildings are remodeled to provide additional apartments or when a material change in the location of boxes is made, they shall be equipped with approved receptacles, with full-length doors on vertical-type installations, and a capacity as specified in paragraph (b)(2) of this section.

(3) Where apartment buildings are equipped with self-closing, automatically-locking street entrance doors, access for delivery employees must be provided by an attendant, an electromechanical door lock system, or a key retaining box within convenient reach of the door. Both devices must incorporate an Arrow lock; to activate the electromechanical door lock, or for safekeeping of the building entrance door key.

(4) When new apartments are being erected or existing ones are remodeled, postmasters will inform buildings and owners of the requirements of the regulations in this part and will provide for a suitable inspection to see that approved receptacles of safe and durable construction are installed in conformity with the regulations in this part.

(5) Individuals or firms interested in the manufacture of apartment house mailboxes must submit to the Bureau of Operations for approval the following:

(i) *Vertical style.* A three-gang unit complete with individual door locks and provision for an Arrow lock in the master door.

(ii) *Horizontal style.* A four-gang unit (two over two) with locks as above. If rear-loaded, a door or screen on back of boxes is not necessary.

(b) *Specifications for construction of receptacles*—(1) *Materials.* The receptacles, including master doors and frames, and individual box doors, shall be manufactured of material of such strength and thickness as to provide reasonable safety to the mail deposited.

(2) *Capacity.* Both horizontal- and vertical-type receptacles must be of sufficient capacity to receive long letter mail 4½ inches in width and certain large and bulky magazines, unrolled as well as rolled, and must be so constructed and of such height or length and capacity that magazines 14½ inches in length and 3½ inches in diameter, if rolled, may be deposited and removed with ease.

(3) *Individual doors and locks.* (i) Each individual receptacle must be equipped with a full-length door through which the mail may be removed by the tenant. Effective January 1, 1969, the doors of the several receptacles shall be secured by five-pin tumbler cylinder locks with a minimum of 250 key changes to prevent the opening of receptacles by the use of a key to any other receptacle in the same house or in the immediate locality. The locks must be securely fastened to the door. Each lock should be clearly numbered on the back so that if a key is lost, a duplicate may be ordered by number. The lock number should also be clearly shown on the inside of the master door directly above the individual box to which it is attached.

(ii) Individual box doors on the three edges opposite the hinge side must have a flanged edge of at least one-quarter inch on the side, slightly less on top and bottom to provide for a rounded corner and eliminate sharp edges. Extruded aluminum doors must provide strength and stiffness on the edge opposite the hinge side equivalent to a section modulus of a quarter-inch bar.

(iii) Apartment house managers must maintain a record of the number of keys supplied by manufacturers and jobbers, relating the key number to the receptacle number, so that, when necessary, new keys may be ordered. Key numbers shall not be placed on the barrels of the locks as this would make it possible for unauthorized persons to get keys and gain access to the boxes. Apartment house managers must keep a record of the combinations of keyless locks so that new tenants may be given the combination. These records of key numbers and combinations must be kept in the custody of the manager or a trusted employee. The record of key numbers must be kept until the lock has been changed, when it may be destroyed. The record of combinations to the keyless locks must be kept until the combination is changed, when it may be destroyed.

(iv) The dimensions of the clear opening of the door frame of each horizontal type receptacle must be identical to the cross-sectional measurements of the receptacle itself.

(4) *Master doors and locks.* (i) Each group of front-loading receptacles must be equipped with a master door which, when open, makes the entire group of boxes accessible for the deposit of mail by the carrier. The master door must remain in the open position while the carrier is depositing mail. The master door shall be machined to accommodate an inside Arrow lock furnished by the local postmaster for use so long as mail is delivered by letter carriers, and the key shall be in the custody of postal employees. Master doors for horizontal-type receptacles shall be hinged on the side only and shall be no wider than 30 inches.

(ii) The master lock will be attached to the group of receptacles by the postmaster's representative who will see that it is securely attached. The plate to which the master lock will be fastened should be riveted to the face of the box. A metal plate is not required between the Arrow lock and door of a horizontal-type installation with wood master doors.

(5) *Openings and glass front in doors.* Effective July 1, 1968, slots, glass or plastic inserts, and all decorative openings in individual doors are prohibited.

(6) *Backs of front-loading receptacles.* These units must have solid backs.

(7) *Numbers and name cards.* (i) Vertical-type receptacles must be satisfactorily numbered or lettered in numerical or alphabetical sequence from left to right; horizontal-type receptacles must be numbered or lettered in sequence from top to bottom, so as to enable the carrier to expeditiously deliver the mail.

(ii) Each receptacle must be equipped with a clasp or holder to accommodate a name card for identifying the patron or patrons using that box. Preferably, this holder or clasp should be on the frame above each receptacle, but it may be located inside at the rear of the box where the patron's name will be easily visible to the carrier when the master door is open. The holder must be large enough to take a name card at least ¾ x 2½ inches in vertical-type installations; and in horizontal-type installations, as large as space permits. In the latter case pressure sensitive labels may be used.

(c) *Installation*—(1) *Location and arrangement.* * * *

(iii) * * *

(b) No more than two tiers may be installed. The maximum number of boxes which may be installed under one Arrow lock is 10 (effective July 1, 1968); the minimum number is three.

* * * * *

NOTE: The corresponding Postal Manual sections are 155.61, 155.62, and 155.631a(2) respectively.

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

TIMOTHY J. MAY,
General Counsel.

MAY 10, 1968.

[F.R. Doc. 68-5823; Filed, May 15, 1968; 8:46 a.m.]

SUBCHAPTER N—PROCEDURES

PART 912—PROCEDURES TO ADJUDICATE CLAIMS FOR PERSONAL INJURY OR PROPERTY DAMAGE ARISING OUT OF THE OPERATION OF THE POSTAL SERVICE

Time Limit for Filing

Correction

In F.R. Doc. 68-5570 appearing at page 7036 in the issue of Friday, May 10, 1968, the reference to "(39 U.S.C. 2410 (b)" in the 5th line of § 912.2(b) should read "(28 U.S.C. 2401(b)".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16778; FCC 68-515]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Allocation of Presently Unassignable Spectrum by Adjustment of Certain of the Band Edges

Report and order. In the matter of amendment of Part 21 of the Commission's rules with respect to the 150.8–162 Mc/s band to allocate presently unassignable spectrum to the Domestic Public Land Mobile Radio Service by adjustment of certain of the band edges.

1. On August 16, 1967, the Commission released a memorandum opinion and notice of proposed rule making in the above-captioned proceeding (FCC 67–959, 9 FCC 2d 659) seeking comments on the proposed usage of heretofore unassignable spectrum in the 150.8–162 Mc/s band. Comments and reply comments (listed in Appendix A) [1a] were received, and the time for filing any additional pleadings has expired.[1b]

2. Briefly, and by way of background, the Commission on July 22, 1966, released a notice of inquiry in this proceeding (FCC 66–655, 31 F.R. 10135), proposing (a) the frequency pair 152.840/158.100 Mc/s for use by wire-line common carriers, and (b) the frequency pair 152.240/158.700 Mc/s for use by non-wire-line common carriers,[2] and sought comments as to whether the channels proposed for each of the carriers be assigned for two-way voice communications or for one-way signaling communications in the Domestic Public Land Mobile Radio Service (DPLMRS). In their respective comments, the majority of the wire-line common carriers urged one-way service for optimum utilization of their proposed frequencies [3] while the non-wire-line carriers (or MCCs) [4] generally favored two-way land mobile service with one-way signaling as a secondary service. In their reply pleadings, however, the non-wire-line common carriers opposed the frequency allocations to the wire-line common carriers for exclusive use for one-way signaling alleging essentially the 150 Mc/s band was not shown to be more advantageous for one-way signaling than the 35/43 Mc/s band now being used for that purpose; that no need has been shown to exist for the proposed one-way service; that such exclusive allocation would afford the wire-line carriers an unfair competitive advantage.

3. The Commission thereafter on August 16, 1967, released the memorandum opinion and notice of proposed rule making, concluding inter alia that ample ground existed for the allocation of frequencies in the 150 Mc/s band for one-way signaling, and that the ability of the developmental one-way signaling stations in the 150 Mc/s band to attract customers indicated an acceptance by the public for the service by the wire-line common carriers. However, before making the final determination to assign the frequencies to wire-line carriers for such one-way signaling the Commission stated it would entertain comments on the following issues:

(a) Would such assignment result in a departure from the normal and historic two-way service provided by the landline carriers?

(b) What effect, if any, would such assignment have on the ability of non-wire-line carriers to compete with wire-line carriers in the provision of one-way service?

(c) In light of answers to the two foregoing questions, should the Commission make an assignment of two frequencies in the 150 Mc/s band to wire-line carriers to be used exclusively in providing a one-way signaling service or would the public interest better be served by not making any assignment of these frequencies to wire-line carriers?

4. Before considering comments on the issues, we will dispose of a unilateral request made by the non-wire-line carriers. As indicated, in response to the notice of inquiry, supra, the miscellaneous common carriers asked that frequency channels 152.240/158.700 Mc/s assigned for their use be allocated primarily for two-way communication with one-way signaling secondary. Most of these carriers have now reversed this initial position and ask that their frequencies be allocated for exclusive one-way signaling service,[5] on the grounds that the growth and need is substantially in the direction of tone-plus-voice one-way signaling; that the significantly lower cost of this service makes it more attractive to the public than the two-way service; that radio paging (one-way signaling) service is sufficiently advanced in its own right to be considered a service by itself, separate and apart from the two-way service; that in any event the present two-way load causes both services to suffer when offered on the same channel; that realistically it is impossible to superimpose high capacity one-way signaling service on frequencies allocated to two-way service; that the 150 Mc/s band offers a better climate for one-way signaling than the present low band; that if the present allocation concept is permitted to stand, a grave inequity would result since the better service achieved in the 150 Mc/s band over the 35–44 Mc/s frequencies, would warrant technological improvements in the former and would thus permit the wire-line carriers to forge ahead with an improved, less expensive service and at the same time relegate the radio common carriers to the more expensive two-way service in the VHF band or the less satisfactory low-band one-way service; and that the foregoing factors would cause an unfair competitive situation to exist between the two types of carriers, to say nothing of permitting the landline carriers complete domination of the paging market; that in any event the types of one-way service offered by the wire-line and non-wire-line carriers differ since the former is extensively a tone-only service, while the latter is primarily voice-plus-tone. The wire-line carriers do not object to the exclusive use by the MCCs for one-way signaling on the non-wire-line allocated frequencies.

5. We are persuaded by the miscellaneous common carriers' arguments that a one-way signaling service would enable them to make the maximum utilization of their allocated frequencies. Although the need for additional two-way channels was indicated, we believe that a considerable measure of relief will be afforded that service on existing frequencies, and new channels made available for example, by the split in the 450 Mc/s band.[6] We will therefore, accede to the MCCs' request and assign the channels allocated to them for one-way signaling, and will evaluate the comments on the issues set forth in paragraph 3, supra, in light of the altered environment wherein all four frequencies are being assigned for one-way signaling service.

6. The first issue seeks a determination as to whether the allocation of the frequency pair 152.840/158..100 Mc/s for exclusive use for one-way signaling service to landline carriers would depart from the normal and historic two-way service offered by these carriers. As expected, the wire-line carriers uniformly deny the

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[1a] Appendix A filed as part of original document.

[1b] Time for filing comments was extended by the Chief, Common Carrier Bureau, acting under delegated authority, from Sept. 22, 1967 to Oct. 22, 1967, and time to file reply comments extended from Nov. 21, 1967, to Dec. 15, 1967. Comments of Minnesota Central Telephone Co. were received on Oct. 30, 1967, but have nevertheless been considered.

[2] No oppositions were filed to the proposed frequency allocations; Table of Frequency Allocations was amended by report and order in Docket No. 16776 (FCC 67–957) released Aug. 16, 1967.

[3] United States Independent Telephone Association (USITA) did request that the frequencies be made available for both one-way signaling and two-way land mobile service.

[4] § 21.1 *Definitions.* * * *

Miscellaneous common carriers (MCCs). Communications common carriers which are not engaged in the business of providing either a public landline message telephone service or public message telegraph service.

* * * * *

[5] Orange County Radio Telephone continues to support the initial position stressing a need for two-way communications primarily with one-way signaling secondary. Overwhelmingly the msicellaneous carriers, however, favor the new position for exclusive one-way service.

[6] Report and order in Docket No. 17023, released Mar. 8, 1968 (FCC 68–243, 33 F.R. 4577); Errata released Mar. 18, 1968.

validity of the proposition that such assignment would constitute a departure from their normal and historic services. They contend that the telephone companies have "historically" offered a wide range of communications services to the public, including various one-way services, as e.g., audio and video transmitter links, telephotograph, metering alarm, CATV channel service, transmission circuits, etc., as well as one-way vehicular signaling service since 1946 in the public land mobile radio service. AT&T alleges in addition that the one-way signaling service (Bellboy) is in fact a natural adjunct to the two-way telephone service, since the one-way signal serves to alert the customer of a waiting telephone call and the need to call back to the point of origin, thus bringing about two-way communication by telephone. More specifically the wire-line carriers point out in support that the New York Telephone Co. has been providing one-way vehicular signaling service since 1946 (now covered in the M1 tariff filed with the New York State Public Service Commission) and in August 1960 introduced a pocket carrier device for receiving one-way signals on 43.66 Mc/s in Binghampton, N.Y., which differs essentially from the instant proposal only in the frequency band to be used. The Bell Telephone Company of Pennsylvania likewise has been providing one-way vehicular radio signaling service in the 35 or 150 Mc/s range since October 1946 and pocket receiver service in the 35 Mc/s band since 1955 in and around the cities of Allentown and Chester, Pa. Similarly, The Pacific Telephone and Telegraph Co. began its one-way signaling service in 1947 with experimental stations in various California communities in both 35–44 Mc/s and 150 Mc/s bands and transferred to regular service in 1949; that Pacific presently operates 29 Domestic Public Land Mobile Radio Stations in California offering one-day signaling service; that from 1961 through 1966 Pacific shared its base station frequency 35.46 Mc/s with two-way mobile service in order to serve the San Diego Metropolitan Area, but transferred the one-way service to 35.58 Mc/s when it became available in 1966; that it now provides personal signaling service to approximately 222 customers and serves about 324 pocket receivers in the San Diego area.

7. Several non-wire-line carriers [7] contend that on the contrary the service heretofore rendered by the landline carriers is not comparable to the service sought in this instance, and not in keeping with the normal and historic service of the landline carriers. Forester Telephone Answering Service alleges that "normal" by definition presupposes a combination without deviation from the norm; that historically the landline carriers norm is two-way voice communication between two people, and the alerting tone in itself does not constitute an extension of the telephone bell or result in immediate two-way communication between two parties. Hence, it urges an unqualified "yes" to the first issue with respect to telephone common carriers.[8] General Communications Service, Inc.; Page Call, Inc.; and the National Association of Radiotelephone Systems (NARS) urge essentially that the one-way signaling service which supplies a message in lieu of simple two-way communications contact is a new business for wire-line carriers which departs from the historical and traditional purpose, and has no relationship to any other service offered by the wire-line carriers; that the one-way signaling may require the taking of any number of prearranged actions unrelated to the telephone; that hundreds of non-wire-line carriers came into being in order to fill a need left open by the telephone companies inability to deliver messages where persons were unavailable to talk over the telephone and where the most the telephone company could offer under the circumstances would be to "try again in 20 minutes"; that during the period while the non-wire-line carriers were investing in the establishment of the one-way service, the wire-line carriers largely ignored this communication need and to a very limited extent entered the two-way mobile radio field with dial service, which followed the traditional role of placing two people who wish to speak in contact with each other.

8. We have considered and evaluated the positions urged by both the wire-line and non-wire-line carriers and are convinced that the rendition of one-way signaling service by the wire-line carriers is neither new nor novel, but in keeping with the entire development of one-way signaling service. As set forth above, one-way signaling service to vehicles was offered by Bell on an experimental basis as far back as 1946, and thereafter extended to pocket-type receivers. We found this latter operation by the wire-line carriers to be "* * * a logical extension of its telephone service for it holds promise of increasing its ratio of completed telephone calls, certainly a desirable step from the standpoint of the public interest * * *" (The Bell Telephone Company of Pennsylvania, 22 FCC 1244 (1957)). On this basis, Bell was granted the right to render one-way signaling service in DPLMRS. Subsequently others were likewise afforded similar licenses in the DPLMRS service, as e.g., The Mountain States Telephone and Telegraph Co. for one-way signaling systems in the 35 Mc/s band in Denver and Colorado Springs, Colo. Two developmental domestic public one-way signaling stations were also authorized in the 150 Mc/s band, one operated by Pacific Northwest Bell Telephone Co. at Seattle, Wash., and the other by the Chesapeake and Potomac Telephone Co. at Washington, D.C. These operations were all found not to be a departure from the normal and historic two-way service but to comport therewith. We believe that the specific allocations requested here will merely permit a continuation and extension of the existing operation on heretofore unavailable frequencies. The arguments and data advanced by the MCCs do not provide sufficient basis for altering this view. We therefore, conclude that a "no" response to the first of the specified issues is proper and that authorization of the wire-line carriers to provide one-way service by using the frequencies here under consideration would not constitute a departure from normal or historic service by these companies.

9. As noted previously, at the time the memorandum opinion, supra, was released, the non-wire-line carriers appeared to favor primarily two-way service, while universally the wire-line carriers requested one-way signaling service. In this posture the non-wire-line carriers urged inter alia that such allocations would create an imbalance in the present competitive position between both types of carriers. Hence, although a need evidently existed for exclusive one-way signaling frequencies in the 150 Mc/s band, the Commission sought comments on the potential effects which this different use of assigned frequencies would have on the ability of the non-wire-line carriers to compete with the wire-line carriers. The change in proposed usage which we are approving, changes the nature of the competitive position of these two groups of carriers. We will therefore, weigh the second issue in light of the effect that competition between the carriers as now envisioned could normally be expected to have on the ability of the non-wire-line carriers to survive.

10. The non-wire-line carriers [9] urge, in opposition to a wire-line carrier grant, that the MCCs will not be able to compete effectively in view of, first, the wire-lines' monopolistic control of interconnection and second, the allegedly unfair competitive inequities practices of the telephone companies in rate fixing and in charging. In support of the first of the allegations, the MCCs urge that the monopolistic control of dial access facilities and the inability of the MCCs to secure interconnections has precluded any possibility of a truly competitive relationship in the one-way signaling field between the two types of carriers, but rather has afforded the wire-line carriers

[7] E.g., Forester Telephone Answering Service; Page Call, Inc.; Radio Relay Corp.; General Communications Service, Inc.; National Association of Radiotelephone Systems.

[8] Forester believes that the telegraph common carrier, by way of its teletype and more recent "telex" service, has some history to support its entry into the one-way signaling service, and advocates a qualified "yes" for telegraph common carriers. In view of our position with respect to the telegraph common carrier in paragraph 21, infra, Forester's position is decisionally insignificant at this time.

[9] The most vocal opposition is set forth by NARS, Radiofone, Page Call, Charles B. Shafer, Radio Relay, General Communications. However, some of the carriers do agree that there is room for both types of service.

a decided advantage. AT&T in its reply [10] challenges the accuracy of this position pointing out that the Bell System companies have interconnection agreements for two-way voice communication on a manually operated basis with some 200 MCCs throughout the country and have offered interconnections of two-way voice communication on a direct dial basis; that the very difference between the type of one-way service offered by the MCCs (extensively tone-plus-voice) and the wire-line carriers (primarily tone-only) precludes any need on the part of the MCCs for the interconnection or dial access; that notwithstanding these differences however, the Bell System in line with its policy of continued cooperation with the MCC industry, is giving serious consideration to the dial interconnection requests; that the unresolved technical problems are not insurmountable so that the Bell System, AT&T feels confident, will be prepared to negotiate reasonable interconnection agreements at an early date.

11. Although each of the carriers has up to the present time limited its offer substantially to either the tone-plus-voice or tone-only service, there is no restriction on the type of service either may offer. Conceivably, the availability of additional frequencies could alter the public need so as to require a change in the proffered services. Under these circumstances we believe that all technological advances should be made equally available to the non-wire-line and/or wire-line carriers. We will therefore, require the telephone companies to make available upon request, dial access interconnection to the MCCs in any community where such a method of operation is being used by wire-line carriers.

12. The non-wire-line carriers urge further that Bell System's overall method of constructing charges on the basis of computed costs below competitive charges and its overall rate-making philosophy where competition exists, establishes an unequal economic competitive situation which the non-wire-line carriers find insurmountable and which will result in the making of a shambles of the numerous MCCs one-way systems in the country. They point out that basically the MCCs provide a service to the public, meeting a demand and making a profit, while the wire-line carriers on the other hand, do not rely on this offering for direct profit but rather on the increased volume of telephone calls. Thus, they contend that the Commission's holding that the public land mobile service benefited by competition,[11] is meant to be limited to competition among the various non-wire-line carriers in the field and is not intended to encompass competition between wire-line carriers and non-wire-line carriers. Page Call alleges that the situations described hereinafter demonstrate the effect of wire-line competition on non-wire-line carriers—Contract of Washington, Inc., licensed in 1953 to provide a common carrier service to the Washington, D.C. area, had over the years built up a "respectable mobile communication service", so that by the close of 1962 it was serving 91 one-way signaling mobile units and reporting a net income for the year of $1,824.26; that from 1962, the year in which AT&T began operation on its developmental station in the community, Contact's number of mobile units served dropped continuously with a related loss in income so that by the end of the year 1965 it had only 27 mobile units being served with a net income of $282, and by the end of 1966 reported a net loss of $341 for the year. With respect to the west coast situation, Page Call states that when a radio common carrier in Seattle attempted to start a complementary mobile communication service after the Bell System had inaugurated its own, it was not able to secure any patronage whatever in view of the enormous and established competitor it had to face. It is Page Call's belief that the "fate" suffered by Contact is a telling glimpse of the "fate" of all the MCCs in major markets throughout the country and it has little doubt but that the 2500 subscribers solicited, cultivated and nurtured by the four non-wire-line carriers in the New York Metropolitan Area would likewise soon be lost to the wire-line company. The major difficulties in meeting the competition urges NARs, stem not from any superiority of the "Bellboy" system but rather from Bell's method of computing below competitive rate charges, and the Bell System's complete rate-making philosophy. The inequities of these charges, says General Communications, are most apparent in the Mountain States proceeding [12] before the Arizona Commission. General Communications contends for example, that an item included in one of the exhibits submitted by Mountain States in that proceeding covers 46 miles of control trunks at a capital investment of $69.12 per mile; that based on the telephone company's own rate-making formula, such an investment would require a customer rate of $1.60 per mile per month to cover costs and produce an appropriate return; that on this basis "Bellboy" is able to use the low figure in its rate-making; that on the other hand General Communications is presently paying Mountain States $4 per mile for the lowest grade circuit between its control equipment and base stations, thus requiring the rates of the MCC of necessity to be higher.

13. The wire-line carriers take the opposite view and urge essentially that they and the MCCs have operated competitively and successfully in a number of communities; that the market has been adequate: that the number of users will continue to increase as the general public is made more aware of these services by the wire-line carriers extensive publicity and advertising efforts; that the increase in the number of prospective users together with the existing waiting lists [13] will permit both types of carriers to operate; that since the 150 Mc/s band has been demonstrated to be superior to the 35–43 Mc/s band (especially inside of buildings), for high capacity one-way signaling, a significant stride has been made in improved equipment and services; that this technological improvement enhances the quality and reliability of the service and will attract additional customers, including those awaiting two-way service; that more realistically the competition is based in good part on the difference in the types of one-way signaling service and not frequency availability. In short, the wire-line carriers believe that the technological advances will help to satisfy public demand and will enhance the ability of the non-wire-line carriers to compete with the wire-line carriers. AT&T more specifically in its reply denies that there is any uniformity in charges and/or costs even within the limited number of "Bellboy" operations; that the rates for "Bellboy" services reflect an average cost including maintenance (which varies with the type of receivers), depreciation and other considerations relevant to pricing utility services; that with the advent of additional "Bellboy" services, a greater variation in charges and costs will continue to occur; that with respect to control trunk line charges, since these are

[10] The reply comments, limited to AT&T's pleading as advocate for the wire-line carriers, together with NARS, General Communications, Page Call, and Radio Relay, supporting the non-wire-line carriers position, raise no substantial new issues, but attempt rather to clarify and pinpoint some of the problems raised in the original comments.

[11] *ITT Mobile Telephone, Inc., et al.*, FCC 63–1064, 1 RR 2d 957, 963:

"12. It is thus apparent that the establishment of separate frequency blocks was designed to foster competition between mobile radio systems operated by the telephone companies and those operated by enterprises other than telephone companies * * *."

[12] A protest proceeding is presently pending before the Arizona Corporation Commission whereby General Communications Service, Inc., seeks to suspend the tariff schedule of the Mountain States Telephone and Telegraph Co. for "Bellboy" service.

[13] New York Telephone Co. alleges that there is currently some 1,600 applications for service on the waiting list for DPLMRS in New York City, and that some of these 1,600 applicants could be served by a one-way signaling system; Illinois Bell alleges that all common carrier frequencies for land mobile service in Chicago are currently being used, with no frequency available for signaling service; Conestoga Telephone and Telegraph Co. states that it is presently awaiting a CP for a one-way signaling on 35.22 Mc/s, but that cochannel interference could result to the four paging frequencies being used in Philadelphia, causing a void of one-way signaling in Reading, Berks County area—pop. 275,414; New Jersey Bell alleges that in Newark alone there is a waiting list of 668 requests for two-way mobile telephone service but that an estimated 35 percent to 40 percent, or 240 to 270 customers, could be satisfied with one-way signaling service on a permanent basis; however, since the 19 channels in the Newark Metropolitan Area presently allocated to wire common carriers for one-way or two-way services are currently in total use, the wireline carriers are precluded from offering the one-way service unless the proposed 150 Mc/s frequencies are made available.

generally rated as intrastate private line channels, the rates are filed with the appropriate State or local authority and generally made on a statewide basis, taking into account a wide variety of service arrangements and location involving differing costs; that under the tariffs, the telephone companies are obligated to provide such channels throughout the company's statewide service area at rates fixed in the tariffs although in any given location cost of providing service may exceed (or be less than) statewide tariff rates; that pursuant to the tariff filing in Arizona, use of the network to contact a "Bellboy" receiver would be charged to the calling telephone and not to the subscriber; that the difference in the nature of the "Bellboy" service vis-a-vis the "secretarial or message delivery" service of the MCCs requires a different rate and is not the result of any anticompetitive practices; that Contact of Washington's difficulty in attracting customers was indicated long before the "Bellboy" service was offered to the public; and that the assertion of economic injury to the MCCs is speculative and wholly unwarranted.

14. We are not convinced by the arguments presented that the competitive impact on the non-wire-line carriers by a grant of the frequencies in question to the wire-line carrier will reach the magnitude urged by the non-wire-line carriers. Thus we note that the MCCs own example, Contact of Washington, referred to as a once "up and coming pager" which allegedly suffered an economic reversal after the entry of "Bellboy" in the area, was at best able to attract over a 9-year period (from 1953 when licensed to 1962, "Bellboy's" entry) only a very limited number (91) of subscribers, while the C&P Telephone Co. has been able to gain approximately 3,300 customers on its developmental system in a 6-year period. Apparently the potential for attracting customers existed since C&P attracted them after it offered its service. Some explanation is due at least as to why Contact did not prior to the inauguration of "Bellboy" service secure such customers in the first instance, what its potentials were, how specifically these potentials were diminished by the entry of the Bell System, and how other systems would be comparably affected. The mere allegation that the entry of C&P 9 years after Contact adversely affected the latter is certainly not, in light of the above facts, convincing proof of the inability of the non-wire-line carrier to compete. The situation described with respect to the west coast is similarly not convincing. In April 1962, Pacific Northwest Bell commenced operation of the second developmental station in the 150 Mc/s band in Seattle, Wash., and in approximately 2 years of operation was serving upwards of 1,800 customers. Tele-Comm, Inc. (a non-wire-line carrier) was licensed to operate a one-way signaling station in Seattle in September 1963, but by the end of 1965 had gained no subscribers. Here too, the mere juxtaposition of the dates and the failure of Tele-Comm, Inc., to gain customers does not without more data than alleged provide proof of inherent inability of non-wire-line carriers to compete. Hence, a conclusion cannot be drawn that the experience of Contact or Tele-Comm is indicative of the "fate" other MCCs may expect if competition between them and wire-line carriers is permitted.

15. While it does not appear to us that the impact of wire-line competition would be as severe as alleged by the non-wire-line carriers or that it would have the effects they fear, we do not recognize that where a non-wire-line carrier proposes a competing one-way service, in any community where such service is also offered by a wire-line carrier, problems can arise. These would be particularly acute if the charges to the non-wire-line carrier for facilities furnished by the wire-line carrier and used in connection with one-way signaling are higher than the cost factors used by the wire-line carrier in computing its own costs for the same or similar facilities. In order to obviate any opportunity for this to occur, we will require that any wire-line carrier using the frequencies herein made available fix its charges to the MCC for wire-line facilities on the identical basis it uses to compute its own costs in connection with any one-way signaling service it offers. We wish to make it clear that in imposing this requirement we are only establishing standards to prevent unfair competitive practices and to assure, as far as we can, competitive equality between wire-line and non-wire-line carriers. We are not in any way addressing ourselves to the level of the charges, prescribing any particular level or pattern of rates, or otherwise partaking in the rate-making process which is and will remain the function of the appropriate authorities in the particular jurisdiction where the services are to be provided. As already stated, we are concerned only that the wire-line carrier shall fix the costs and charges to the non-wire-line carriers on the identical basis for the same components when each makes a one-way signaling offering in the same community, as its own.

16. The non-wire-line carriers allege that the wire-line carriers engage in a further unfair competitive practice, namely, the originating of calls to "Bellboy" receivers without charge from all local telephone stations and from any closely located toll stations, and the advertising of such toll-free service. AT&T denies the accuracy of this charge and contends that each of the 24 communities in which the service is now offered, there is a charge in one form or another for the call made to the "Bellboy" receiver; and since "Bellboy" is essentially a local exchange service, the rates and charges applicable to it are filed with the appropriate state and local regulatory authorities and charges are in accordance with such filings.

17. As we indicated above, we are concerned with establishing and maintaining a fair and equitable climate within which the wire-line and non-wire-line carriers may compete. Thus, if in any community a wire-line carrier offers free toll service for "Bellboy" or advertises or otherwise indicates that such free toll-call service is available, we require that the wire-line company make available the same facilities or services to the MCC free of charge so that the MCC may be in a position to supply the same service to its subscribers free of toll charges. Again we state, we are not attempting to limit the activity of the wire-line company; we are merely requiring that a balance be established so that the wire-line company will not be in a position, because of its control over dial access interconnection, to claim or enjoy advantages not available to the MCC.

18. Radio Relay also alleges that the granting of exclusive 150 Mc/s channels to the telephone company for one-way signaling purposes will deprive the MCCs of their present opportunity to compete with the wire-line carriers for available channels in any given community. They point out that heretofore one-way channels have been available to both wire-line and non-wire-line carriers on a first come, first serve basis but argue that now in, for example, the New York City market, AT&T, because of its exclusive franchises, could obtain channels and place them in operation to provide a one-way signaling service as rapidly as it chose. They further allege that the MCCs, because they do not enjoy exclusive franchises, might be faced with competitive applications for their set of exclusive frequencies. Thus, according to Radio Relay, the MCCs could have to undergo lengthy and expensive and competitive proceedings before one of them could be licensed. In the meantime AT&T, with a long head start, could capture a major share of the market and thus effectively foreclose successful competitive operation by the eventual victorious MCC.

19. There is no doubt that the situation postulated by Radio Relay can occur. However, we believe that Radio Relay overstates the danger. First of all, it appears that the wire-line carriers for the most part, have been offering tone-only one-way signaling services, whereas the non-wire-line carriers offer a tone-plus-voice one-way signaling service. To a large extent these different services meet different user needs. Therefore, in most instances the possible earlier installation of a tone-only service should not preclude successful non-wire-line carrier operation of its tone-plus-voice service. A problem could, of course, arise in those communities where both the wire-line and non-wire-line carriers propose to offer the same one-way signaling service on their respective frequencies. However, in such instance the non-wire-line carrier may, if it believes that in the market involved only one such service would be economically viable, petition to deny the application of the wire-line carrier, pursuant to section 309(d)(1) of the Communications Act. If an appropriate basis is established in the proceeding, the wire-line carrier, as a party, would not be able

to secure the competitive advantages by starting earlier.[14]

20. Two collateral problems remain for resolution. First, on October 10, 1962, the Commission granted a construction permit (File No. 1017-C2-MP-63) on a developmental basis in the Domestic Public Land Mobile Radio Service authorizing the Chesapeake and Potomac Telephone Co. to establish and operate one-way signaling (Bellboy) facilities in Washington, D.C. This grant was made only after consultation between the applicant and Commission engineers and specified a frequency of 152.486 Mc/s, a "splinter" frequency. By report and order in Docket 16776, released August 16, 1967 (FCC 67-957), the Commission amended Parts 2 and 74 of the rules with respect to three 30 Kc channels centered on 152.480, 157.740, and 158.460 Mc/s, making these frequencies available for assignment to qualified applicants in the Industrial Radio Service. The presently authorized "Bellboy" operation in Washington is immediately adjacent to 152.480 Mc/s and therefore prohibits its use by Industrial Radio Service applicants and appropriate measures must be taken as promptly as possible to regularize the operation on one of the frequencies assigned herein for such operation. Since customers now served by "Bellboy" system in the Washington area exceeds 3,000 it is obvious that a reasonable transition period must be provided to permit an orderly changeover without undue adverse effect upon the public. We will therefore, require The Chesapeake and Potomac Telephone Co. to make appropriate application for change in frequency of its "Bellboy" operation to one of the frequencies specified herein for one-way signaling by wire line common carriers within fifteen (15) days from the release of this report and order. We will further require a simultaneous submission of a proposed schedule with respect to the time required to accomplish the requisite change, which date is not to extend beyond January 31, 1969.

21. Second, Western Union Telegraph Co. objects to the restrictive assignment of frequencies as proposed in § 21.501(h), to base stations of communications common carriers engaged also in the business of affording public landline message telephone service. Western Union alleges that this portion of the proposed rule could be construed to prevent the contemplated use of the designated frequencies by Western Union, limit competition unreasonably, and be in derogation of the implied purpose of the proposed rule to increase the possibility of completing telephone calls. Section 21.501(b) of the rules provides specifically that the frequencies in issue are available for assignment to stations of communication common carriers engaged in the business of affording public landline message telephone service. Hence, Western Union's request is more appropriately the subject of a separate rule-making proceeding and will not be disposed of as part of this proceeding at this time.

Accordingly, it is ordered, That the amendments to Part 21 of the rules and regulations set forth below, effective June 17, 1968.[15] Authority for the amendments is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended.

It is further ordered, That in keeping with the position enunciated in the within report and order, licenses of the wire-line companies shall be made subject to the following conditions with respect to the frequencies allocated herein: "The licensee shall offer to make available to the non-wire-line common carriers for one-way signaling purposes the same dial access interconnection facilities as those utilized by the wire-line common carriers in the community; further that the charges for such interconnection, and all other facilities of the wire-line company used by the non-wire-line carriers in the one-way signaling service on frequencies 152.24 and 158.70 Mc/s, shall be identical with those costs used by a wire-line company on frequencies 152.84 and 158.10 Mc/s in computing its own charges over the same distances when it offers a competitive service, or where distances are different, the same per mile basis; and finally, if a wire-line carrier offers or purports to offer any free or reduced rate service in connection with its one-way signaling service, it shall provide the identical service so offered or purported to be offered to customers of any competing non-wire-line carrier at the same reduced rate or free of charge."

It is further ordered, That within fifteen (15) days from the release of this report and order, the Chesapeake and Potomac Telephone Co. shall make appropriate application for change in frequency of its "Bellboy" operation to one of the frequencies specified herein for one-way signaling by wire-line common carriers.

It is further ordered, That simultaneously with submission of this application, The Chesapeake and Potomac Telephone Co. shall submit a proposed schedule with respect to the time required to accomplish the required change, said time not to extend beyond January 31, 1969.

It is further ordered, That this proceeding is hereby terminated.

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

Adopted: May 8, 1968.

Released: May 13, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[16]

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

1. Paragraph (h) of § 21.501 of the Commission's rules is deleted because no station assignments exist in the 942-952 Mc/s band in this service.

2. Section 21.501 of the Commission's rules is amended by the addition of a new paragraph (h) to designate (1) the frequencies 152.84 Mc/s and 158.10 Mc/s for use exclusively for one-way signaling by wire-line common carriers, and (2) the frequencies 152.24 Mc/s and 158.70 Mc/s for use by non-wire-line common carriers exclusively for one-way signaling. As amended, § 21.501(h) will read as follows:

§ 21.501 Frequencies.

* * * * *

(h) For assignment to base stations for use exclusively in providing a one-way signaling service to mobile receivers as follows:

(1) Communication common carriers engaged also in the business of affording public landline message telephone service:

152.84 Mc/s 158.10 Mc/s

(2) Communication common carriers not also engaged in the business of providing a public landline message telephone service:

152.24 Mc/s 158.70 Mc/s

* * * * *

3. Section 21.601(a) of the Commission's rules is amended by the addition of the frequencies 152.84 Mc/s and 158.10 Mc/s to read as follows:

§ 21.601 Frequencies.

(a) The following frequencies are available primarily to the Domestic Public Land Mobile Radio Service and on a secondary basis, to stations in the Rural Radio Service, provided no harmful interference is caused to stations in the Domestic Public Land Mobile Radio Service:

Central office and inter-office station frequencies (Mc/s)	*Rural subscriber and inter-office station frequencies (Mc/s)*
	[2] 158.49
	[2] 158.52
	[2] 158.55
	[2] 158.58
	[2] 158.61
	[2] 158.64
	[2] 158.67
152.51 [1]	[1] 157.77
152.54 [1]	[1] 157.80
152.57 [1]	[1] 157.83
152.60 [1]	[1] 157.86
152.63 [1]	[1] 157.89
152.66 [1]	[1] 157.92
152.69 [1]	[1] 157.95
152.72 [1]	[1] 157.98
152.75 [1]	[1] 158.01
152.78 [1]	[1] 158.04
152.81 [1]	[1] 158.07
152.84 [1]	[1] 158.10
	[2] 459.025
	[2] 459.05
	[2] 459.075
	[2] 459.10
	[2] 459.125
	[2] 459.15
	[2] 459.175
	[2] 459.20
	[2] 459.225
	[2] 459.25
	[2] 459.275
	[2] 459.30
	[2] 459.325
	[2] 459.35

See footnotes at end of table.

[14] We believe in any event Radio Relay's concern insofar as New York City market is concerned, is misplaced because of the very large waiting list for the DPLMRS in New York City. (See the details regarding this waiting list set forth in footnote 13, supra.)

[15] Some receivers presently in operation have a zero decibel image discrimination. It should be understood that this will not serve to deter any future possible rearranging or splitting of channels if such action is to prove feasible and in the public interest.

[16] Commissioner Loevinger absent; Commissioner Johnson concurring in the result.

Central office and inter-office station frequencies (Mc/s)	*Rural subscribers and inter-office station frequencies (Mc/s)*
454.375 [1]	[1] 459.375
454.40 [1]	[1] 459.40
454.425 [1]	[1] 459.425
454.45 [1]	[1] 459.45
454.475 [1]	[1] 459.475
454.50 [1]	[1] 459.50
454.525 [1]	[1] 459.525
454.55 [1]	[1] 459.55
454.575 [1]	[1] 459.575
454.60 [1]	[1] 459.60
454.625 [1]	[1] 459.625
454.65 [1]	[1] 459.65
454.70 [1 2]	[1 2] 459.70
454.75 [1 2]	[1 2] 459.75
454.80 [1 2]	[1 2] 459.80
454.85 [1 2]	[1 2] 459.85
454.90 [1 2]	[1 2] 459.90
454.95 [1 2]	[1 2] 459.95

[1] This frequency is available for assignment only to stations of communication common carriers also engaged in the business of providing a public landline message telephone service.

[2] This frequency is available for assignment only to rural subscriber stations of communication common carriers not also engaged in the business of providing a public landline message telephone service.

[3] Pending promulgation of rules and regulations to govern the public air-ground radiotelephone service, and subject to further order of the Commission, frequencies in the 454.675–455.000 Mc/s and 459.675–460.000 Mc/s bands are not available for operation of new radio facilities in the Rural Radio Service. In the interim, the authorizations of stations using such frequencies may be renewed, subject to Commission determination relative to use of such frequencies by the public air-ground radiotelephone service.

* * * * *

[F.R. Doc. 68–5850; Filed, May 15, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FLATHEAD INDIAN IRRIGATION PROJECT, MONT.

Operation and Maintenance Charges

Basis and purpose. Notice is hereby given that pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142) and March 7, 1928 (45 Stat. 210), and by virtue of the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F.R. 5454–7), it is proposed to amend §§ 221.24, 221.26, and 221.28 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Mont., that are subject to the jurisdiction of the several irrigation districts. The purpose of this amendment is to establish the lump sum assessment against the Flathead, Mission, and Jocko Valley Districts within the Flathead Indian Irrigation Project for the 1969 season.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Area Director, U.S. Bureau of Indian Affairs, 316 North 26th Street, Billings, Mont. 59101, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Sections 221.24, 221.26, and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Mont., on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1969 an assessment of $301,033.31 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 81,475.06 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Mont., on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1969 an assessment of $55,112.50 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 14,913.89 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Mont., on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, April 18, 1950, and August 24, 1967, there is hereby fixed for the season of 1969 an assessment of $23,180.13 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 6,842.05 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

JAMES F. CANAN,
Area Director.

[F.R. Doc. 68-5838; Filed, May 15, 1968; 8:47 a.m.]

National Park Service

[36 CFR Part 7]

OREGON CAVES NATIONAL MONUMENT, OREG.

Admission to Caves

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535), 245 DM–I (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Western Region Order No. 4 (31 F.R. 5577), as amended it is proposed to amend § 7.49 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to clarify the purpose and intent of the regulation and to eliminate certain unnecessary material.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Crater Lake National Park and Oregon Caves National Monument, Post Office Box 7, Crater Lake, Oreg. 97604, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.49 of Title 36 of the Code of Federal Regulations is hereby amended to read as follows:

§ 7.49 Oregon Caves National Monument.

(a) *Admission to caves.* No person or persons shall be permitted to enter Oregon Caves unless accompanied by an approved National Park Service or concessioner employee who has successfully completed the training prescribed by the National Park Service. Children under the age of 6 are not permitted to enter the caves.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

DONALD M. SPALDING,
Superintendent, Crater Lake National Park and Oregon Caves National Monument.

[F.R. Doc. 68-5820; Filed, May 15, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

[17 CFR Part 1]

GENERAL REGULATIONS UNDER COMMODITY EXCHANGE ACT

Administration; Registration of Futures Commission Merchants and Floor Brokers; Customers' Funds, Securities, and Property; and Recordkeeping

Notice is hereby given, in accord with the Administrative Procedure Provisions of 5 U.S.C. section 553, that the Secretary of Agriculture, pursuant to the authority of section 8a of the Commodity Exchange Act (7 U.S.C. section 12a) is considering the amendment of §§ 1.5, 1.7, 1.8, 1.11, 1.13, 1.14, 1.20, 1.25, 1.26, 1.27, 1.28, 1.29, and 1.36, and the revocation of § 1.12, of the general regulations under the Commodity Exchange Act, as follows:

§ 1.5 [Amended]

1. The title of § 1.5 would be amended by substituting a comma for the period at the end and adding the following after it: "and to departments or agencies of the Executive Branch of the Government of the United States." Said section would be amended by substituting a semicolon for the period at the end of the proviso and adding the following proviso: "*Provided further*, That this prohibition shall not apply to disclosures made in good faith to any department or

agency of the Executive Branch of the Government of the United States under the provisions of section 8 of the Act (7 U.S.C. 12), as amended."

The purpose of the proposed amendment is to provide for disclosures permitted under section 8 of the Act (7 U.S.C. section 12) as amended by section 19 of Public Law 90–258.

§ 1.7 [Amended]

2. Section 1.7 would be amended by: Striking the clause "secured a certificate of registration" from the first sentence and substituting the phrase "been registered" for it; striking the words "as issued" and the clause "and countersigned by the Act Administrator" from the same sentence; and adding the following sentence at the end of the section: "Any person who states on his application for registration that he intends to operate or is operating under the provisions of § 1.31a shall, if registered, be authorized to operate only in accord with the provisions of that regulation."

The purpose of this proposed amendment is to remove the references to registration certificates which section 7 of Public Law 90–258 eliminates, and to provide for registering futures commission merchants who wish to operate solely under the provisions of § 1.31a.

3. Section 1.8 would be amended to read as follows:

§ 1.8 Registration required of floor brokers.

No person shall act as floor broker in executing any orders for the purchase or sale of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market unless such person shall have been registered as floor broker under the Commodity Exchange Act by the Secretary of Agriculture and such registration shall not have expired, been suspended, or been revoked.

The purpose of this proposed amendment is to remove the obsolete references to registration certificates.

§ 1.11 [Amended]

4. Section 1.11 would be amended by (a) substituting a comma for the period after the figure "$30", and adding the following after it: "plus a fee of $5 for each domestic branch office and for each office maintained by a correspondent or agent in the United States authorized to solicit or accept orders for the purchase or sale of any commodity for future delivery on behalf of the applicant, unless such correspondent or agent is registered as futures commission merchant."; (b) striking the third sentence, which refers to duplicate certificates; and (c) substituting a comma for the period at the end of the section and adding the following after it: "or its nearest Regional Office."

The purpose of these proposed amendments is to provide for the specified registration fees, remove the obsolete reference to duplicate certificates for which a $5 fee is assessed under the present provisions, and permit applications and fees to be forwarded to Regional Offices as well as to the Home Office of the Authority.

§ 1.12 [Revoked]

5. Section 1.12 would be revoked, having been made obsolete by section 7 of Public Law 90–258.

6. Section 1.13 would be amended to read as follows:

§ 1.13 Deposit of registration fee; fee not subject to refund after registration.

Upon receipt of an application for registration (or renewal thereof) the Commodity Exchange Authority will, if the application be approved, notify the registrant that he has been registered under the Act as futures commission merchant or as floor broker. If registration is refused, the fee shall be returned to the applicant, but if the applicant is registered, the fee will not be subject to refund.

The purpose of this proposed amendment is to remove the references to certificates and to matters of internal accounting.

7. Section 1.14 would be amended to read as follows:

§ 1.14 Deficiencies, inaccuracies, and changes, to be reported by futures commission merchants and floor brokers.

(a) Each registrant shall file promptly with the Commodity Exchange Authority a statement on Form 3–R to correct any deficiency or inaccuracy in the registrant's application for registration, or any supplemental statement thereto, and report any change which renders no longer accurate and current the information contained in any of the following items of such application or supplemental statement:

(1) *With respect to a futures commission merchant.* The following items of Form 1–R "Application for Registration as Futures Commission Merchant":

Item 2. (Address of principal office).

Item 3. (Books and records and whether or not the operation is conducted under § 1.31a).

Item 4. (Form of organization (see below, and § 1.15)).

Item 5. (Partners (see below, and § 1.15)).

Item 6. (Management, and ownership or control, of registrants which are corporations).

Item 9. (Addresses of branch offices and names of managers thereof).

Item 10. (Correspondents and agents authorized to solicit or accept commodity futures orders on behalf of the registrant, whether or not they maintain offices).

Item 13. (Action by any commodity or securities exchange or related clearing organization, a national securities association, The U.S. Securities and Exchange Commission, the securities commission or equivalent authority of any State for the regulation of brokers and dealers in securities involving the registrant or any general partner of the registrant if it is a partnership, or any officer or holder of more than 10 per centum of the stock of the registrant if it is a corporation, or any person who participates in managing the business of the registrant or of any office of the registrant; conviction of the registrant or any such person of any felony in any Federal or State court; conviction of the registrant or any such person of any offense involving the handling of any commodity or securities account for any customer, in any Federal or State court; or debarment of the registrant or any such person by any agency of the United States from contracting with the United States).

Any change in the personnel of a partnership resulting from the death, withdrawal, or addition of a partner which, as a matter of law, does not create a new partnership, may be reported on Form 3–R, as provided in § 1.15, New domestic branch offices and new correspondents and agents who maintain offices in the United States and are authorized to solicit or accept commodity futures orders on behalf of the registrant, shall be reported promptly and fees shall be remitted as provided in § 1.11.

(2) *With respect to a floor broker.* The following items of Form 2–R "Application for Registration as Floor Broker":

Item 2. (Business address),

Item 5. (Names and addresses of clearing members through whom registrant clears commodity futures transactions for accounts which he controls or in which he has a financial interest),

Item 6. (Action involving the registrant by any commodity or securities exchange or related clearing organization, a national securities association, The U.S. Securities and Exchange Commission, the securities commission or equivalent authority of any State for the regulation of brokers and dealers in securities; conviction of any felony in any Federal or State court; conviction of any offense involving the handling of any commodity of securities account for any customer, in any Federal or State court; or debarment by any agency of the United States from contracting with the United States).

(b) All statements on Form 3–R shall be prepared and filed in accord with the instructions appearing thereon.

The purpose of this proposed amendment is to provide for information in connection with the provisions of section 8a(2) of the Act (7 U.S.C. 12a(2)) as amended by section 20 of Public Law 90–258, and to clarify the provisions thereof.

8. The title of the subpart "Customers' Funds" would be amended to read: "Customers' Funds, Securities, and Property"; and § 1.20 would be amended to read as follows:

§ 1.20 Customers' funds, securities and property to be segregated and separately accounted for.

(a) All money, securities, and property received by a futures commission merchant to margin, guarantee, or secure the trades or contracts of commodity customers and all money accruing to such customers as the result of such trades or contracts shall be separately accounted for and be segregated as belonging to such customers. Such money, securities, and property, when deposited with any bank, trust company, clearing organization of a contract market, or another futures commission merchant, shall be deposited under an account name which will clearly show that they are customers' money, securities, and property, segregated as required by the Commodity Exchange Act. Each registrant shall obtain and retain in his files for the period provided in § 1.31, an acknowledgment from

such bank, trust company, clearing organization of a contract market, or futures commission merchant, that it was informed that the funds, securities, and property deposited therein are those of commodity customers and are being held in accord with the provisions of the Commodity Exchange Act. Unde no circumstances shall any portion of commodity customers' funds, securities or property be obligated to the clearing organization of a contract market, or to any member of a contract market, a futures commission merchant, or any depository except to margin, guarantee, secure, transfer, adjust, or settle trades and contracts made on behalf of such commodity customers, and no depository shall hold, dispose of, or use any such money, securities or property as belonging to the depositing futures commission merchant or any person other than the customers of such futures commission merchant.

(b) All money, securities, and property received by a clearing organization of a contract market from a member of the clearing organization to margin, guarantee or secure the trades or contracts of his customers and all money accruing to such customers as the result of trades and contracts so carried shall be separately accounted for and segregated as belonging to such customers, and such clearing organization shall not hold, use or dispose of such money, securities and property except as belonging to such customers. Such money, securities, and property when deposited in a bank or trust company shall be deposited under an account name which will clearly show that they are the money, securities, and property of the customers of members, segregated as required by the Commodity Exchange Act. The clearing organization shall obtain and retain in its files for the period provided by § 1.31, an acknowledgment from such bank or trust company that it was informed that the funds, securities, and property deposited therein are those of customers of its members and are being held in accord with the provisions of the Commodity Exchange Act.

The purpose of this proposed amendment is to remove the provisions regarding the need to secure waiver agreements from depositories since the latter were made subject to the provisions of section 4d(2) of the Act (7 U.S.C. section 6d(2)) by section 6 of Public Law 90–258, and to provide in accordance with the Act as amended that clearing organizations of contract markets must provide separate accounting for the funds, securities and properties belonging to customers of their members which such members deposit with them.

9. Section 1.25 would be amended to read as follows:

§ 1.25 Investment of customers' funds.

Any futures commission merchant and any clearing organization of a contract market may, in accord with the provisions of section 4d(2) of the Commodity Exchange Act, invest funds belonging to customers of the futures commission merchant in obligations of the United States, in general obligations of any State or political subdivision thereof, and in obligations fully guaranteed as to principal and interest by the United States. Such investments shall be made through an account or accounts used for the deposit of customers' funds and proceeds from any sale of such obligations shall be redeposited in such account or accounts.

The purpose of this proposed amendment is to include the clearing organizations of contract markets under these provisions, and to remove the references in said section to "investment securities" and loans of customers' funds on the security of warehouse receipts, which are no longer permitted by section 4d(2) of the Act (7 U.S.C. section 6d(2)) as amended by section 6 of Public Law 90–258.

10. Section 1.26 would be amended to read as follows:

§ 1.26 Deposit of obligations purchased with customers' funds.

(a) Each futures commission merchant who, in accord with section 4d(2) of the Act and the regulations in this part, invests money belonging or accruing to customers in obligations described in said section, shall promptly deposit such obligations in safekeeping with a bank, trust company, clearing organization of a contract market, or another futures commission merchant, under an account name which will clearly show that they belong to commodity customers and are segregated as required by the Commodity Exchange Act. Each futures commission merchant upon opening such an account, shall obtain and retain in his files an acknowledgment from such bank, trust company, clearing organization of a contract market, or other futures commission merchant that it was informed that the obligations belong to commodity customers and are being held in accord with the provisions of the Commodity Exchange Act. Such acknowledgment shall be retained for the period of time specified in § 1.31. Such bank, trust company, clearing organization of a contract market, or other futures commission merchant shall allow inspection of such obligations at any reasonable time by representatives of the Commodity Exchange Authority.

(b) Each clearing organization of a contract market which, in accord with section 4d(2) of the Act and the regulations in this part, invests money belonging or accruing to customers of its members in obligations described in said section, shall promptly deposit such obligations in safekeeping in a bank or trust company under an account name which will clearly show that they belong to commodity customers of its members and are segregated as required by the Commodity Exchange Act. Each clearing organization upon opening such an account shall obtain and retain in its files an acknowledgment from such bank or trust company that it was informed that the obligations belong to commodity customers of members of the clearing organization and are being held in accord with the provisions of the Commodity Exchange Act. Such acknowledgment shall be retained for the period of time specified in § 1.31. Such bank or trust company shall allow inspection of such obligations at any reasonable time by representatives of the Commodity Exchange Authority.

This proposed amendment is made in connection with the provisions of section 4d(2) of the Act (7 U.S.C. section 6d(2)) as amended by section 6 of Public Law 90–258.

11. Section 1.27 would be amended to read as follows:

§ 1.27 Record of investments.

(a) Each futures commission merchant who invests money belonging or accruing to customers, and each clearing organization of a contract market which invests money belonging or accruing to customers of its members, shall keep a record showing the following:

(1) The date on which such investments were made;

(2) The name of the person through whom such investments were made;

(3) The amount of money so invested;

(4) A description of the securities or other media in which such investments were made;

(5) The date on which such investments were liquidated or otherwise disposed of and the amount of money received on such disposition, if any;

(6) The name of the person to or through whom such investments were disposed of.

(b) Each clearing organization of a contract market which receives documents from its members representing investment of customers' funds shall keep a record showing separately for each member the following:

(1) The date on which such documents were received from the member;

(2) A description of such documents; and

(3) The date on which such documents were returned to the member or the details of disposition by other means.

(c) Such records shall be retained in accord with § 1.31. No such investments shall be made except in obligations described in § 1.25.

This proposed amendment is made in connection with the provisions of section 4d(2) of the Act (7 U.S.C. section 6d(2)) as amended by section 6 of Public Law 90–258.

§ 1.28 [Amended]

12. The title of § 1.28 would be amended to read "Appraisal of obligations purchased with customers' funds". The section would be amended by: striking the words "or investment securities" in the two places where said words appear; striking the comma and the phrase "less the cost of disposal" at the end; and placing a period after the word "day". The purpose of this proposed amendment is to remove the references to investment securities which are no longer permitted by section 4d(2) of the Act (7 U.S.C. section 6d(2)) as amended by section 6 of Public Law 90–258, and to remove the requirement relating to cost of disposal, which is considered unnecessary.

§ 1.29 [Amended]

13. The title of § 1.29 would be amended by striking the phrase "or lending". The section would be amended by: striking the phrase "and lending" after the word "investment"; inserting the phrase "of obligations" after the word "deposit"; and striking the phrase "of obligations, investment securities, and warehouse receipts," after the phrase "§ 1.26". The purpose of this proposed amendment is to remove the references to lending of customers' funds and investment securities, which are no longer permitted by section 4d(2) of the Act (7 U.S.C. section 6d(2)) as amended by section 6 of Public Law 90–258.

14. Section 1.36 would be amended to read as follows:

§ 1.36 **Record of securities and property received from customers.**

(a) Each futures commission merchant shall keep, as provided in § 1.31, a record of all securities and property (other than money) received from customers in lieu of money to margin, guarantee, or secure the commodity trades and contracts of such customers. Such record shall include a description of the securities and property received from each customer, the name and address of such customer, the dates when the securities and property were received, the identity of the depositories or other places where such securities and property are segregated, the dates of deposits and withdrawals from such depositories, and the dates of return of such securities and property to such customers, or other disposition thereof, together with the facts and circumstances of such other disposition. In the event any futures commission merchant deposits with the clearing organization of a contract market, securities and/or property which belong to a particular customer, such futures commission merchant shall obtain written acknowledgment from such clearing organization that it was informed that such securities or property belong to a particular customer. Such acknowledgment shall be retained as provided in § 1.31.

(b) Each clearing organization of a contract market which receives from a member any securities or property (other than money) belonging to a particular customer of such member in lieu of money to margin, guarantee, or secure the commodity trades and contracts of such customer shall maintain a record which will show separately for each member, the dates when the securities and property were received, the identity of the depositories or other places where such securities and property are segregated, the dates such securities and property were returned to the member, or otherwise disposed of, together with the details of such disposition including the authorization therefor. Such record shall be retained as provided in § 1.31.

This proposed amendment is made in connection with section 4d(2) of the Act (7 U.S.C. section 6d(2)) as amened by section 6 of Public Law 90–258.

Notice is hereby given that an oral public hearing on the proposed amendments will be held commencing at 10 a.m., local time, on June 4, 1968, in Room 2–W of the Administration Building, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, D.C., at which all interested persons will be given adequate opportunity to express their views.

The Presiding Officer at the hearing will be a hearing examiner from the Office of Hearing Examiners of the Department designated for that purpose.

Any interested person may present any views, facts, or arguments he wishes to offer at the hearing. It will facilitate the hearing if persons who wish to testify at it will notify the Administrator of the Commodity Exchange Authority as soon as possible to that effect, stating they wish to testify and how much time they would like to have to present their testimony. However, any person who wishes to testify at the hearing will be afforded an opportunity to do so, whether he has given such advance notice or not.

The hearing will be open to the public. A stenographic transcript will be made of the hearing.

Any person who wishes, in addition to or in lieu of testimony at the oral hearing, to submit written data, views, or arguments on the proposed amendments to the regulations, may do so by filing them with the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington, D.C. 20250, on or before the date of the hearing, June 4, 1968. All written submissions made pursuant to this notice, and the transcript of the above hearing, will be available for public inspection in the office of the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, between the hours of 9 a.m. and 5:30 p.m. on any business day.

After the hearing the Department will evaluate all relevant material, presented at the hearing, submitted in writing, or otherwise in its possession, and will determine what action should be taken with respect to the proposed amendments.

Done at Washington, D.C., this 13th day of May 1968.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[F.R. Doc. 68–5858; Filed, May 15, 1968; 8:49 a.m.]

Consumer and Marketing Service

[7 CFR Part 1205]

COTTON

Determination of Cotton Board Membership

Notice is hereby given that the Consumer and Marketing Service, under authority contained in section 15 of the Cotton Research and Promotion Act (sec. 15, 80 Stat. 285; 7 U.S.C. 2114), is considering the revision of § 1205.402 of the Subpart—Members of the Cotton Board (7 CFR 1205.402; 32 F.R. 1083). Section 1205.402, which establishes the basis for determining representation on the Cotton Board for States entitled to more than one member on the Cotton Board, would be revised by deleting all references to "terms of office beginning in calendar year 1967". Such revision would provide for the continuation of the present basis for determining additional Cotton Board membership.

Section 1205.402 would be revised to read as follows:

§ 1205.402 **Determination of Cotton Board membership.**

In determining whether any cotton-producing State is entitled to be represented by more than one member on the Cotton Board pursuant to § 1205.318, average annual production of upland cotton in terms of 500 pound gross weight bales for the 5 crop years 1961 through 1965 shall be used as the basis for determination of such additional members. Accordingly, Texas is entitled to be represented on the Cotton Board by a total of five members, California by a total of two members, Mississippi by a total of two members, and each other cotton-producing State by one member each.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision in regulations may file the same in triplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 15 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 13, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68–5860; Filed, May 15, 1968; 8:49 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1500]

HAZARDOUS OCCUPATIONS IN AGRICULTURE

Federal Extension Service Exemption

Pursuant to 29 U.S.C. 213, 218 and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), it is proposed to grant certain exemptions from 29 CFR 1500.71(b) to 4–H members and others who are 14 years or more of age and who have received training in the safe use of farm equipment by amending 29 CFR 1500.70 to add a new paragraph (f) as set out below.

Any person interested in this proposal may present by mail pertinent written data, views, or argument to the Director of the Bureau of Labor Standards, U.S. Department of Labor, 400 First Street

NW., Washington, D.C. 20210, within 15 days after this document appears in the FEDERAL REGISTER.

The proposed new paragraph (f) is as follows:

§ 1500.70 General.

* * * * *

(f) *Federal Extension Service exemption.* (1) To the extent provided in subparagraph (2), (3), (4), or (5) of this paragraph (f), the findings and declarations of fact made in § 1500.71(b) shall not apply to children who are adequately instructed by their employer on the safe and proper operation of the specific equipment they are to use, and over whom he maintains close supervision, where feasible, or, where not feasible, in work such as cultivating, the employer or his representative checks on each child's safety at least midmorning, noon, and midafternoon.

(2) With respect to the occupations identified in subparagraphs (5), (6), (7), (8), (9), and (10) of § 1500.71(b), the findings and declarations of fact expressed in that paragraph shall not apply to those 4–H members who satisfy the requirements of subparagraph (1) of this paragraph (f) and each of the following requirements:

(i) He is 14 years of age, or older.

(ii) He is familiar with the normal working hazards in agriculture.

(iii) He has completed all units of the 1st-, 2d-, 3d- and 4th-year manual of the 4–H tractor program as conducted by the Cooperative Extension Service of a land grant college or university.

(iv) He has passed a written examination on tractor safety and has demonstrated his ability to operate a tractor safely with two-wheeled trailed implement on one of the 4–H Tractor Operator's Contest Courses.

(v) His employer has on file with the employee's records kept pursuant to Part 516 of this title a certificate relating to him, signed by the local 4–H leader and the county agricultural agent of the Cooperative Extension Service of a land-grant college or university to the effect that he has completed all of the requirements specified in subdivisions (i) through (iv) of this subparagraph.

(3) With respect to the occupations identified in subparagraph (5) of § 1500.71(b), the findings and declarations of fact expressed in that paragraph shall not apply to those 4–H members who satisfy the requirements of subparagraph (1) of this paragraph (f) and each of the following requirements:

(i) He is 14 years of age, or older.

(ii) He is familiar with the normal working hazards in agriculture.

(iii) He has completed a 10-hour training program which includes the following units from the 4–H tractor program:

(*a*) First-Year Manual:

Unit 1—Learning How To Be Safe;
Unit 4—The Instrument Panel;
Unit 5—Controls For Your Tractor;
Unit 6—Daily Maintenance And Safety Check; and
Unit 7—Starting And Stopping Your Tractor;

(*b*) Second-Year Manual:

Unit 1—Tractor Safety On The Farm;

(*c*) Third-Year Manual:

Unit 1—Tractor Safety On The Highway;
Unit 3—Hitches, Power-Take-Off, And Hydraulic Controls.

(iv) He has passed a written examination on tractor safety and has demonstrated his ability to operate a tractor safely with a two-wheeled trailed implement on one of the 4–H Tractor Operator's Contest Courses.

(v) His employer has on file with the employee's records kept pursuant to Part 516 of this title a certificate relating to him, signed by the local 4–H leader and the county agricultural agent of the Cooperative Extension Service of a land-grant college or university to the effect that he has completed all the requirements specified in subdivisions (i) thru (iv) of this subparagraph.

(4) With respect to the occupations defined in subpargraphs (6), (7), (8), (9), and (10) of § 1500.71(b), the findings and declarations of fact expressed in that paragraph shall not apply to those 4–H members who satisfy the requirements of subparagraph (1) of this paragraph (f) and each of the following requirements:

(i) He satisfies all the requirements of subparagraph (3) of this paragraph.

(ii) He has completed an additional 10-hour training program on farm machinery safety, including 4–H Fourth Year Manual, Unit 1, Safe Use of Farm Machinery.

(iii) He has passed a written and practical examination on safe machinery operation.

(iv) His employer has on file with the employee's records kept pursuant to Part 516 of this title a certificate relating to him, signed by the local 4–H leader and the county agricultural agent of the Cooperative Extension Service of a land-grant college or university to the effect that he has completed all of the requirements specified in subdivisions (i) thru (iii) of this subparagraph.

(5) With respect to the occupations defined in subparagraphs (5), (6), (7), (8), (9), and (10) of § 1500.71(b) the findings and declarations of fact expressed in that paragraph shall not apply to those persons who satisfy the requirements of subparagraph (1) of this paragraph (f) and each of the following requirements:

(i) He is 14 years of age, or older.

(ii) He has completed a 4-hour orientation familiarizing him with the normal working hazards in agriculture.

(iii) He has completed a 20-hour training program on safe operation of tractors and farm machinery which covers all material specified in subdivisions (3)(iii) and (4)(ii) of this paragraph (f).

(iv) He has passed a written examination on tractor and farm machinery safety and demonstrated his ability to operate a tractor with a two-wheeled trailed implement on a course like the 4–H Tractor Operator's Contest Course, and to operate farm machinery safely.

(v) His employer has on file with the employee's records kept pursuant to Part 516 of this title a certificate relating to him, signed by the volunteer leader and the county agent of the Cooperative Extension Service of a land grant college or university to the effect that all the requirements of subdivisions (i) through (iv) of this subparagraph have been met.

Signed at Washington, D.C., this 13th day of May 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68–5847; Filed, May 15, 1968; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Regs. No. 4]

DISABILITY INSURANCE

Rights and Benefits Based on Disability

Notice is hereby given, pursuant to the Administrative Procedure Act approved June 11, 1946, 5 U.S.C. 1001ff, that revision of Subpart P of Part 404 of Title 20 of the Code of Federal Regulations is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare, as set forth in tentative form below. It is proposed to revise the existing subpart to reflect the relevant provisions enacted in the Social Security Amendments of 1967, 81 Stat. 821ff, by:

(1) Incorporating the new or amended definitions of disability applicable to workers, children, widows, widowers, and the blind;

(2) Adding an appendix containing a Listing of Impairments establishing the level of severity of impairments, the existence of which is necessary to qualify for widow's and widower's benefits based on disability;

(3) Detailing the bases of evaluation to determine the existence of a disability;

(4) Providing for the cessation of disability of widows and widowers;

(5) Incorporating provisions for necessary technical changes and deletion of obsolete material.

Prior to the final adoption of the proposed revision, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201 within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed revision is to be issued under the authority contained in sections 202, 205, 216(i), 221, 222, 223, 225, and

1102 of the Social Security Act. 49 Stat. 623, as amended, 53 Stat. 1368, as amended, 68 Stat. 1080, as amended, 68 Stat. 1081, as amended, 68 Stat. 1082, as amended, 70 Stat. 815, as amended, 70 Stat. 817, as amended, 40 Stat. 647, as amended, 81 Stat. 821; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18; 42 U.S.C. 402, 405, 416(i), 421, 422, 423, 425, and 1302.

Dated: April 30, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: May 8, 1968.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

Subpart P—Rights and Benefits Based on Disability

§ 404.1501 Disability defined.

(a) *For disability benefits—(1) Benefits for months after August 1965.* Disability means:

(i) For purposes of determining entitlement to disability insurance benefits under section 223 of the Act, or to child's insurance benefits (based on the child's disability) under section 202(d) of the Act, for months after August 1965, inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months;

(ii) For purposes of determining entitlement to disability insurance benefits in a case of an individual who has attained the age of 55 and is blind (as defined in paragraph (b)(1)(ii)(*a*) of this section for benefits for months before February 1968 or for months after January 1968 based on applications filed before January 3, 1968, and in paragraph (b)(1)(ii)(*b*) of this section for benefits for months after January 1968 based on applications filed after January 2, 1968), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

(iii) For purposes of determining entitlement to widow's or widower's insurance benefits (based on the widow's or widower's disability) under section 202 (e) or (f) of the Act, respectively, for months after January 1968, the existence of a physical or mental impairment or impairments of a level of severity deemed (pursuant to § 404.1504) sufficient to preclude an individual from engaging in any gainful activity.

The meanings of "disability" described in this subparagraph (1) are applicable in the case of an application for (*a*) disability insurance benefits under section 223 of the Act or child's insurance benefits under section 202(d) of the Act filed after June 1965 (or before July 1965 if the individual did not die before July 1965, and notice of the Secretary's final decision on such application was not given before that month or, if so given, a civil action was commenced to review such decision and the decision of the court thereon did not become final before July 1965); and (*b*) widow's insurance benefits under section 202(e) of the Act or widower's insurance benefits under section 202(f) of the Act, based on the disability of the widow or widower, filed in or after the month of January 1968.

(2) *Benefits for months before September 1965.* For purposes of determining entitlement to disability insurance benefits or child's insurance benefits (based on the child's disability) for months before September 1965 (irrespective of date of application) "disability" means inability to engage in any substantial gainful activity because of any medically determinable physical or mental impairment which can be expected to continue for a long and indefinite period of time, or to result in death.

(b) *For period of disability—(1) Application filed or final decision rendered after June 1965.* For establishment of a period of disability where an application is filed after June 1965, "disability" means:

(i) Inability to engage in any substantial gainful activity because of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or

(ii) Blindness, without regard to ability to engage in any substantial gainful activity, hereinafter also referred to as "statutory blindness," which means (*a*) in the case of applications filed before January 3, 1968, central visual acuity of 5/200 or less in the better eye with the use of a correcting lens; an eye in which the visual field is reduced to 5° or less concentric contraction shall be considered as having a central visual acuity of 5/200 or less; and (*b*) in the case of applications filed after January 2, 1968, central visual acuity of 20/200 or less in the better eye with the use of a correcting lens; an eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20° shall be considered as having a central visual acuity of 20/200 or less.

The meanings of "disability" described in this subparagraph (1) are also applicable to an application filed before July 1965 where the individual did not die before July 1965, and notice of the final decision of the Secretary on such application was not given to the individual before July 1965, or notice of the final decision of the Secretary was given, but a civil action was commenced to review such decision and the decision of the court thereon did not become final before July 1965.

(2) *Application filed before July 1965 and final disposition before July 1965.* For establishment of a period of disability where an application is filed before July 1965 and notice of the final decision of the Secretary was given before July 1965, or if a civil action to review such decision was commenced, the decision of the court thereon became final befor July 1965; or if the individual died before July 1965, "disability" means:

(i) Inability to engage in any substantial gainful activity because of any medically determinable physical or mental impairment which can be expected to continue for a long and indefinite period of time or to result in death; or

(ii) Blindness, as defined in subparagraph (1)(ii)(*a*) of this paragraph.

(c) *Definition of impairment.* A physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques. Statements of the applicant, including his own description of his impairment (symptoms) are, alone, insufficient to establish the presence of a physical or mental impairment.

§ 404.1502 Evaluation of disability for disability insurance benefits and child's insurance benefits based on disability.

(a) Whether or not an impairment in a particular case involving disability insurance benefits under section 223 of the Act or child's insurance benefits based on disability under section 202(d) of the Act constitutes a disability, as defined in § 404.1501, is determined from all the facts of that case. Primary consideration is given to the severity of the individual's impairment. Consideration is also given to such other factors as the individual's age, education, and work experience. Medical considerations alone can justify a finding that the individual is not under a disability where the only impairment is a slight neurosis, slight impairment of sight or hearing, or other slight abnormality or a combination of slight abnormalities. On the other hand, medical considerations alone (including the physiological and psychological manifestations of aging) can, except where other evidence rebuts a finding of "disability," e.g., the individual is actually engaging in substantial gainful activity, justify a finding that the individual is under a disability where his impairment is one that meets the duration requirement in § 404.1501, and is listed in the appendix to this subpart or the Secretary determines his impairment (or combined impairments) to be medically the equivalent of a listed impairment (see § 404.1505).

(b) Conditions which constitute neither a listed impairment nor the medical equivalent thereof likewise may be found disabling if they do, in fact, prevent the individual from engaging in any substantial gainful activity. Such an individual, however, shall be determined to be under a disability only if his physical or mental impairment or impairments are the primary reason for his inability to engage in substantial gainful activity. In any such case it must be established that his physical or mental impairment or impairments are of such severity, i.e.,

result in such lack of ability to perform significant functions as moving about, handling objects, hearing, speaking, reasoning, and understanding, that he is not only unable to do his previous work or work commensurate with his previous work in amount of earnings and utilization of capacities but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work. For the purposes of the preceding sentence, work "exists in the national economy" with respect to any individual, when such work exists in significant numbers either in the region where such individual lives or in several regions of the country. Thus, isolated jobs of a type that exist only in very limited number or in relatively few geographic locations shall not be considered to be "work which exists in the national economy" for purposes of determining whether an individual is under a disability; an individual is not denied benefits on the basis of the existence of such jobs. Accordingly, where an individual remains unemployed for a reason or reasons not due to his physical or mental impairment but because he is unsuccessful in obtaining work he could do; or because work he could do does not exist in his local area; or because of the hiring practices of employers, technological changes in the industry in which he has worked, or cyclical economic conditions; or because there are no job openings for him or he would not actually be hired to do work he could otherwise perform, the individual may not be considered under a disability as defined in § 404.1501.

(c) Where an individual with a marginal education and long work experience (e.g., 35 to 40 years or more) limited to the performance of arduous unskilled physical labor is not working and is no longer able to perform such labor because of a significant impairment or impairments and, considering his age, education, and vocational background is unable to engage in lighter work, such individual may be found to be under a disability. On the other hand, a different conclusion may be reached where it is found that such individual is working or has worked despite his impairment or impairments (except where such work is sporadic or is medically contraindicated) depending upon all the facts in the case. In addition, an individual who was doing heavy physical work at the time he suffered such impairment might not be considered unable to engage in any substantial gainful activity if the evidence shows that he has the training or past work experience which qualifies him for substantial gainful work in another occupation consistent with his impairment, either on a full-time or a reasonably regular part-time basis.

Example: B, a 60-year old miner, with a fourth grade education, after a life-long history or arduous physical labor alleged that he was under a disability because of arthritis of the spine, hips, and knees and other impairments. Medical evidence shows a combination of impairments and establishes that these impairments prevent B from performing his usual work or any other type of arduous physical labor. His vocational background does not disclose either through performance or by similarly persuasive evidence that he has skills or capabilities needed to do lighter work which would be readily transferrable to another work environment. Under these circumstances, B may be found to be under a disability.

(d) When used in this section for evaluating "disability," the term "age" refers to chronological age and the extent to which it affects the individual's capacity to engage in work in competition with others. An individual unemployed primarily because of age, however, shall not be deemed unable to engage in substantial gainful activity by reason of a medical impairment.

(e) When used in this section for evaluating "disability," the term "education" is used in the following sense: Education and training are factors in determining the employment capacity of an individual. Lack of formal schooling, however, is not necessarily proof that the individual is an uneducated person. The kinds of responsibilities he carried when working may indicate ability to do more than unskilled work, even though his formal education has been limited.

§ 404.1503 Evaluation of disability—individual has attained age 55 and is statutorily blind.

An individual who has attained age 55 and is statutorily blind (see § 404.1501 (b) (1) (ii)) may establish entitlement to disability insurance benefits, under the provisions described in § 404.1501(a) (1) (ii) even though he is working or has worked in substantial gainful activity (see § 404.1534) since attainment of age 55 or the onset of statutory blindness, whichever is later, if the skills or abilities he utilized in such work are not comparable to those of any gainful activity in which he previously engaged with some regularity and over a substantial period of time. However, no payment may be made to such an individual for any month in which he engaged in any substantial gainful activity even though noncomparable (see § 404.1534).

§ 404.1504 Evaluation of disability—widows and widowers.

A widow or widower shall, for purposes of section 202 (e) or (f) of the Act, be determined to be under a disability only if, in the absence of evidence that he or she is engaged in substantial gainful activity—

(a) His or her impairment or impairments meet the duration requirement in § 404.1501 and are listed in the appendix to this subpart; or

(b) His or her impairment or impairments are not listed in the appendix to this subpart, but singly or in combination meet the duration requirement in § 404.1501 and are determined by the Secretary to be medically the equivalent of a listed impairment.

Such an individual shall not be found under a disability, however, where he or she is engaged in substantial gainful activity.

§ 404.1505 Determining medical equivalence.

(a) An individual's impairment or impairments shall be determined to be medically the equivalent of an impairment listed in the appendix to this Subpart P, only if the medical findings with respect thereto are at least equivalent in severity and duration to the listed findings of the listed impairment.

(b) Any decision made under § 404.1502, § 404.1504, or § 404.1539 as to whether an individual's impairment or impairments are medically the equivalent of an impairment listed in the appendix to this Subpart P, shall be based on medical evidence demonstrated by medically acceptable clinical and laboratory diagnostic techniques, including a medical judgment furnished by one or more physicians designated by the Secretary, relative to the question of medical equivalence. A "physician designated by the Secretary" shall include a physician in the employ of or engaged for this purpose by the Administration or a State agency authorized to make determinations of disability.

§ 404.1506 Listing of Impairments in appendix.

(a) (1) The Listing of Impairments describes, for each of the major body systems, impairments which—

(i) Are of a level of severity deemed sufficient to preclude an individual from engaging in any gainful activity; and

(ii) Are expected to result in death or to last for a continuous period of not less than 12 months.

(2) Each section is preceded by a general introduction containing definitions of key concepts used in that section. Certain specific medical findings, some of which are identified as essential in establishing a diagnosis or in confirming the exstence of an impairment for the purpose of this Listing, are also cited in the narrative introduction. Where the medical findings essential to support a diagnosis are not specified in the introduction or elsewhere in the Listing, the diagnosis must nonetheless be established on the basis of medically acceptable clinical and laboratory diagnostic techniques. For certain of the listed categories only a pathophysiologic diagnosis is required.

(3) Following the introduction in each section, the requisite level of severity of impairment is specified under "Category of Impairments" by one or more sets of medical findings. The medical findings consist of symptoms, signs and laboratory findings. For the purposes of this Subpart P, the following definitions apply:

(i) Symptoms are the claimant's own description of his physical or mental impairment.

(ii) Signs are anatomical, physiological, or psychological abnormalities which are demonstrable, apart from the claimant's symptoms, by medically acceptable clinical diagnostic techniques. Psychiatric signs are medically demonstrable

phenomena, apart from the claimant's symptoms, indicating specific abnormalities of behavior, affect, thought, memory, orientation and contact with reality.

(iii) Laboratory findings are manifestations of anatomical, physiological, or psychological phenomena which are demonstrable by the use of medically acceptable laboratory diagnostic techniques which extend or replace the perceptiveness of the senses, including chemical tests, electrophysologic or roentgenologic studies and psychological tests.

(b) An impairment shall not be considered to be one listed in the appendix. to this Subpart P solely because it has the name of a listed impairment. To be considered a listed impairment, it must also have such attendant findings as are recited in the Listing for the impairment.

§ 404.1507 Failure to follow prescribed treatment.

For purposes of entitlement to a period of disability or to disability insurance benefits or to child's, widow's or widower's insurance benefits based on disability, an individual's impairment must also be expected to result in death or to have lasted or be expected to last for a continuous period of not less than 12 months. An individual with a disabling impairment which is amenable to treatment that could be expected to restore his ability to work shall be deemed to be under a disability if he is undergoing therapy prescribed by his treatment sources but his impairment has nevertheless continued to be disabling or can be expected to be disabling for at least 12 months. However, an individual who willfully fails to follow such prescribed treatment cannot by virtue of such failure be found to be under a disability. Willful failure does not exist if there is justifiable cause for failure to follow such treatment.

§ 404.1520 Determinations of disability.

(a) *By State agencies.* In any State which has entered into an agreement with the Secretary providing therefor, determinations as to whether an individual is under a disability (as defined in § 404.1501), as to the date disability began, and as to the date disability ceases, shall be made by the State agency or agencies designated in such agreement on behalf of the Secretary with respect to all individuals in such State, or with respect to such class or classes of individuals in the State as may be designated in the agreement.

(b) *By the Administration.* Determinations as to whether an individual is under a disability, as to the date disability began, and as to the date disability ceases, shall be made by the Administration on behalf of the Secretary with respect to individuals in any State which has not entered into an agreement, any class or classes of individuals not designated in such an agreement or any individuals outside the United States.

(c) *Review by Administration of State agency determinations.* The Administration may review a determination made by a State agency that an individual is under a disability and, as a result of such review, may determine that such individual is not under a disability, or that the disability began on a date later than that determined by the State agency, or that the disability ceased on a date earlier than that determined by the State agency.

§ 404.1521 Initial determinations as to entitlement or termination of entitlement.

After any determination as to whether an individual is under a disability or has ceased to be under a disability, the Administration will make an initial determination (see § 404.905) with respect to entitlement to a period of disability or to disability insurance benefits or child's, widow's or widower's insurance benefits based on disability.

§ 404.1522 Reconsideration, hearing and review.

Reconsideration, hearing and review of any initial determination referred to in § 404.1521 may be requested by a party who is dissatisfied with such determination, in accordance with the provisions of Subpart J of this part (see particularly § 404.909 et seq.). A final decision of the Secretary is subject to judicial review upon the filing of a civil action in a U.S. district court in accordance with section 205(g) of the Act (see § 404.954).

§ 404.1523 Evidence of disability.

An individual who has filed an application for the establishment of a period of disability or for disability insurance benefits or child's, widow's or widower's insurance benefits based on disability, shall submit medical evidence showing the nature and extent of such individual's impairment or impairments during the time he alleges he was under a disability. Upon request, the applicant shall also submit evidence as to his education and training, work experience, and daily activities both prior to and after the alleged date of onset of disability, efforts to engage in gainful employment or self-employment and any other pertinent evidence showing the effect of his impairment or impairments on his ability to engage in any substantial gainful activity during the time he alleges he was under a disability. An applicant for benefits based on statutory blindness shall, upon request, submit evidence as to the skills and abilities required in any gainful activity in which he had previously engaged, the length of time and regularity of such previous work activity, and as to his inability to utilize such skills and abilities in substantial gainful activity (see § 404.1501(a)(1)(ii)).

§ 404.1524 Medical evidence.

Medical evidence of an individual's mental or physical impairment shall include:

(a) A report signed by a duly licensed physician;

(b) A copy of, or abstract from, the medical records, if any, of a hospital, clinic, institution, or sanatorium, or public or private agency, duly certified by the custodian of such record or by any employee of the Social Security Administration or the Veterans' Administration authorized to make certifications of any such evidence (see § 404.701), or any employee of a State agency authorized to make such certifications; or

(c) Other medical evidence of probative value. Medical reports, copies of medical records or other medical evidence submitted to substantiate an allegation that an individual is under a disability shall include reports of the individual's medical history, physical or mental status examinations or both, including clinical and laboratory findings, diagnosis, and treatment prescribed and response. Except where the claim is for the establishment of a period of disability based on statutory blindness (see § 404.1501(b)(1)(ii) and (2)(ii)), such evidence shall also describe the individual's capacity to perform significant functions such as the capacity to sit, stand, or move about, travel, handle objects, hear or speak, and, in cases of mental impairment, the ability to reason or to make occupational, personal, or social adjustments. The clinical and laboratory findings shall be sufficiently comprehensive and detailed to permit the making of independent determinations by the Administration or by a State agency as to the nature and limiting effects of the individual's physical or mental impairment or impairments for the period in question, his ability to engage in physical and mental activities, and the probable duration of such impairment.

§ 404.1525 Determination of disability by nongovernmental organization or other governmental agency.

The decision of any nongovernmental organization or any other governmental agency that an individual is, or is not, disabled for purposes of any contract, schedule, regulation, or law shall not be determinative of the question of whether or not an individual is under a disability for the purposes of Title II of the Social Security Act (see § 404.1501 for definition of "disability").

§ 404.1526 Conclusion by physician regarding individual's disability.

The function of deciding whether or not an individual is under a disability is the responsibility of the Secretary. A statement by a physician that an individual is, or is not, "disabled," "permanently disabled," "totally disabled," "totally and permanently disabled," "unable to work," or a statement of similar import, being a conclusion upon the ultimate issue to be decided by the Secretary, shall not be determinative of the question of whether or not an individual is under a disability. The weight to be given such physician's statement depends on the extent to which it is supported by specific and complete clinical findings and is consistent with other evidence as to the severity and probable duration of the individual's impairment or impairments.

§ 404.1527 Consultative examinations.

Upon reasonable notice of the time and place thereof, any individual alleged to be under a disability shall present himself for and submit to physical or mental examination or tests, at the expense of the Administration, by a physician or other professional or technical source designated by the Administration or the State agency authorized to make determinations as to disability. If any such individual fails or refuses to present himself for any examination or test, such failure or refusal, unless the Secretary determines that there is good cause therefor, shall be a basis for determining that such individual is not under a disability. Religious or personal scruples against medical examination or test shall not excuse an individual from presenting himself for a medical examination or test.

§ 404.1528 Evidence of continuation of disability.

An individual for whom a period of disability has been established or who has been determined to be entitled to disability insurance benefits or to child's, widow's or widower's insurance benefits based on disability, upon reasonable notice, shall, if requested to do so, present himself for and submit to examinations or tests as provided in § 404.1527, and shall submit medical reports and other evidence necessary for the purposes of determining whether such individual continues to be under a disability.

§ 404.1529 Place and manner of submitting evidence.

Evidence in support of an application for the establishment of a period of disability for disability insurance benefits or for child's, widow's or widower's insurance benefits based on disability, shall be filed in the manner and at the place or places prescribed in Subpart H of this part, or, where appropriate, at the office of a State agency authorized under agreement with the Secretary to make determinations as to disability, or with an employee of such State agency authorized to accept such evidence at a place other than such office.

§ 404.1530 Failure to submit evidence.

An individual shall not be determined to be under a disability unless he furnishes such medical and other evidence thereof as the Administration may require. Religious or personal scruples against medical examinations, test, or treatment shall not excuse an individual from submitting evidence of disability.

§ 404.1531 Responsibility to give notice of event which may effect a change in disability status.

An individual for whom a period of disability has been established or who is entitled to disability insurance benefits or to child's, widow's or widower's insurance benefits based on disability, shall notify the Administration promptly if:

(a) His condition improves;

(b) He engages in any work activity or there is an increase in the amount of such activity or his earnings therefrom; or

(c) He has been in a hospital or similar institution and is discharged therefrom.

§ 404.1532 Evaluation of work activities.

(a) *In general.* If an individual performed work during any period in which he alleges that he was under a disability as defined in § 404.1501, the work performed may demonstrate that such individual has ability to engage in substantial gainful activity. If the work performed establishes that an individual who is not statutorily blind is able to engage in substantial gainful activity, he is not under a disability. (For the statutorily blind, see paragraph (g) of this section.) Work which does not in itself constitute substantial gainful activity, may nevertheless indicate the existence of a residual capacity of such individual to engage in substantial gainful activity. Thus, an individual who utilizes work skills or abilities on a limited basis may not be under a disability if he is capable of increased utilization of such work skills or abilities.

(b) *Substantial gainful activity defined.* Substantial gainful activity refers to work activity that is both substantial and gainful. Substantial work activity involves the performance of significant physical or mental duties, or a combination of both, productive in nature. Gainful work activity is activity for remuneration or profit (or intended for profit, whether or not a profit is realized) to the individual performing it or to the persons, if any, for whom it is performed, or of a nature generally performed for remuneration or profit. In order for work activity to be substantial, it is not necessary that it be performed on a full-time basis; work activity performed on a part-time basis may also be substantial. It is immaterial that the work activity of an individual may be less, or less responsible, or less gainful, than that in which he was engaged before the onset of his impairment.

(c) *Nature of the work.* The performance of duties involving skill, experience or responsibility, or contributing substantially to the operation of an enterprise is evidence tending to show that an individual has ability to engage in substantial gainful activity.

(d) *Adequacy of performance.* The adequacy of an individual's performance of assigned work is also evidence as to whether or not he has ability to engage in substantial gainful activity. The satisfactory performance of assignments may demonstrate ability to engage in substantial gainful activity, while an individual's failure, because of his impairment, to perform ordinary or simple tasks satisfactory without supervision or assistance beyond that usually given other individuals performing similar work, may constitute evidence of an inability to engage in substantial gainful activity. "Made work," that is, work involving the performance of minimal or trifling duties which make little or no demand on the individual and are of little or no utility to his employer, or to the operation of a business, if self-employed, does not demonstrate ability to engage in substantial gainful activity.

(e) *Special employment conditions.* Work performed under special conditions of employment which take account of the employee's impairment (for example, work in a sheltered workshop or in a hospital by a patient) may, nonetheless, provide evidence of skills and abilities that demonstrate an ability to engage in a substantial gainful activity, whether or not such work in itself constitutes substantial gainful activtiy (see § 404.1534 (b) and (c)).

(f) *Activities in carrying on a trade or business.* Supervisory, managerial, advisory or other significant personal services rendered by a self-employed individual demonstrate an ability to engage in substantial gainful activity.

(g) *Work activity of blind applicants.* The work of an applicant for disability insurance benefits who has not attained age 55 and has applied for benefits based on statutory blindness is evaluated to determine whether he is able to engage in substantial gainful activity. If he has attained age 55, his work is evaluated also to determine whether he is utilizing skills or abilities comparable to those of any gainful activity in which he had previously engaged with some regularity over a substantial period of time. If his work establishes that he is able to engage in substantial gainful activity, and (if he has attained age 55) also that he is utilizing such skills or abilities or can utilize them therein, he is not under a disability for the purposes of disability insurance benefits (see § 404.1501(a)(1)(ii)).

§ 404.1533 Time spent in work.

If the time that an individual spends in work activities is comparable to the time customarily spent by individuals without impairment in similar work activities as a regular means of livelihood, his ability to work for such periods constitutes evidence tending to show an ability to engage in substantial gainful activity. Moreover, where an individual, because of his impairment, is unable to spend as much time in work activities as is customarily spent by individuals without impairment in similar work, but such individual is able to perform significant duties on a part-time basis, his ability to work on a part-time basis also tends to show an ability to engage in substantial gainful activity.

§ 404.1534 Evaluation of earnings from work.

(a) *General.* Where an individual who claims to be disabled engages in work activities, the amount of his earnings from such activities may be significant in determining whether such activities establish that the individual has the ability to engage in substantial gainful activity. Generally, activities which result in substantial earnings would establish ability to engage in substantial gainful activity; however, the fact that an individual's activities result in earnings

which are not substantial does not establish the individual's inability to engage in substantial gainful activity. Where an individual is forced to discontinue his work activities after a short time because his impairment precludes continuing such activities, his earnings would not demonstrate ability to engage in substantial gainful activity. Also a mentally handicapped individual who performs simple tasks subject to close and continuous supervision would not have demonstrated ability to engage in substantial gainful activity solely on the basis of the rate of his remuneration for such activity. Earnings received by an employee which are not attributable to his work activity are not considered in determining his ability to engage in substantial gainful activity. Thus where an individual engages in work activity as an employee under special conditions (see § 404.1532(e)), only earnings attributable to the individual's productivity, as distinguished from a subsidy related to other factors (e.g., his financial needs), are considered in determining his ability to perform substantial gainful activity. The fact, however, that a sheltered workshop or comparable facility may operate at a deficit and receive some charitable contributions or governmental aid would not necessarily establish that a particular employee of the workshop is not earning the amounts paid to him.

(b) *Earnings at a monthly rate in excess of $125.* An individual's earnings from work activities averaging in excess of $125 a month shall be deemed to demonstrate his ability to engage in substantial gainful activity in the absence of evidence to the contrary.

(c) *Earnings at a rate of $75 to $125 a month.* Where an individual's earnings from work activities average between $75 and $125 a month consideration of the amount of his earnings together with the other circumstances relating to his work activities (see §§ 404.1532 and 404.1533), the medical evidence relating to his impairment or impairments, and other factors (see § 404.1502) shall determine whether such individual is able to engage in substantial gainful activity. However, in the case of an individual working in a sheltered workshop (such as a workshop especially organized for the blind) or comparable facility, whose activities are limited by his impairment so that his earnings average $125 a month or less, such activities and such earnings ordinarily would not establish the ability to engage in substantial gainful activity.

(d) *Earnings at a monthly rate of less than $75.* Earnings from work activities as an employee which average less than $75 a month do not show that the individual is able to engage in substantial gainful activity. However, an evaluation of the work performed (see § 404.1532) may establish that the individual is able to engage in substantial gainful activity, regardless of the amount of his average monthly earnings.

(e) *Factors considered where individual is self-employed.* The earnings or losses of a self-employed individual often reflect factors other than the individual's work activities in carrying on his trade or business. For example, a business may have a small income or may even operate at a loss even though the individual performs sufficient work to constitute substantial gainful activity. Thus, less weight is given to such small income or losses in determining a self-employed individual's ability to engage in substantial gainful activity, and greater weight is given to such factors as the extent of his activities and the supervisory, managerial, or advisory services rendered by him (see § 404.1532(f)).

§ 404.1536 Period of trial work.

(a) *General.* Any services rendered by an individual entitled to disability insurance benefits, or child's insurance benefits after attainment of age 18, during a period of trial work shall nevertheless be deemed not to have been rendered, for the purpose of determining whether such individual's disability ceased during such period of trial work. Services rendered within a period of trial work may be considered, however, in determining whether an individual's disability ceased at any time after the expiration of such period of trial work.

(b) *Widow's and widower's insurance benefits based on disability.* The trial work period provision described in this section is not applicable in the case of widows and widowers entitled to benefits (based on their disability) under section 202 (e) and (f) of the Act.

(c) *Duration.* A period of trial work for any individual shall begin with the month in which the individual becomes entitled to disability insurance benefits or to child's insurance benefits after attainment of age 18: *Provided,* That such period shall not begin earlier than October 1960, or before the month in which application is filed for such benefits, and shall end with the close of whichever of the following calendar months is the earlier:

(1) The 9th month (whether or not consecutive), beginning on or after the first day of such period, in which the individual renders any services, or

(2) The month in which the individual's disability (as defined in § 404.1501 (a)) ceases, as determined without regard to work performed during the period of trial work.

(d) *Meaning of "services."* When used in this section "services" means any activity, even though not substantial gainful activity, which is performed by an individual in employment during a period of trial work for remuneration or gain, or which is determined to be of a type normally performed for remuneration or gain. Work performed without remuneration merely as a therapeutic measure or purely as a matter of training, or work usually performed in daily routine around the home or in self-care, is not considered "services."

(e) *Trial work for certain individuals who have attained age 55 and who are statutorily blind.* An individual who has been determined to be under a disability as defined in § 404.1501(a)(1)(ii) shall receive cash benefits during a trial work period only if:

(1) The work in which he engages requires skills or abilities comparable to those required in the work he regularly engaged in prior to blindness or age 55, whichever is later, or

(2) His last previous work ended because of an impairment and the work he engages in requires a significant vocational adjustment.

§ 404.1537 Limitations on eligibility to period of trial work.

(a) *Number of periods of trial work.* An individual is not eligible for more than one period of trial work in any one period of entitlement to disability insurance benefits or child's insurance benefits after attainment of age 18.

(b) *Beneficiary who did not serve waiting period.* An individual determined to be under a disability who becomes entitled to disability insurance benefits after previously having been entitled to such benefits which terminated, or to a period of disability which ceased, within the 60-month period preceding the first month in which he is under such disability, and who therefore is not required to serve a waiting period (see section 223(c)(2) of the Act), shall not be eligible for a period of trial work with respect to such entitlement period.

§ 404.1538 Recovery from impairment while working.

An individual's disability may be found to have ceased at any time within a period of trial work (see § 404.1536), if it is determined on the basis of evidence (other than evidence that the individual performed services during such time) that the individual is no longer statutorily blind or has recovered from his physical or mental impairment to the extent that he is no longer prevented by his impairment or impairments from engaging in substantial gainful activity.

§ 404.1539 Cessation of disability.

Where it has been determined that an individual is under a disability as defined in § 404.1501, the "disability" shall be found to have ceased in whichever of the following months is earliest:

(a) The month in which the impairment, as established by the medical or other evidence, is no longer of such severity as to prevent him from engaging in any substantial gainful activity and, in the case of disability under § 404.1501(a)(1)(ii), no longer constitutes statutory blindness; or

(b) The month in which the individual has regained his ability to engage in substantial gainful activity, or, in the case of disability under § 404.1501(a)(1)(ii), to utilize in substantial gainful activity skills or abilities comparable to those of some gainful activity in which he had previously engaged with some regularity over a substantial period of time, as demonstrated by work activity after application of the provisions in § 404.1536; or

(c) In the case of an individual entitled to widow's or widower's benefits, the month in which such individual's impairment improves to the point where it no longer constitutes an impairment

listed in the appendix to this subpart, or is medically the equivalent thereof; or

(d) Where the individual is requested to furnish necessary medical or other evidence or to present himself for a necessary physical or mental examination by a date specified in the request and the individual fails to comply with such request, the month within which the date for compliance falls, unless the Secretary determines that there is good cause for such failure.

Where an individual's entitlement to disability insurance benefits is terminated based on a finding that he has regained his ability to engage in substantial gainful activity, a period of disability established for him will continue if he has a visual impairment sufficiently severe to meet the definition of blindness in § 404.1501(b) (1)(ii) and (2)(ii).

APPENDIX—LISTING OF IMPAIRMENTS

1.00 MUSCULOSKELETAL SYSTEM

A. Functional loss may be due to an anatomical loss or to a loss of use of a part due to deformity, adhesions, defective innervation, or other pathology. Pain may be an important factor in causing functional loss, but it must be associated with relevant abnormal findings. Evaluations of musculoskeletal impairments should be supported where applicable by detailed descriptions of ranges of motion, status of the musculature and any sensory, reflex or circulatory deficits and pertinent X-ray findings.

B. Major joints as used herein refer to hip, knee, ankle, shoulder, elbow or wrist and hand. (Wrist and hand considered together as one major joint.)

C. The measurements of restricted motion and ankylosis are based on the technic of measurements described in "Guides to the Evaluation of Permanent Impairment Extremities and Back" by the Committee on Rating of Mental and Physical Impairment, Special Edition, JAMA, February 15, 1958.

1.01 CATEGORY OF IMPAIRMENTS, MUSCULOSKELETAL

1.02 *Rheumatoid arthritis.* With:

A. History of joint pain and swelling in two or more major joints and morning stiffness persistent on activity; and

B. Signs of joint enlargement, or effusion, and motion limitation with periarticular muscle wasting in two or more major joints; and

C. X-ray evidence of abnormality of a major joint (i.e., osteoporosis or decalcification or narrowing of joint space) and one of the following:

1. Anatomical deformity in one major joint, such as joint subluxation, contracture, bony or fibrous ankylosis, joint instability, ulnar deviation, or hyperextension, with resultant limitation of motion; or

2. Positive serologic test for rheumatoid factor; or

3. Elevated sedimentation rate (Wintrobe) greater than 20 mm. per hour in females or 10 mm. per hour in males; or

4. Positive C-reactive protein; or

5. Polymorphonuclear leukocytosis in synovial fluid aspirate; or

6. Characteristic histologic changes in biopsy of synovial membrane or subcutaneous nodule.

1.03 *Neurogenic arthropathy (e.g., Charcot) affecting at least one major weight bearing joint or one major joint in each of the upper extremities.* With:

A. Instability of subluxation; and

B. Associated loss of sensory modalities in appropriate distribution.

1.04 *Hypertrophic (osteo or degenerative), gouty, infectious or traumatic arthritis.* With:

A. History of pain and stiffness in the involved joints; and

B. X-ray evidence of joint space narrowing with osteophytosis (exostosis) or bony destruction with erosions and cysts, or subluxation, or ankylosis of involved joints and one of the following:

1. Abduction of both arms at shoulders restricted to less than 90 degrees; or

2. Ankylosis (fibrous or bony consolidation or fixation) of hip at less than 20 degrees or more than 30 degrees of flexion, measured from neutral position; or

3. Ankylosis or fixation of knee at more than 10 degrees from neutral position; or

4. Limitation of flexion of both hips to 50 degrees or less from neutral position (including ankylosis of both hips at any angle); or

5. Limitation of flexion of both knees to 30 degrees or less from the neutral position (including ankylosis of both knees at any angle); or

6. Combined involvement of single hip and knee in contralateral extremity, with impairment in each as in 4 or 5 above; or

7. Reconstructive surgery or surgical arthrodesis of a major weight-bearing joint (hip, knee, ankle, or tarsal region) and return to full weight-bearing status did not occur, or is not expected to occur within 12 months of onset of disability; or

8. X-ray evidence of lumbar spine abnormalities as in B above with motion of dorsolumbar spine limited to 5 degrees or less from neutral position and impairment of single hip or knee as in 4 or 5 above.

1.05 *Disorders of spine.* With:

A. Fracture of vertebra, residuals of—With cord involvement with appropriate sensory and motor loss; or

B. Generalized osteoporosis with pain, limitation of back motion, paravertebral muscle spasm, and compression fracture of a vertebra; or

C. Ankylosis or fixation of cervical or dorsolumbar spine at 30 degrees or more of flexion measured from the neutral position and one of the following:

1. Calcification of the anterior and lateral ligaments as shown by X-ray; or

2. Bilateral ankylosis of sacroiliac joints and abnormal apophyseal articulations as shown by X-ray.

1.06 *Tuberculosis of the spine or any major joint.* Active.

1.07 *Nerve root compression syndrome (due to any cause).* With:

A. Pain and motion limitation in back or neck; and

B. Cervical or lumbar nerve root compression as evidenced by appropriate radicular distribution of sensory, motor, and reflex abnormalities.

1.08 *Osteomyelitis (demonstrated by X-ray).* A. Pelvis, vertebra, femur, tibia or a major joint of an upper or lower extremity, with persistent activity or occurrence of at least 2 episodes in the 6 months since onset of disability manifested by local or systemic signs or laboratory findings (e.g., heat, redness, swelling, drainage, leucocytosis, or increased sedimentation rate); or

B. With multiple localizations and systemic manifestations such as anemia (hematocrit of 30 percent or less) or amyloid changes.

1.09 *Amputation of; or anatomical deformity of (i.e., loss of major function due to degenerative changes associated with vascular or neurological deficits, traumatic loss of muscle mass or tendons and X-ray evidence of bony or fibrous ankylosis at an unfavorable angle, joint subluxation or instability).* A. Both hands; or

B. Both feet; or

C. One hand and one foot.

1.10 *Amputation of lower extremity (at or above the tarsal region).* A. Hemipelvectomy or hip disarticulation; or

B. Evaluate an amputation associated with peripheral vascular disease or diabetes mellitus under the criteria in § 4.13 or § 9.08; or

C. Inability to use prosthesis effectively, without other assistive devices, due to:

1. Vascular disease; or

2. Neurological complications (e.g., loss of position sense); or

3. Stump complications persisting, or expected to persist, for at least 12 months from onset of disability, or

4. Disorder of contralateral lower extremity causing mobility restriction.

1.11 *Fracture femur, tibia, tarsal bone or pelvis.* With: solid union not evident on X-ray and return to full weight-bearing status did not occur, or is not expected to occur, within 12 months of onset.

1.12 *Fractures and/or soft tissue injuries of an upper extremity.* A. With nonunion of a fracture of the shaft of the humerus, radius, or ulna under continuing surgical management directed toward restoration of functional use of the extremity and such function was not restored or expected to be restored within 12 months after onset; or

B. Requiring a series of staged surgical procedures within 12 months after onset for salvage and/or restoration of major function of the extremity, and such major function was not restored or expected to be restored within 12 months after onset; or

C. After maximum benefit from surgical therapy has been achieved (i.e., there have been no significant changes in physical findings and/or X-ray findings for any 6-month period after the last definitive surgical procedure), the residual of fractures and/or soft tissue injuries of an upper extremity should be evaluated under the criteria in § 1.09 when associated with residual impairment of another extremity.

2.00 SPECIAL SENSE ORGANS

A. *Causes of disability.* Disease or injury of the special sense organs may produce disability by reduction of the ability to see or hear. Loss of central vision results in inability to distinguish detail and prevents reading and fine work. Loss of peripheral vision restricts the ability of an individual to move about freely. Loss of hearing impairs ability to communicate with others by misinterpretation of ideas and orders and results in lack of awareness to danger. The extent of impairment of sight or hearing should be determined by visual or auditory testing.

B. *Central visual acuity.* A loss of central visual acuity may be caused by impaired distant and/or near vision. However, for an individual to meet the level of severity described in § 2.02 and 2.04 only the remaining central visual acuity for distance of the better eye corrected by regular ophthalmic lens using the Snellen test chart may be used.

Regular ophthalmic lenses do not include contact lenses or other special visual aids unless prescribed by a treating ophthalmologist. Where a treating ophthalmologist recommends the use of special lenses (e.g., contact or telescopic lenses), consideration should be given to specific evidence of the improvement in vision thereby attainable.

C. *Field of vision.* Disability due to loss of peripheral vision may result if there is contraction of the visual fields. The contraction may be either symmetrical or irregular. For the phakic eye (the eye with a lens), the extent of the remaining visual field will be determined by usual perimetric methods, utilizing a 3 mm. white disc target at a distance of 330 mm. under illumination of not

less than 7 foot-candles. For the aphakic eye (the eye without a lens), the visual field must be determined by utilizing a 6 mm. white disc at a distance of 330 mm. without corrective lenses.

Field measurements must be accompanied by notated field charts, a description of the type and size of the target and the test distance. If corrective lenses have been used, this fact must be stated.

D. *Muscle function.* Paralysis of the third cranial nerve producing ptosis, paralysis of accommodation, and dilation and immobility of the pupil may cause significant visual impairment. When all the muscles of the eye are paralyzed, including the iris and ciliary body (total ophthalmoplegia), the condition is disabling provided it is bilateral. A finding of disability based primarily on impaired muscle function must be supported by a report of an actual measurement of ocular motility.

E. *Visual efficiency.* Loss of visual efficiency may be caused by disease of injury resulting in a reduction of central visual acuity and/or visual field. The visual efficiency of one eye is the product of the percentage of central visual efficiency and the percentage of visual field efficiency. (See Tables No. 1 and 2, § 2.09).

F. *Special situations.* Aphakia represents a visual handicap in addition to the loss of central visual acuity. The term monocular aphakia would apply to an individual who has had the lens removed from one eye, and who still retains the lens in his other eye or to an individual who has only one eye which is aphakic. The term binocular aphakia would apply to an individual who has had both lenses removed. In cases of binocular aphakia, the central visual efficiency of the better eye will be accepted as 75 percent of its value. In cases of monocular aphakia, where the better eye is aphakic, the central visual efficiency will be accepted as 50 percent of its value. (If an individual has binocular aphakia, and the central visual acuity in the poorer eye can be corrected only to 20/200, or less, the central visual efficiency of the better eye will be accepted as 50 percent of its value.)

Ocular symptoms of systemic disease may or may not produce a disabling visual impairment. These manifestations should be evaluated as part of the underlying disease entity by reference to the particular body system involved.

G. *Deafness.* Deafness should be evaluated in terms of the person's ability to hear and distinguish speech. The degree of functional hearing loss is that loss of hearing and discrimination for speech which is not restorable by a hearing aid. Loss of hearing may be determined with an audiometer or by other appropriate auditory testing. Discrimination for speech may be determined with a speech audiometer or a hearing aid and the use of phonetically balanced word lists (e.g., the PB–50's prepared at Harvard University or the W–22 recordings developed by the Central Institute for the Deaf). These special test lists consist of words selected so that the frequency of speech sounds in the group is the same as the frequency of the same sounds in an average vocabulary of conventional American English.

2.01 CATEGORY OF IMPAIRMENTS, SPECIAL SENSE ORGANS

2.02 *Impairment of central visual acuity.* Remaining vision in better eye after best correction with regular ophthalmic lens is 20/200 or less.

2.03 *Contraction of visual fields.* A. To 10 degrees or less from the point of fixation; or

B. So the widest diameter subtends an angle no greater than 20 degrees; or

C. To 20 percent or less visual field efficiency.

2.04 *Loss of visual efficiency.* Visual efficiency of better eye after best correction with regular ophthalmic lens, 20 percent or less. (The percent of remaining visual efficiency = the product of the percent of remaining central visual efficiency and the percent of remaining visual field efficiency.)

2.05 *Complete homonymous hemianopsia.*

2.06 *Total bilateral ophthalmoplegia.*

2.07 *Menieres syndrome.* Severe; with frequent and typical attacks, vertigo, deafness, and cerebellar gait.

2.08 *Hearing impairments (not correctible by a hearing aid).* Manifested by:

A. Absence of air and bone conduction in both ears (auditory perception of not more than one pure tone at high volume will be considered as absence of air and bone conduction); or

B. No more than 40 percent discrimination for speech (ability to hear and understand no more than 40 out of 100 words of special test lists of words using a speech audiometer or hearing aid).

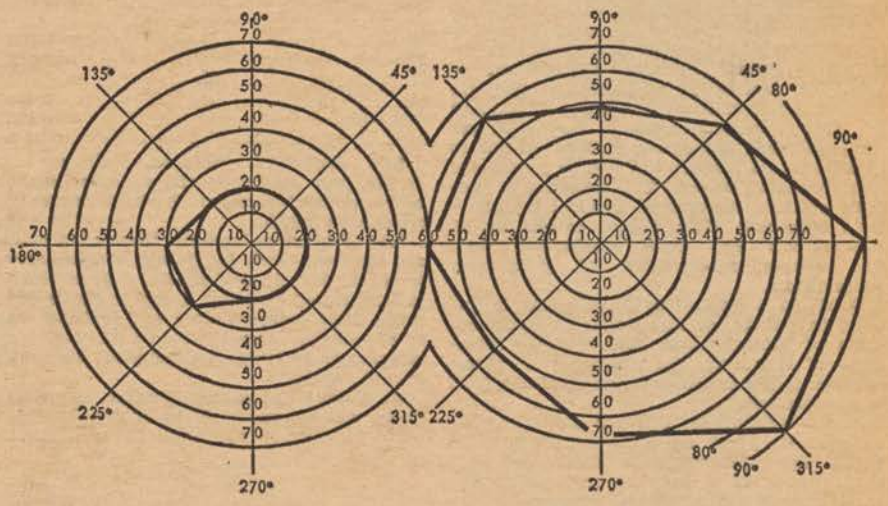
2.09 *Tables.*

TABLE NO. 1—PERCENTAGE OF CENTRAL VISUAL EFFICIENCY CORRESPONDING TO CENTRAL VISUAL ACUITY NOTATIONS FOR DISTANCE IN THE PHAKIC AND APHAKIC EYE (BETTER EYE)

Snellen		Percent central visual efficiency		
English	Metric	Phakic [1]	Aphakic Monocular [2]	Aphakic Binocular [3]
20/16	6/5	100	50	75
20/20	6/6	100	50	75
20/25	6/7.5	95	47	71
20/32	6/10	90	45	67
20/40	6/12	85	42	64
20/50	6/15	75	37	56
20/64	6/20	65	32	49
20/80	6/24	60	30	45
20/100	6/30	50	25	37
20/125	6/38	40	20	30
20/160	6/48	30	----------	22
20/200	6/60	20	----------	----------

Column	*Use*
[1] Phakic	1. A lens is present in both eyes. 2. A lens is present in the better eye and absent in the poorer eye. 3. A lens is present in one eye and the other eye is enucleated.
[2] Monocular	1. A lens is absent in the better eye and present in the poorer eye. 2. The lenses are absent in both eyes; however, the central visual acuity in the poorer eye after best correction is 20/200 or less. 3. A lens is absent from one eye and the other eye is enucleated.
[3] Binocular	1. The lenses are absent from both eyes and the central visual acuity in the poorer eye after best correction is greater than 20/200.

TABLE NO. 2—CHART OF VISUAL FIELD SHOWING EXTENT OF NORMAL FIELD AND METHOD OF COMPUTING % OF VISUAL FIELD EFFICIENCY



LEFT EYE (O.S.) RIGHT EYE (O.D.)

1. Diagram of right eye illustrates extent of normal visual field as tested on standard perimeter at 3/330 (3 mm. white disc at a distance of 330 mm.) under 7 foot-candles illumination. The sum of the eight principal meridians of this field total 500 degrees.

2. The percent of visual field efficiency is obtained by adding the number of degrees of the eight principal meridians of the contracted field and dividing by 500. Diagram of left eye illustrates visual field contracted to 30 degrees in the temporal and down and out meridians and to 20 degrees in the remaining six meridians. The percent of visual field efficiency of this field is: $6\times20+2\times30=180\div500=0.36$ or 36 percent remaining visual field efficiency, or 64 percent loss.

3.00 RESPIRATORY SYSTEM

A. Cause of disability: The disability produced by respiratory disease usually results from chronic recurrent infection, communicability or from pulmonary insufficiency or a combination of these factors.

B. Pulmonary tuberculosis is a communicable disease and disability is determined primarily on the basis of activity of the disease. Individuals with "inactive" or "quiescent" disease are not considered to be under a disability on the basis of tuberculosis, whereas individuals with "active" tuberculosis are considered to be under a disability.

Those individuals who meet the criteria described in § 3.08 for pulmonary tuberculosis will be found to have a disabling impairment which is expected to last for a period of at least 12 months. Proposed or accomplished surgery will not militate against such a finding. Impairment of pulmonary function due to extensive pulmonary tuberculosis should be evaluated under the appropriate listing.

Documentation. The clinical activity of pulmonary tuberculosis (i.e., active, inactive, or quiescent) and the criteria which describe the extent of the pulmonary lesion on roentgenogram (i.e., minimal, moderate, or far advanced) are defined in the National Tuberculosis Association's publication, "Diagnostic Standards and Classification of Tuberculosis." Tuberculosis will be considered to be present only when Mycobacterium tuberculosis has been demonstrated by a culture, or by guinea pig inoculation, of a specimen(s) from sputum, gastric aspirate, pleural fluid, or lung tissue. A "positive" culture is a culture in which colonies of M. tuberculosis are present. The date of a culture is the date of specimen collection. If the date of collection is unknown, it will be assumed that the specimen was collected 6 weeks prior to the date of the report of the culture. Where specimens have not been cultured or reported monthly, the intervening specimen(s) will be considered to have been negative, if a current specimen is negative. Suspected or questionable cavitary disease identified on the basis of a conventional PA 14 x 17 film will be considered to be noncavitary.

C. Pathogenic atypical mycobacteria: Pulmonary infection caused by these organisms will be considered under the same criteria as for M. tuberculosis except that specimens obtained by gastric aspiration are not acceptable. The pathogenic atypical mycobacteria are contained in Runyon Groups I, III, and IV. The scotochromogens in Group II are not considered pathogens. A report of one to 10 colonies on culture will not be considered as a "positive" culture. This presence of sporadic positive cultures of atypical mycobacteria occurring after disease caused by M. tuberculosis has been established does not denote reactivation of pulmonary tuberculosis.

D. When a respiratory impairment is episodic in nature, as may occur in complications of bronchiectasis and mycotic infections of the lung, the frequency of severe episodes is the criterion for determining level of impairment.

E. Cor pulmonale: Chronic cor pulmonale as used in § 3.11 refers to a condition in which the right ventricle is enlarged as a consequence of a primary respiratory disease. Therefore, the clinical diagnosis of the respiratory disorder must be established by history, physical findings and chest X-ray. Right ventricular enlargement or outflow tract prominence may be difficult to detect on routine PA film, particularly in the presence of chronic obstructive airway disease. Consequently, lateral and oblique films or chest fluoroscopy should be obtained, unless cardiac enlargement is established by the PA film as per § 4.02.

F. Documentation of pulmonary insufficiency: Spirometric studies for evaluation under Tables I, II, and IV must be expressed in liters or liters per minute. The reported maximum voluntary ventilation (MVV) or maximum breathing capacity (MBC) and one second forced expiratory volume (FEV_1) should represent the largest of at least three attempts. The MVV or the MBC reported should represent the observed value and should not be calculated from FEV_1. The appropriately labeled spirometric tracing, showing distance per second on the abscissa and the distance per liter on the ordinate, must be incorporated in the file. The paper speed to record the FEV_1 should be sufficiently fast for measurement of volume to the nearest 0.1 liter. The height of the individual must be recorded. Studies should not be performed during or soon after an acute respiratory illness. If wheezing is present on auscultation of the chest, studies must be performed following administration of nebulized bronchodilator. A statement should be made as to the individual's ability to understand the directions, and cooperate in performing the test.

3.01 CATEGORY OF IMPAIRMENTS, RESPIRATORY

3.02 *Chronic obstructive airway disease (chronic bronchitis, chronic asthmatic bronchitis or pulmonary emphysema with or without abnormal X-ray findings).* With:

Spirometric evidence of airway obstruction demonstrated by MVV and FEV_1 both equal to, or less than, the values specified in Table I, corresponding to the applicant's height.

TABLE I

Height (inches)	MVV (MBC) equal to or less than	*and*	FEV_1 equal to or less than
	L./Min.		*L.*
57 or less	32		1.0
58	33		1.0
59	34		1.0
60	35		1.1
61	36		1.1
62	37		1.1
63	38		1.1
64	39		1.2
65	40		1.2
66	41		1.2
67	42		1.3
68	43		1.3
69	44		1.3
70	45		1.4
71	46		1.4
72	47		1.4
73 or more	48		1.4

3.03 *Bronchial asthma, allergic or atopic (not due primarily to heart disease or bronchial infection).* Evaluate under the criteria in § 3.02.

3.04 *Diffuse pulmonary fibrosis (sarcoidosis, Hamman-Rich Syndrome, idiopathic interstitial fibrosis, and similar diffuse fibroses substantiated by chest X-ray or tissue diagnosis. This category does not include cases of bronchitis or emphysema with incidental scarring or scattered parenchymal fibrosis on X-ray).* With:

A. Total vital capacity equal to, or less than, values specified in Table II below corresponding to the applicant's height.

TABLE II

Height (inches)	*V.C. equal to or less than (L.)*
57 or less	1.2
58	1.3
59	1.3
60	1.4
61	1.4
62	1.5
63	1.5
64	1.6
65	1.6
66	1.7
67	1.7
68	1.8
69	1.8
70	1.9
71	1.9
72	2.0
73 or more	2.0

or

B. Diffusing capacity of the lungs for carbon monoxide less than 6 ml./mm. Hg./min. steady-state methods) or less than 9 ml./mm. Hg./min. (single-breath methods) or less than 30 percent of predicted normal. (All methods-actual values and predicted normal for the method used should be reported); or

C. Arterial oxygen saturation at rest and simultaneously determined arterial pCO_2 equal to, or less than, the values specified in Table III.

TABLE III

Arterial pCO_2	*Arterial O_2 saturation and equal to less than (percent)*
30 mm. Hg. or below	93
31 mm. Hg	93
32 mm. Hg	92
33 mm. Hg	92
34 mm. Hg	91
35 mm. Hg	91
36 mm. Hg	90
37 mm. Hg	89
38 mm. Hg	88
39 mm. Hg	88
40 mm. Hg. or above	87

3.05 *Other restrictive ventilatory disorders (e.g., kyphoscoliosis, thoracoplasty, pulmonary resection).* With:

Total vital capacity equal to, or less than, values specified in Table IV corresponding to the applicant's height.

TABLE IV

Height (inches)	*V.C. equal to or less than (L.)*
59 or less	1.0
60	1.1
61	1.1
62	1.1
63	1.1
64	1.2
65	1.2
66	1.2
67	1.3
68	1.3
69	1.3
70 or more	1.4

3.06 *Pneumoconiosis (demonstrated by X-ray evidence).* With:

A. Nodular or focal fibrosis (nonconglomerative). Evaluate under the criteria for chronic obstructive airway disease in § 3.02; or

B. Interstitial or disseminated fibrosis or conglomerative disease. Evaluate under the criteria for pulmonary fibrosis in § 3.04; or

C. Where A and B are mixed or cannot be differentiated—evaluate under the criteria in § 3.02 or §3.04.

3.07 *Bronchiectasis (demonstrated by radio-opaque material).* With:

A. Episodes of acute bronchitis or pneumonia or hemoptysis (more than blood-streaked sputum) occurring at least once every 2 months; or

B. Impairment of pulmonary function due to extensive disease should be evaluated under the criteria for chronic obstructive airway disease in § 3.02 or where extensive fibrosis is evident on chest film, under the criteria for pulmonary fibrosis in § 3.04.

3.08 *Pulmonary tuberculosis (caused by M. tuberculosis or pathogenic atypical mycobacteria).* With:

A. Positive culture (or positive guinea pig inoculation) of specimen obtained more than 3 months following onset of disability; or

B. Serial X-ray evidence of increasing extent of lesion more than 3 months following onset of disability; or

C. Far-advanced disease with cavitation and positive culture (or positive guinea pig inoculation) of specimen obtained at any time following onset of disability; or

D. Impairment of pulmonary function due to extensive disease should be evaluated under the criteria in § 3.02, § 3.04, or § 3.05.

3.09 *Mycotic infection of lung.* With:

A. Laryngectomy or stenosis of the larynx or paralytic aphonia provided there is inability to produce, by the use of some other anatomical part, speech which can be heard, understood, and sustained; or

B. Culture of specific organisms from sputa at any time following onset of disability and current X-ray evidence of a lesion and episodes of hemoptysis occurring at least once every 2 months; or

C. Impairment of pulmonary function due to extensive disease should be evaluated under the criteria in § 3.02, § 3.04, or § 3.05.

3.10 *Organic loss of speech.* With:

A. Laryngectomy or stenosis of the larynx or paralytic aphonia provided there is inability to produce, by the use of some other anatomical part, speech which can be heard, understood, and sustained; or

B. Central nervous system lesion resulting in severe sensory or motor aphasia paralleling the speech impairment under A above.

3.11 *Cor pulmonale.* With:

A. Congestive heart failure. Evaluate under the criteria in § 4.02; or

B. Right-sided congestive failure as evidenced by peripheral edema and liver enlargement and right ventricular enlargement or outflow tract prominence on X-ray or fluoroscopy.

3.12 *Bronchopleural fistula (persistent).* With empyema.

4.00 Cardiovascular System

A. Regardless of the cause of heart disease, disability results from one of two principal consequences of the disease. One is congestive heart failure and the other is ischemia or death of heart muscle. In diseases of the arteries and veins, disability may result from impairment of the vasculature in the central nervous system, eyes, kidneys and extremities. The criteria for evaluating both heart and vascular disorders ar expressed in terms of symptoms, signs and laboratory findings.

B. Congestive heart failure is considered in the listings under one category regardless of the etiology producing the heart failure (e.g., arteriosclerotic, hypertensive, rheumatic, pulmonary, congenital, or syphilitic heart disease). Congestive heart failure is not considered to be established for the purpose of § 4.02 unless there is evidence at some point in time of signs of vascular congestion such as hepatomegaly, peripheral or pulmonary edema as well as other appropriate findings.

C. Hypertensive vascular disease produces disability when it causes complicatons in one or more of the four main end organs; i.e., the heart, the brain, the kidneys, and the eyes (retinas). This may occur singly or in combination and to varying degrees in the different end organs.

D. Angina pectoris: The complaint of chest pain, which is considered to be of cardiac origin, must be associated with abnormal laboratory findings. Thus chest pain, by itself, in the absence of corroborative evidence is insufficient to warrant a finding of disability. Angina pectoris, as used herein, is considered to be substernal pain precipitated by effort and relieved by rest or nitroglycerin, described as crushing, squeezing, burning, pressing, or an equivalent thereof. Excluded are sharp, sticking, or rhythmic pains.

E. Electrocardiographic evidence is best presented in the form of the actual tracings. Where an electrocardiogram (ECG) is obtained at the expense of the Administration, the tracing must be incorporated in the file. In those cases where an ECG has not been obtained at the expense of the Administration, an interpretation alone is not sufficient and a detailed description of the ECG abnormalities must be given.

When a resting ECG is normal and an ECG exercise test is indicated, it should be performed according to a technique such as the one described in Master, A.M., and Rosenfeld, I.: "Exercise Electrocardiography as an Estimate of Cardiac Function", "Diseases of the Chest," 51: 347, 1967. The criteria in § 4.07 are based upon the Master and Rosenfeld technique and only negative results obtained by the Master and Rosenfeld technique will be used to determine that the criteria in § 4.07 are not met. Negative results from techniques other than the Master and Rosenfeld technique are not determinative. However when some other standardized ECG exercise test has been performed, adequately described abnormal test results will be considered equivalent to meeting the criteria described in § 4.07. Where the ECG exercise test is obtained at the expense of the Administration, the tracings must be made a part of the file and must be adequately marked as to the lead and duration of time elapsed from performance of the exercise. The report should contain the number of trips indicated, the number of trips actually completed, and the time spent doing the exercise. If the exercise test could not be completed in the required period of time, the circumstances should be described.

F. Surgical procedures in heart disorders: The amount of function restored and the time required to effect improvement in an individual treated by heart surgery varies considerably with the nature and extent of the disorder prior to surgery, the type of surgery involved and many other individual factors. If the criteria described for heart disease are met, proposed heart surgery will not militate against a finding of disability. If insufficient time has elapsed to assess whether impairment of requisite severity persists after surgery, severity of the impairment will be determined by preoperative findings.

4.01 Category of Impairments, Cardiovascular System

4.02 *Congestive heart failure (see § 4.00B) associated with cardiac enlargement on teleroentgenogram (6-foot film showing cardiothoracic ratio of 55 percent) or greater, or equivalent enlargement of the transverse diameter of the heart).*

4.03 *Hypertensive vascular disease (apply this section if diastolic pressures are consistently in excess of 100 mm. Hg.).* With:

A. Hypertensive retinopathy evidenced by hemorrhages, or cotton wool patches, with reduction in the caliber of the arterioles and arteriovenous crossing defects (or papilledema); or

B. Impaired renal function as described under the criteria in § 6.02; or

C. Cerebrovascular damage as described under the criteria in § 11.04; or

D. Congestive heart failure as described under the criteria in § 4.02; or

E. Angina pectoris as described under the criteria in § 4.06, § 4.07, or § 4.08.

4.04 *Myocardial infarction associated with consistent ECG abnormalities (or consisent abnormalities of serum enzymes).* And one of the following:

A. Chest discomfort on effort, relieved by rest or nitroglycerin; or

B. Another documented myocardial infarction within 6 months following the previous infarction.

4.05 *Persistent heart block or recurrent arrhythmia, as evidenced by ECG (in absence of digitalis) with cardiac syncope.*

4.06 *Angina pectoris (as defined in § 4.00D), associated with resting ECG abnormalities, in the absence of digitalis (in the presence of digitalis, the predigitalis ECG should be evaluated).* Showing one of the following:

A. Depression of the ST segment to more than 0.5 mm. in any of leads I, II, aVL, aVF, V_1 to V_6; or

B. Elevation of ST segment to 2 mm. or more in any of leads I, II, III, V_4, V_5, or V_6; or

C. Inversion of T-wave to 5.0 mm. or more in any 2 leads except leads III, aVR, V_1 and V_2; or

D. Inversion of T-wave to 1.0 mm. or more in any of leads I, II, aVL, V_2 to V_6 AND R-wave of 5.0 mm. or more in lead aVL and R-wave greater than S-wave in lead aVF; or

E. Second or third degree heart block; or

F. Left bundle branch block.

4.07 *Angina pectoris (as defined in § 4.00D) associated with standardized ECG exercise test abnormalities (see § 4.00E) in the absence of digitalis (in the presence of digitalis, the predigitalis ECG should be evaluated).* Showing one of the following:

A. Development of depression of ST segment to more than 0.5 mm. which lasts for at least 0.12 second and appears in at least 2 consecutive complexes in any lead; or

B. Development of bundle branch block.

4.08 *Chest discomfort on effort relieved by rest or nitroglycerin.* With:

A. Obstruction or narrowing of coronary vessels observed on angiography obtained independent of social security disability evaluation; or

B. Heart enlargement as described under the criteria in § 4.02.

4.09 *Rheumatic or syphilitic heart disease.* With:

A. Congestive heart failure as described under the criterial in § 4.02; or

B. Chest discomfort on effort relieved by rest or nitroglycerin as described under the criteria in § 4.08; or

C. Chest discomfort on effort, relieved by rest or nitroglycerin, and one of the ECG abnormalities described under the criteria in § 4.06 or § 4.07; or

D. Heart block or recurrent arrhythmias as described under the criteria in § 4.05; or

E. Cerebrovascular damage as described under the criteria in § 11.03.

4.10 *Cor pulmonale.* With:

A. Heart enlargement as described under the criteria in § 4.02; or

B. Right sided congestive failure as evidenced by peripheral edema and liver enlargement and right ventricular enlargement, or outflow tract prominence, on X-ray or fluoroscopy.

4.11 *Aneurysm of aorta or branches (demonstrated by X-ray evidence).* With:

A. Congestive heart failure as described under the criteria in § 4.02; or

B. Chest discomfort (with or without effort); or

C. Repeated bleeding due to aneurysmal erosion; or

D. Syncope.

4.12 *Chronic venous insufficiency, lower extremity.* With chronic obstruction of the deep venous return, superficial varicosities, recurrent ulceration, and extensive brawny edema.

4.13 *Arteriosclerosis obliterans or thrombo-angiitis obliterans.* With:

A. Intermittent claudication with absence of peripheral arterial pulsations below the femoral artery or failure of visualization of a major peripheral artery on arteriogram; or

B. Amputation at or above the tarsal region due to peripheral vascular disease.

5.00 Digestive System

A. Diseases and disorders of the digestive system resulting in disability usually do so because of interference with nutrition, multiple recurrent inflammatory lesions, or complications of disease; such as, fistulae, abscesses, or recurrent obstruction.

B. Malnutrition or weight loss from gastrointestinal disorders: When the primary disorder of the digestive tract has been established (e.g., entero-colitis, chronic pancreatitis, post gastrointestinal resection, etc.), the resultant interference with nutrition will be considered under the criteria in § 5.08. This will apply whether the weight loss is due to a primary or secondary malabsorption or malassimilation syndrome or due to decreased caloric intake. However, weight loss not due to disease of the digestive tract but associated with psychiatric disorders should be evaluated under the appropriate listing for the underlying psychiatric disorder.

C. A colostomy or ileostomy does not impose marked restriction of activity if the individual is able to maintain adequate nutrition and function of the stoma.

5.01 CATEGORY OF IMPAIRMENTS, DIGESTIVE SYSTEM

5.02 *Loss of tongue (whole or part).* With:

A. Weight loss or malnutrition as described under the criteria in § 5.08; or

B. Inability to communicate by speech.

5.03 *Stricture, stenosis, or obstruction of the esophagus (demonstrated by X-ray or endoscopy).* With weight loss or malnutrition as described under the criteria in § 5.08.

5.04 *Peptic ulcer including residuals or complications (demonstrated by X-ray).* With:

A. Postoperative recurrent ulceration; or

B. Fistula formation; or

C. Recurrent obstruction demonstrated by X-ray; or

D. Weight loss or malnutrition as described under the criteria in § 5.08.

5.05 *Cirrhosis of liver.* With:

A. Ascites, not attributable to other causes, which has been demonstrated by abdominal paracentesis or is associated with serum albumin of 3.0 Gm./100 ml. or less; or

B. Serum bilirubin of 2.5 mg./100 ml. or greater or bile in urine (either finding on repeated examinations); or

C. Esophageal varices, demonstrated by X-ray or endoscopy, with a documented history of bleeding attributed to these varices or performance of either a shunt operation or a plication of varices; or

D. Hepatic coma documented by findings from hospital records.

5.06 *Ulcerative colitis (demonstrated by endoscopy or barium enema study).* With:

A. Recurrent bloody stools on repeated examinations and complicated by systemic manifestations; e.g., arthritis, iritis, recurrent fever, or jaundice; or

B. Bowel perforation with abscess or fistula formation; or

C. Recurrent enteritis after total colectomy; or

D. Weight loss or malnutrition as described under the criteria in § 5.08.

5.07 *Regional enteritis (demonstrated by operative findings or small bowel study).* With:

A. Partial intestinal obstruction; or

B. Abscess or fistula formation; or

C. Weight loss or malnutrition as described under the criteria in § 5.08.

5.08 *Malnutrition (caused by a gastrointestinal impairment resulting from malabsorption, malassimilation, or decreased caloric intake).* With:

A. Weight equal to or less than the values specified in Tables I or II; or

B. Weight greater than the values specified in Tables I or II but equal to or less than the values specified in Tables III or IV and one of the following abnormal test findings:

1. Fat in stool of 7 Gm. or greater per 24-hour stool specimen or decreased absorption of radioactive iodine-labeled fat; or

2. Nitrogen in stool of 3 Gm. or greater per 24-hour stool specimen or decreased absorption of radioactive labeled protein; or

3. Abnormally low D-xylose tolerance test in absence of impaired renal function; or

4. Serum carotene of 45 mcg./100 ml. or less; or

5. Serum calcium of 8.5 mg./100 ml. or less; or

6. Serum albumin of 3.0 Gm./100 ml. or less; or

7. Hematocrit of 34 percent or below in males or 30 percent or below in females.

Tables of weight reflecting malnutrition scaled according to height and sex—To be used only in connection with § 5.08.

TABLE I—MEN

Height (in.)[1]	*Weight (lbs.)*
61	90
62	92
63	94
64	97
65	99
66	102
67	106
68	109
69	112
70	115
71	118
72	122
73	125
74	128
75	131
76	134

TABLE II—WOMEN

Height (in.)[1]	*Weight (lbs.)*
58	77
59	79
60	82
61	84
62	86
63	89
64	91
65	94
66	98
67	101
68	104
69	107
70	110
71	114
72	117
73	120

TABLE III—MEN

Height (in.)[1]	*Weight (lbs.)*
61	95
62	98
63	100
64	103
65	106
66	109
67	112
68	116
69	119
70	122
71	126
72	129
73	133
74	136
75	139
76	143

TABLE IV—WOMEN

Height (in.)[1]	*Weight (lbs.)*
58	82
59	84
60	87
61	89
62	92
63	94
64	97
65	100
66	104
67	107
68	111
69	114
70	117
71	121
72	124
73	128

[1] Height measured without shoes.

6.00 GENITO-URINARY SYSTEM

A. Cardiac or other complications associated with renal disorders may be evaluated according to the appropriate body system listing.

B. Permanent urinary diversion: It may be necessary to permanently alter the normal course of outflow of urine when disease or trauma destroys portions of the urinary tract. In these cases, evaluation should take into consideration the underlying medical condition as well as the method used in establishing urinary diversion. Significant complications that might result after permanent urinary diversion are in the area of renal impairment such as progressive hydronephrosis.

6.01 CATEGORY OF IMPAIRMENTS, GENITO-URINARY SYSTEM

6.02 *Impairment of renal function, due to any cause (e.g., hypertensive vascular disease, nephritis, nephrolithiasis, polycystic disease, ureteral obstruction, etc.).* With repeated abnormal renal function tests showing:

A. BUN of 30 mg./100 ml. or greater (or equivalent elevation of NPN, blood urea, or creatinine); or

B. Creatinine clearance equal to or less than 60 liters/24 hours (42 ml./min.).

6.03 *Removal or functional loss of one kidney.* Evaluate existing disease in the remaining kidney under the criteria in § 6.02.

6.04 *Permanent urinary diversion (e.g., supra-pubic cystostomy (uretero-intestinal diversion, cutaneous ureterostomy, etc.).* With progressive bilateral hydronephrosis.

6.05 *Tuberculosis of the genito-urinary tract.* With:

A. Positive culture of M. tuberculosis more than 3 months following onset of disability; or

B. Increasing extent of lesion on cystoscopy or serial pyelography more than 3 months following onset of disability.

7.00 HEMIC AND LYMPHATIC SYSTEM

A. *Cause of disability.* Disability based upon anemia results from inadequate oxygenation of tissues caused by a reduction of the oxygen-carrying capacity of the blood. Hematologic defects can also result in defective hemostatic mechanisms with hemorrhage into such functional components as the brain or major joints or thrombosis of the vascular supply of vital organs. Formation of tumors may cause compression of vital structures or erosion of bone. Deposits of breakdown products of the blood cells may cause impairment of hepatic or renal function, joint deformity, or formation of cholelithiasis with subsequent bile duct obstruction. Where involvement of other organ

systems has occurred as a result of hematologic disease, these impairments should be evaluated under the criteria for the appropriate sections.

Red blood cells may be replaced by blood transfusion, but in some diseases this elevation of hematocrit is only transient. A contemplated splenectomy should not, in itself, militate against a finding of disability expected to last at least 12 months.

The level of laboratory findings cited in the categories; i.e., hematocrit, serum bilirubin, reticulocyte and blood platelet count, should reflect the values reported on more than one examination. A single laboratory finding will not suffice to meet the level described.

7.01 CATEGORY OF IMPAIRMENTS, HEMIC AND LYMPHATIC SYSTEM

7.02 *Chronic anemia (manifested by hematocrit of 30 percent or less)*. Evaluate the resulting impairment or the primary disorder under the criteria for the affected body system.

7.03 *Hemolytic anemia (due to any cause)*. Manifested by hematocrit of 30 percent or less with:

A. Serum bilirubin of 1.5 mg/100 ml. or greater; or

B. Reticulocyte count of 4 percent or greater.

7.04 *Paroxysmal nocturnal hemoglobinuria*. With hematocrit of 30 percent or less and persistent hemolysis or recurrent crisis.

7.05 *Hemoglobinopathies (e.g., sickle cell disease, thalassemia)*. With hematocrit of 30 percent or less and at least one major hemolytic crisis within the 6 months following the onset of disability with a further recorded drop in hematocrit.

7.06 *Purpuras (e.g., idiopathic thrombocytopenic purpuras)*. With:

A. Persistant purpura and at least one major spontaneous hemorrhage from a body orifice within the 6 months following the onset of disability; or

B. Blood platelet count of 40,000/cu. mm. or less.

7.07 *Hereditary telangiectasia*. With frequent major hemorrhages from body orifices.

7.08 *Coagulation defects (e.g., deficiency of antihemophilic factor (AHF), plasma thromboplastic component (PTC), plasma thromboplastin antecedent (PTA) or of fibrinogen)*. With frequent episodes of spontaneous hemorrhage and hemarthrosis of one major joint with deformity.

7.09 *Polycythemia (secondary and primary manifested by hematocrit of 55 percent or more in males or 50 percent or more in females)*. Evaluate the resulting impairment under the criteria for the affected body system.

7.10 *Chronic bone marrow failure (aplastic anemia, myelofibrosis, myeloid metaplasia, myelophthistic anemia, etc.)*. With:

A. Persistant hematocrit 30 percent or less; or

B. Recurrent hemorrhagic manifestations; or

C. Blood platelet count of 40,000/cu. mm. or less; or

D. Spleen enlarged to iliac crest.

7.11 *Acute leukemias*. With appropriate findings on peripheral blood smear or bone marrow examination.

7.12 *Chronic leukemias*. With:

A. Persistent hematocrit of 30 percent or less; or

B. Recurrent hemorrhagic manifestations; or

C. Blood platelet count of 40,000/cu. mm. or less; or

D. Massive organ enlargement (e.g., nodes, spleen, or liver) unreduced by prescribed therapy; or

E. Recurrent fever (100° F. or above orally).

7.13 *Lymphomas and multiple myeloma*. Evaluate under the criteria for neoplastic diseases in § 13.00.

7.14 *Macroglobulinemia (diagnosis confirmed by ultracentrifugation or immunoelectrophoresis)*. With frequent hemorrhages from body orifices.

8.00 SKIN

Conditions of the skin, including disfiguring scars and repugnant skin disease, will not ordinarily be found in themselves to be disabling. Some skin conditions, such as the ulcerations and eczemas associated with severe varicose veins, or the disfiguring and repugnant skin lesions of certain types of dermatitis, are significant as manifestations of the underlying condition. Large areas of skin surface are sometimes destroyed by severe burns with consequent scarring and disfigurement. Eventually, factors of contractures and deformities play a significant role in determining functional capacities, and these, in turn, should be evaluated under the criteria in the Musculoskeletal System. (§ 1.00ff.)

8.01 CATEGORY OF IMPAIRMENTS, THE SKIN

8.02 *Exfoliative dermatitis (generalized)*. In grave and protractive types.

8.03 *Pemphigus*. Evaluate under the criteria in § 8.02.

9.00 ENDOCRINE SYSTEM

A. *Cause of disability*. Disability is caused by overproduction or underproduction of hormones resulting in structural and/or functional changes in the body. Where involvement of other organ systems has occurred as a result of a primary endocrine disorder, these impairments should be evaluated according to the criteria under the appropriate sections.

9.01 CATEGORY OF IMPAIRMENTS, ENDOCRINE

9.02 *Thyroid disorders*. With:

A. Progressive exophthalmos as measured by exophthalmometry; or

B. Evaluate the resulting impairment under the criteria for the affected body system.

9.03 *Hyperparathyroidism*. With:

A. Generalized decalcification of bone on X-ray study and elevation of plasma calcium to 11 mg./100 ml. or greater; or

B. Evaluate the resulting impairment according to the listing under the affected body system.

9.04 *Hypoparathyroidism*. With:

A. Severe recurrent tetany; or

B. Recurrent generalized convulsions; or

C. Evaluate lenticular cataracts under the criteria in § 2.00ff.

9.05 *Neurohypophyseal insufficiency (diabetes insipidus)*. With persistent urine specific gravity of 1.005 or below and dehydration.

9.06 *Hyperfunction of the adrenal cortex*. Evaluate the resulting impairment under the criteria for the affected body system.

9.07 *Adrenal cortical insufficiency (Addison's disease)*. With recurrent episodes of circulatory collapse manifested by hypotensive episodes.

9.08 *Diabetes mellitus*. A. When diabetes exists with other physical or mental impairments, evaluate under the criteria for the appropriate body systems; or

B. Diabetes with one of the following (not covered under existing body system listing):

1. Neuropathy with moderate motor deficit in two extremities; or

2. Acidosis occurring at least on the average of once every two months, documented by appropriate blood chemical tests (pH or pCO_2 or bicarbonate levels); or

3. Amputation at, or above, the tarsal region due to diabetic necrosis or peripheral vascular disease; or

4. Ophthalmologic findings of:

a. Retinitis proliferans; or

b. Rubeosis iridis; or

c. Venous distention and capillary pattern distortion with hemorrhages or exudates.

10.00 MULTIPLE BODY SYSTEMS

Introduction. The impairments included in this section usually involve more than a single body system. For the categories of miliary tuberculosis and tuberculous adenitis, the existence of tubercle bacilli must be established in accordance with the criteria in § 3.00B.

10.01 CATEGORY OF IMPAIRMENTS, MULTIPLE BODY SYSTEMS

10.02 *Hansen's disease (leprosy)*. As active disease or consider as "under a disability" while hospitalized.

10.03 *Polyarteritis or periarteritis nodosa (established by biopsy)*. With signs of generalized arterial involvement.

10.04 *Disseminated lupus erythematosus (established by a positive LE preparation or biopsy)*. With frequent exacerbations demonstrating involvement of renal or cardiac or pulmonary or gastrointestinal or central nervous systems.

10.05 *Scleroderma or progressive systemic sclerosis (the diffuse or generalized form)*. With:

A. Advanced limitation of use of hands due to sclerodactylia or limitation in other joints; or

B. Visceral manifestations of digestive, cardiac, or pulmonary impairment.

10.06 *Miliary tuberculosis*. With:

A. Demonstration of tubercle bacilli—more than 3 months following the onset of disability; or

B. Evaluate the residual impairment under the criteria for the affected body system.

10.07 *Tuberculous adenitis*. With:

A. Demonstration of tubercle bacilli more than 3 months following the onset of disability; or

B. Other evidence of increasing extent of lesion more than 3 months following the onset of disability.

11.00 NEUROLOGICAL

A. *Epilepsy*. Epilepsy must be substantiated by at least one detailed description of a typical seizure, preferably one observed and reported by a physician. Testimony of reliable lay persons may be acceptable for description of seizures only if professional observation is not available. Documentation of epilepsy should include an electroencephalogram (EEG). The severity of the impairment will be determined according to the frequency, duration, and sequelae of seizures. Where adequate seizure control is obtained only with unusually large doses of medication, consideration will be given to any impairment resulting from the side effects of this medication.

B. *Brain tumors*. The diagnosis in malignant brain tumor should be established under the criteria described in § 13.00B, for Neoplastic Diseases.

11.01 CATEGORY OF IMPAIRMENTS, NEUROLOGICAL

11.02 *Epilepsy—major motor seizures (grand mal or psychomotor) substantiated by EEG, occurring more frequently than once a month in spite of prescribed treatment*. With:

A. Diurnal episodes (loss of consciousness and convulsive seizure); or

B. Nocturnal episodes which show residuals interfering with activity during the day.

11.03 *Epilepsy—minor motor seizures (petit mal or psychomotor) substantiated by EEG, occurring more frequently than once*

weekly in spite of prescribed treatment. With:

A. Alteration of awareness or loss of consciousness; and

B. Transient postictal manifestations of unconventional or antisocial behavior.

11.04 *Cerebrovascular accident.* With one of the following more than 4 months Post-CVA:

A. Sensory or motor aphasia resulting in ineffective speech or communication; or

B. Pseodobulbar palsy; or

C. Moderate motor deficit in two extremities; or

D. Ataxia affecting two extremities substantiated by appropriate cerebellar signs or proprioceptive loss.

11.05 *Brain tumors.* A. Malignant gliomas (astrocytoma—Grades III and IV, glioblastoma multiform), medulloblastoma, ependymoblastoma, or primary sarcoma; or

B. Evaluate astrocytoma (Grades I and II), pituitary tumors, oligodendroglioma, ependymoma, clivus chordoma, and benign tumors under the criteria in § 11.02, § 11.03, or § 11.-04A, C or D.

11.06 *Paralysis agitans (Parkinson's disease).* With tremor, rigidity, and impairment of mobility (e.g., festination).

11.07 *Cerebral palsy.* With:

A. IQ of 69 or less; or

B. Abnormal behavior patterns, such as destructiveness or emotional instability; or

C. Significant interference in communication due to speech, hearing, or visual defect; or

D. Moderate motor deficit in two extremities.

11.08 *Spinal cord lesions, due to any cause.* With moderate motor loss in two extremities.

11.09 *Multiple sclerosis.* With:

A. Moderate motor deficits in two extremities; or

B. Ataxia substantiated by appropriate cerebellar signs or proprioceptive loss.

11.10 *Amyotrophic lateral sclerosis or syringeomyelia.* With:

A. Bulbar signs; or

B. Moderate motor (or sensory, if applicable) deficit in two extremities.

11.11 *Anterior poliomyelitis.* With:

A. Flexion contractures as described under the criteria in § 1.09; or

B. Respiratory distress or dysphagia; or

C. Moderate motor weakness in two extremities.

11.12 *Myasthenia gravis.* With:

A. Difficulty in speaking or swallowing while on prescribed therapy; or

B. Motor weakness of muscles of extremities on repetitive activity against resistance while on prescribed therapy.

11.13 *Muscular dystrophy.* With:

A. Waddling or incoordinate gait; or

B. Flexion deformities of both lower extremities; or

C. Weakness or paralysis of muscles of shoulder girdle or of neck, with abduction of both arms at shoulder restricted to less than 90 degrees.

11.14 *Peripheral neuropathies.* With moderate motor deficit in two extremities.

11.15 *Tabes dorsalis.* With:

A. Tabetic crises occurring more frequently than once monthly; or

B. Unsteady, broad-based, or ataxic gait substantiated by appropriate posterior column signs; or

C. Charcot joint as described under the criteria in § 1.03.

11.16 *Subacute combined cord degeneration (pernicious anemia).* With:

A. Moderate motor deficit in two extremities; or

B. Unsteady, broad-based, or ataxic gait substantiated by appropriate posterior column signs.

11.17 *Degenerative diseases (Huntington's chorea, Friedreich's ataxia, spino-cerebellar degenerations).*

12.00 Psychiatric

Introduction. For the purpose of the social security program, psychiatric disorders will be considered in three group entities: organic brain syndromes, functional disorders, and mental deficiency.

Discussion of psychiatric disorders

A. Organic brain syndromes are disorders caused by, or associated with, impairment of brain tissue.

Acute brain syndromes are mentioned for explanatory purposes only since their duration is too short to assume adjudicative significance. They are temporary and reversible conditions with favorable prognosis and no significant residuals. They are short-lived and self-limited. Occasionally, an acute brain syndrome may progress into a chronic brain syndrome.

Chronic brain syndromes result from persistent, more or less irreversible diffuse impairment of cerebral tissue function. They are usually permanent and may be progressive. They may be accompanied by psychotic or neurotic reactions superimposed on the organic brain pathology. The degree of impairment may range from mild to severe.

The individual's personal appearance and behavior at the time of the examination, his daily activities, interests, and habits generally reflect the severity of the impairment and are, therefore, very important in the evaluation process.

B. Functional psychiatric disorders are of psychogenic origin. There are demonstrable psychiatric abnormalities without demonstrable structural changes in the brain tissue.

Psychotic disorders. Mood disorders (involutional psychotic, manic-depressive, psychotic depressive reactions) and thought disorders (schizophrenic and paranoid reactions) are characterized by varying degrees of personality disorganization and accompanied by a corresponding degree of inability to maintain contact with reality (e.g., hallucinations, delusions).

Nonpsychotic disorders (psychophysiologic, psychoneurotic and personality disorders). Psychophysiologic autonomic and visceral disorders (e.g., cardiovascular, gastrointestinal, genitourinary, musculoskeletal, respiratory). In these disorders, the normal psysiological expression of emotions is exaggerated by chronic emotional tensions, eventually leading to a disruption of the autonomic regulatory system, resulting in various visceral disorders. If the condition persists, it may lead to demonstrable structural changes (e.g., peptic ulcer, bronchial asthma, dermatitis).

Psychoneurotic disorders (anxiety reaction, neurotic-depressive reaction, conversion reaction, dissociative reaction, obsessive-compulsive reaction, phobias). There are no gross falsifications of reality such as observed in the psychoses in the form of hallucinations or delusions. Psychoneuroses are based on deep-seated emotions and conflicts below the level of conscious awareness which pose a profound threat to the psychotic disorders are classified according to the defense mechanism the individual employs to stave off the threat of emotional decompensation (e.g., anxiety, depression, conversion, obsessive-compulsive or phobic mechanisms).

Anxiety or depression occurring in connection with overwhelming external situations (i.e., situational reactions) are self-limited, and the symptoms generally recede when the situational stress diminishes.

Personality disorders (inadequate, schizoid, cyclothymic, paranoid personalities, emotional instability, passive-agressive and passive-dependent behavior; compulsive personality; antisocial behavior, sexual deviations, addictions). These disorders or defects in personality structure are often characterized by lifelong patterns of inadequate or socially unacceptable behavior with minimal subjective anxiety or little or no sense of distress. In contrast with the neuroses and psychoses in which the individual succumbs to environmental stress, an individual with a personality disorder will often make an attempt (not infrequently successful) to alter or influence his environment to conform with his self-centered comfort, without apparent motivation for self-change. The personality structure of these individuals can rarely be altered by therapy; their ability to function may be improved by prolonged specialized treatment.

C. Mental deficiency denotes a lifelong disorder characterized by below-average intellectual endowment as measured by standard intelligence (IQ) tests and associated with impairment in one or more of the following areas: learning, maturation, and social adjustment.

The following paragraphs discuss evidence required in cases involving mental deficiency:

1. In mental deficiency, the degree of impairment should be determined primarily on the basis of the IQ and the medical report. Intelligence tests should be administered and interpreted by a qualified psychologist or psychiatrist using standardized intelligence tests such as the Wechsler Adult Intelligence Scale (WAIS). In special circumstances, nonverbal performance tests such as, the Raven Progressive Matrices or the Arthur Point Scale, may be substituted. However, identical IQ scores obtained from different tests do not always reflect a similar degree of intellectual function. Therefore, it may be necessary to convert the IQ to the percentile rank of the general population in order to determine the actual degree of impairment reflected by the IQ score. In communities where a qualified psychologist or psychiatrist is not readily available, an intelligence test administered by a vocational rehabilitation counselor or a specially trained person associated with a local school system may be accepted, particularly, when other findings are also consistent with extremely low intellectual capacity.

2. In cases where, in the opinion of the psychological examiner, the nature of the individual's performance is such that testing, as described above, is precluded or cannot otherwise be obtained, medical reports specifically describing the level of intellectual, social, and physical function should be obtained. Actual observations by district office or State agency personnel, reports from educational institutions, information furnished by public welfare agencies or other reliable, objective sources should be considered as additional evidence.

D. Documentation: The severity of a psychiatric disorder should be evaluated on the basis of psychiatrists' reports, hospital reports, psychological tests, and daily activities.

Confinement in an institution does not establish that an impairment is severe. Also, release from an institution does not establish improvement. The severity and duration of the impairment is determined by the medical evidence.

In some cases, the results of standard psychological tests, such as, the Wechsler Adult Intelligency Scale (WAIS) and the Minnesota Multiphasic Personality Inventory (MMPI) may be of considerable value in making a differential diagnosis and in establishing the severity of the impairment. The psychological report should include the actual test protocols and raw scores or photocopies thereof.

12.01 CATEGORY OF IMPAIRMENTS, PSYCHIATRIC

12.02 *Chronic brain syndromes.* With mental status examination (supported, if necessary, by the results of appropriate, standardized psychological tests) establishing deterioration in intellectual functioning manifested by marked memory defect for recent events and one of the following:

A. Confusion; or

B. Disorientation with respect to time, place, or person.

12.03 *Functional psychotic disorders (mood disorders, schizophrenic reactions, paranoid reactions).* Manifested by marked restrictions of daily activities and constriction of interests and seriously impaired ability to relate to other people, and persistence of ONE of the following:

A. Depression (or elation); or

B. Agitation; or

C. Psychomotor disturbances; or

D. Hallucinations or delusions; or

E. Autistic or other regressive behavior; or

F. Inappropriateness of affect; or

G. Illogical association of ideas.

12.04 *Functional nonpsychotic disorders (psychophysiologic, psychoneurotic and personality disorders).* Manifested by marked restriction of daily activities and constriction of interests and deterioration in personal habits and seriously impaired ability to relate to other people and persistence of one of the following:

A. Demonstrable structural changes mediated through psychophysiological channels (e.g., duodenal ulcer) and continued preoccupation with pain, discomfort and malfunctioning; or

B. Recurrent and persistent periods of anxiety, with tension, apprehension, and interference with concentration and memory; or

C. Persistent depressive affect with insomnia, loss of weight, and suicidal ideation; or

D. Phobic or obsessive ruminations with inappropriate, bizarre or disruptive behavior; or

E. Compulsive, ritualistic behavior; or

F. Persistent functional disturbance of vision, speech, hearing or use of a limb with demonstrable structural or trophic changes; or

G. Life-long, habitual, and inappropriate patterns of behavior manfested by one of the following:

1. Seclusiveness and autistic thinking; or

2. Antisocial or amoral behavior (including pathologic sexuality) manifested by: (a) inability to learn from experience and inability to conform with accepted social standards, leading to repeated conflicts with society or authority and (b) by psychopathology documented by mental status examination and the results of appropriate, standardized psychological tests; or

3. Addictive dependence on alcohol or drugs, with evidence of irreversible organ damage; or

4. Pathologically inappropriate suspiciousness or hostility manifested by psychopathology documented by mental status examination and the results of appropriate, standardized psychological tests.

12.05 *Mental deficiency.* As manifested by:

A. Severe mental and social incapacity as evidenced by marked dependence upon others for personal needs (e.g., bathing, washing, dressing, etc.) and inability to understand the spoken word and inability to avoid physical danger (fire, cars, etc.) without close supervision and inability to follow simple directions and inability to read, write, and perform simple calculations; or

B. IQ of 49 or less (see § 12.00C1); or

C. IQ of 50 to 69, inclusive (see § 12.00C1) and:

1. Inability to perform routine, repetitive tasks; or

2. A physical or other mental impairment resulting in restriction of function.

13.00 NEOPLASTIC DISEASES—MALIGNANT

A. *Introduction.* The determination of the level of severity resulting from cancer is made from a consideration of the site of the lesion, the histogenesis of the tumor, the extent of involvement, the apparent adequacy and response to therapy (surgery, irradiation, hormones, chemotherapy), and the magnitude of the posttherapeutic residuals.

Significant posttherapeutic residuals, not specifically included in the category of impairments for malignant neoplasms, should be evaluated according to the affected body system.

B. *Documentation.* The diagnosis of cancer should be established on the basis of symptoms, signs and laboratory findings. The site of the primary, recurrent and metastatic lesion must be specified in all cases of malignant neoplastic diseases. If an operative procedure has been performed, the evidence should include a copy of the operative note and the report of the gross and microscopic examination of the surgical specimen. The evidence should include also a recent report directed especially at revealing evidence of local or regional recurrence, soft part or skeletal metastasis and significant posttherapeutic residuals.

C. *Evaluation.* Usually, when the cancer consists only of a local lesion with metastasis to the regional lymph nodes which apparently has been completely excised, imminent recurrence or metastasis is not anticipated. Exceptions are noted in sections 13.03, 13.05B, 13.09D, 13.10A, 13.11A–F, 13.17C, 13.22A–B, and 13.24A.

Local or regional recurrence after radical surgery or pathological evidence of incomplete excision by radical surgery are to be equated with unresectable lesions and, for the purpose of our program may be evaluated as "inoperable." These situations are usually followed by severe impairment within 6 months to 1 year. A severe impairment may usually be determined to exist, because the curtailment of activities is imminent.

Local or regional recurrence after incomplete excision of a localized, completely resectable tumor is not to be equated with recurrence after radical surgery.

When a cancer has metastasized beyond the regional lymph nodes the impairment is severe and usually terminates fatally within a short time despite palliative therapy. Exceptions are partially hormone-dependent tumors; isotope-sensitive metastases; or remote metastases which have not been apparent for 5 or more years.

13.01 CATEGORY OF IMPAIRMENTS, NEOPLASTIC DISEASES—MALIGNANT

13.02 *Epidermoid carcinoma (including lympho-epithelioma of base of tongue, pharynx and tonsil).* A. Inoperable or recurrent after radical surgery; or

B. Remote metastasis.

13.03 *Sarcoma of skin—Angiosarcoma or mycosis fungoides with metastasis to regional lymph nodes or beyond.*

13.04 *Sarcoma of soft parts.* A. Not controlled by prescribed therapy; or

B. Cellular sarcoma with remote metastasis.

13.05 *Malignant melanoma.* A. Recurrent after excision; or

B. With metastasis to adjacent skin or regional lymph nodes or elsewhere.

13.06 *Lymph nodes.* A. Hodgkins disease, lymphosarcoma or giant follicular lymphoblastoma—not controlled by prescribed therapy or with evidence of mediastinal, pelvic, abdominal, retroperitoneal or skeletal extension from peripheral lymph nodes; or

B. Metastasis from distant carcinoma; or

C. Lymph nodes site of unresectable carcinoma.

13.07 *Salivary glands—carcinoma or sarcoma with metastasis beyond the regional lymph nodes.*

13.08 *Thyroid gland—carcinoma with metastasis beyond the regional lymph nodes not controlled by prescribed therapy.*

13.09 *Breast.* A. Inoperable carcinoma including acute (inflammatory) carcinoma; or

B. Recurrent carcinoma; or

C. Remote metastasis from breast carcinoma (Bilateral breast carcinoma, synchronous or metachronous, is usually primary in each breast.); or

D. Sacroma with metastasis anywhere.

13.10 *Skeletal system (exclusive of the jaw).* A. Osteogenic sarcoma, Ewing's tumor, reticulum cell sarcoma with evidence of metastasis; or

B. Multiple or diffuse myeloma; or

C. Metastatic carcinoma to bone (except those originating in thyroid or prostate, evaluate under the criteria in § 13.08 or § 13.23).

13.11 *Mandible, maxilla, orbit, or temporal fossa.* A. Sarcoma of any type with metastasis; or

B. Carcinoma of the antrum with extension into the orbit, or ethmoid or sphenoid sinus, or with regional or remote metastasis; or

C. Orbital tumors with intracranial extension; or

D. Tumors of the temporal fossa with perforation of skull and meningeal involvement; or

E. Adamantinoma with orbital or intracranial infiltration; or

F. Tumors of Rathke's pouch with infiltration of the base of the skull or bilateral metastasis to the cervical lymph nodes or remote metastasis.

13.12 *Brain or spinal cord.* A. Metastatic carcinoma to brain or spinal cord.

B. Evaluate other tumors under the criteria described in § 11.05 and § 11.08.

13.13 *Lungs—bronchogenic carcinoma or adenocarcinoma.* A. Unresectable; or

B. Recurrent after resection; or

C. Incomplete excision; or

D. Infiltration of the chest wall or preoperative pleural effusion or remote metastasis; or

E. Metastatic carcinoma or sarcoma to the lungs (except metastasis from thyroid, evaluate under the criteria in § 13.08).

13.14 *Pleural or mediastinum.* A. Pleural mesothelioma, with pleural effusion or remote metastasis; or

B. All primary or metastatic tumors of the anterior mediastinum (except thyroid or parathyroid tumors and benign thymoma and primary Hodgkins disease); or

C. Metastatic carcinoma or sarcoma to the pleura or mediastinum (except metastasis from thyroid, evaluate under the criteria in § 13.08).

13.15 *Abdomen.* A. Generalized carcinomatosis; or

B. Retroperitoneal cellular sarcoma; or

C. Unresectable benign fibromyxoma of nerve sheath.

13.16 *Esophagus or stomach.* A. Carcinoma or sarcoma of the upper two-thirds of the esophagus; or

B. Carcinoma or sarcoma, of the distal one-third of the esophagus with metastasis beyond the regional lymph nodes; or

C. Carcinoma of the stomach with either metastasis beyond the regional lymph nodes or extension into the colon, pancreas or liver; or

D. Inoperable carcinoma; or

E. Recurrence or metastasis after resection; or

F. Multiple sarcomas.

13.17 *Small intestine.* A. Carcinoma or carcinoid tumor with metastasis beyond the regional lymph nodes; or

B. Multiple sarcomas; or

C. Sarcoma with metastasis.

13.18 *Large intestine (from ileocecal valve to and including anal canal)—carcinoma or sarcoma.* A. Unresectable; or

B. Metastasis beyond the regional lymph nodes; or

C. Recurrence, or remote metastasis, after resection.

13.19 *Liver or Gallbladder.* A. Primary or metastatic carcinoma, carcinoid tumor or sarcoma of the liver; or

B. Carcinoma of the gallbladder or bile duct when unresectable or there is direct extension into the liver.

13.20 *Pancreas.* Carcinoma in any location.

13.21 *Kidneys, adrenal glands, or ureters—carcinoma.* A. Unresectable or with metastasis; or

B. Metastatic carcinoma to a kidney, adrenal gland, or ureter.

13.22 *Urinary bladder—carcinoma.* With:

A. Infiltration beyond the bladder wall; or

B. Metastasis; or

C. Unresectable; or

D. Recurrence after total cystectomy; or

E. Evaluate urinary diversion after total cystectomy under the criteria in § 6.04.

13.23 *Prostate gland.* Carcinoma not controlled by prescribed therapy.

13.24 *Testicles.* A. Choriocarcinoma with metastasis even to regional lymph nodes; or

B. Other malignant tumors with metastasis beyond the para-aortic lymph nodes or when metastasis to the para-aortic lymph nodes are unresectable or not controlled by prescribed therapy.

13.25 *Uterus—carcinoma or sarcoma (fundus or cervix).* A. Inoperable and not controlled by prescribed therapy; or

B. Recurrent, after total hysterectomy; or

C. Total pelvic exenteration.

13.26 *Ovary or fallopian tubes—all malignant primary or recurrent tumors.* With:

A. Ascites; or

B. Unresectable infiltration; or

C. Unresectable metastasis to omentum or elsewhere in the peritoneal cavity; or

D. Remote metastasis; or

E. All metastatic tumors to ovary or Fallopian tubes.

13.27 *Leukemia.* Evaluate under the criteria in § 7.00ff, Hemic and Lymphatic System.

[F.R. Doc. 68-5778; Filed, May 15, 1968; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-CE-31]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Burlington, Iowa.

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 amendment. 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 proposal 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.

The present Burlington, Iowa, transition area does not adequately protect one restricted instrument approach procedure at Burlington, Iowa, Municipal Airport. Therefore, it is necessary to alter the Burlington 1,200-foot floor transition area so that this restricted instrument approach procedure will be within controlled airspace designation. The present Burlington control zone and 700-foot floor transition area 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:

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

BURLINGTON, IOWA

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 185° bearing from the Burlington Municipal Airport (latitude 40°47'05'' N., longitude 91°07'25'' W.), extending from the arc of a 5-mile radius circle centered on Burlington Municipal Airport to 7.5 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°-10'00'' N., longitude 91°00'00'' W.; to latitude 41°10'00'' N., longitude 90°00'00'' W.; thence south to latitude 40°35'20'' N., longitude 90°-00'00'' W., thence west via latitude 40°35'20'' N., to a line 8 miles east of and parallel to the 185° bearing from Burlington Municipal Airport; thence to latitude 40°30'00'' N., longitude 91°00'00'' W.; thence to latitude 40°-31'00'' N., longitude 91°15'00'' W.; thence to latitude 40°36'00'' N., longitude 91°14'30'' W., thence clockwise along the arc of a 14-mile radius circle centered on the Burlington Municipal Airport to longitude 91°00'00'' W., thence to the point of beginning.

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

Issued at Kansas City, Mo., on April 29, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68-5832; Filed, May 15, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-37]

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 Bozeman, Mont.

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.

The two instrument approach procedures for Gallatin Field at Bozeman, Mont., are being modified. In addition, the criteria for designation of a transition area has been changed since the Bozeman transition area was designated. Therefore, it is necessary to alter the Bozeman control zone and transition area to provide controlled airspace for the protection of aircraft executing these modified instrument approach procedures. It is also necessary to alter the Bozeman 700-foot floor transition area to provide additional airspace to meet the changed criteria.

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:

BOZEMAN, MONT.

Within a 5-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.); within 2 miles each side of the Bozeman VOR 308° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; and within 2 miles each side of the 308° bearing from the Bozeman RBN, extending from the 5-mile radius zone to 8 miles northwest of the RBN.

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

BOZEMAN, MONT.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.); and that airspace extending upward from 1,200 feet above the surface within 9 miles southwest and 5 miles northeast of the Bozeman VOR 308° radial, extending from the VOR to 13 miles northwest of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on April 26, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-5833; Filed, May 15, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SW-23]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Roswell, N. Mex., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. 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 public 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 Division. 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 official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend the Roswell, N. Mex., control zone as described in FAR Part 71, § 71.171 (33 F.R. 2120) (33 F.R. 2628) as follows:

ROSWELL, N. MEX.

That airspace within a 6-mile radius of the Roswell Industrial Air Center Airport (lat. 33°17'59" N., long. 104°31'48" W.); within 2 miles each side of the extended centerline of Runway 3 extending from the 6-mile radius zone to the LOM; and within 2 miles each side of the extended centerline of Runway 21 extending from the 6-mile radius zone to 6 miles southwest of the lift-off end of Runway 21. This control zone is effective during the dates and times published in the Airman's Information Manual.

It is proposed to amend the Roswell, N. Mex., transition area as described in FAR, Part 71, § 71.181 (33 F.R. 2248) as follows:

ROSWELL, N. MEX.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 33°35'25" N., long. 104°46'-40" W., thence to lat. 33°37'00" N., long. 104°20'00" W., to lat. 33°29'15" N., long. 104°10'05" W., to lat. 33°24'30" N., long. 104°07'00" W., to lat. 33°07'00" N., long. 104°12'00" W., to lat. 33°06'25" N., long. 104°32'30" W., to lat. 33°12'40" N., long. 104°43'25" W., to lat. 33°30'35" N., long. 104°49'55" W., thence to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 32°50'40" N., long. 105°15'00" W., thence to lat. 32°58'00" N., long. 105°09'00" W., to lat. 33°41'30" N., long. 105°09'00" W., thence clockwise via the arc of a 45-mile radius circle centered at lat. 33°17'59" N., long. 104°31'48" W., to lat. 32°43'35" N., long. 104°54'55" W., to lat. 32°40'38" N., long. 104°58'25" W., thence to the point of beginning; within 5 miles each side of the Roswell VORTAC 319° radial (307° magnetic) and the Albuquerque, N. Mex., VORTAC 128° radial (115° magnetic) extending from the 45-mile radius area to 93.5 miles northwest of the Roswell VORTAC, including that airspace within lines diverging at 4.5° from the Albuquerque VORTAC 128° radial extended to intersect with the bisector of the angle formed by the Albuquerque VORTAC 128° radial and the Roswell VOR TAC 319° radial and extending from those points of intersection to the Roswell VOR TAC, excluding that portion within the Corona, N. Mex., and Albuquerque, N. Mex., transition areas; within 5 miles each side of the Roswell VORTAC 051° radial (039° magnetic) extending from the 45-mile radius area to 93.5 miles northeast of the VORTAC including that airspace within lines diverging at 4.5° each side of the 051° radial from the VORTAC but excluding that portion within the Clovis, N. Mex., transition area; within 5 miles each side of the Roswell VOR TAC 141° radial (129° magnetic) and of the Wink, Tex., 321° radial (310° magnetic) extending from the 45-mile radius area to 93.5 miles southeast of the Roswell VORTAC; within 5 miles each side of the Roswell VOR TAC 215° radial (203° magnetic) extending from the 45-mile radius area to 93.5 miles southwest of the VORTAC, including that airspace within lines diverging at 4.5° each side of the 215° radial from the VORTAC but excluding that portion within the El Paso, Tex., transition area.

Alterations of the airspace in the Roswell, N. Mex., terminal area are a result of the prior closing of Walker AFB; the combining of the former Walker AFB control zone and the Roswell Municipal Airport control zone into a single control zone; assumption of the surplus airport facility (formerly Walker AFB) by the city of Roswell, N. Mex., and its renaming as the Roswell Industrial Air Center; abandonment of the Roswell Municipal Airport and moving of flight operations and the control tower to the Roswell Industrial Air Center.

The control tower operates part-time from 0500 to 2400 local time, daily. Limited airport weather observations are made by personnel of the Roswell Tower during the normal hours of operations. The U.S. Weather Bureau and the flight service station still remain at the former Roswell Municipal Airport site, although this airport has been abandoned for flight operations.

As a result of the various events related above, a review has been made of the entire Roswell N. Mex., terminal area to insure that adequate controlled airspace is provided for the necessary IFR approach/departure procedures at the Roswell Industrial Air Center and to also insure that no more airspace is designated than is needed to accommodate these operations.

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

Issued in Fort Worth, Tex., on May 6, 1968.

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

[F.R. Doc. 68-5834; Filed, May 15, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-30]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Reed City, Mich.

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 amendment. 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 proposal 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 Miller Airport, Reed City, Mich., using a privately owned VOR located on the airport as a navigational aid. This procedure will become effective concurrently with designation of controlled airspace for its protection. In addition, the present ADF instrument approach procedure for this airport has been modified slightly. Since the present Reed City transition area will not adequately protect aircraft executing the new and modified procedures, it is necessary to alter the transition area to provide this protection.

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

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

REED CITY, MICH.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Miller Airport (latitude 43°53'30" N., longitude 85°31'00" W.); within 5 miles east and 8 miles west of the 352° bearing from Miller Airport, extending from the airport to 16 miles north of the airport; and within 5 miles east and 8 miles west of the 003° bearing from Miller Airport, extending from the airport to 12 miles north of the airport.

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

Issued at Kansas City, Mo., on May 2, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68-5835; Filed, May 15, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-38]

DESIGNATION OF TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Carroll, Iowa.

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 amendment. 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 proposal 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 the Arthur N. Neu Airport, Carroll, Iowa, using a privately owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft that will be executing this approach procedure by designating a transition area at Carroll, Iowa. The new procedure will become effective concurrently with the designation of the transition area.

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

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

CARROLL, IOWA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Arthur N. Neu Airport (latitude 42°02'30" N., longitude 94°47'15" W.); and within 2 miles each side of the 143° bearing from Arthur N. Neu Airport, extending from the 6-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 143° and 323° bearings from Arthur N. Neu Airport, extending from 5 miles northwest to 12 miles southeast of the airport.

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

Issued at Kansas City, Mo., on May 2, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68-5836; Filed, May 15, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-42]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Jackson, Minn.

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 amendment. 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 proposal 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 the Jackson, Minnesota Municipal Airport, using a State-owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft that will be executing this approach procedure by designating a transition area at Jackson, Minn. The new procedure will become effective concurrently with the designation of the transition area.

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

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

JACKSON, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (latitude 43°39'00" N., longitude 94°59'10" W.); and within 2 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northeast of the 327° bearing from Jackson extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the 327° bearing from Jackson Municipal Airport, extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 147° bearing from Jackson Municipal Airport, extending from the airport to 12 miles southeast of the airport.

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

Issued at Kansas City, Mo., on May 2, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68-5837; Filed, May 15, 1968; 8:47 a.m.]

Federal Highway Administration

[23 CFR Part 255]

[Docket No. 25; Notice No. 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Uniform Tire Quality Grading System—Passenger Cars; Advance Notice of Proposed Rule Making

The Federal Highway Administration is considering rule making under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391 et seq.).

Section 203 of the National Traffic and Motor Vehicle Safety Act of 1966 provides that "* * * In order to assist the consumer to make an informed choice in the purchase of motor vehicle tires, within 2 years after the enactment of this title, the Secretary shall, through standards established under Title I of this Act, prescribe by order, and publish in the FEDERAL REGISTER, a uniform quality grading system for motor vehicle tires * * *." Under section 112(d) of the Act, the Secretary is authorized, as he determines necessary to carry out the purposes of the Act, to require the manufacturer to give notification of performance and technical data to the original purchaser at the time of original purchase of the motor vehicle or item of equipment.

Pursuant to sections 203 and 112(d) the Administrator is considering a uniform quality grading system, and a requirement that quality grading information be made available to the purchaser of each new tire manufactured after August 31, 1969, and to the purchaser of each new motor vehicle manufactured after December 31, 1969. The regulation would require tires manufactured after August 31, 1969, be permanently and conspicuously labeled on the sidewall with quality grades as determined under the quality grading system.

Comments are requested to assist in arriving at a reasonable and practicable uniform quality grading system for motor vehicle tires. The tire characteristics to be evaluated include, but are not limited to, traction, tread wear and carcass durability, high speed endurance, overload endurance, resistance to failure under abuse conditions, tire dynamic and static unbalance, lateral and radial force variations, and resistance to degradation caused by elements in the operating environment.

It is requested that comments submitted include but not be limited to material containing supporting statements and data on laboratory and vehicle road test procedures used to evaluate the tire performance characteristics together with information describing testing and measuring techniques used. It is also requested that information on meaningful correlation between road tests and laboratory tests, as well as the criteria used to determine the coefficient of road adhesion as a function of tire slip, be submitted.

It is further requested that comments be submitted which relate directly to the lead time and costs associated with a meaningful tire grading system covering at least the characteristics and effective date stated above.

Interested persons are invited to submit written data, views, and arguments. Comments must identify the docket number, the notice number and be submitted in 10 copies to the National Highway Safety Bureau, Attention: Rules Docket—Room 512, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20591. All comments received on or before the close of business June 15, 1968, will be considered by the Administrator before issuing a specific rule making proposal. All comments will be available in the Rules Docket for examination both before and after the closing date for comments. It is expected that following submission of comments, the Bureau, if appropriate, will hold, with interested parties, a meeting devoted to the specific safety and engineering issues involved.

After consideration of the available data and comments, an appropriate notice of proposed rule making will be issued.

The advance notice of proposed rule making is issued under the authority of sections 103, 112(d), 119, and 203 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1401 (d), 1407, and 1423) and the delegation of authority of March 31, 1967 (32 F.R. 5606).

Issued in Washington, D.C., on May 13, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 68-5857; Filed, May 15, 1968; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 545]

[21,667]

FEDERAL SAVINGS AND LOAN SYSTEM

Loans by Federal Savings and Loan Associations

MAY 9, 1968.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the following purposes:

(1) To broaden the authority of Federal savings and loan associations to make loans in excess of 80 percent of value to include condominium units other than those condominium units in a structure where some of the units are not situated on the ground. This also necessitates a change in the definition of "single-family dwelling."

(2) To increase from 18 to 24 months the loan term for construction loans by Federal savings and loan associations on "other dwelling units" or "combinations of dwelling units, including homes, and business property involving only minor or incidental business use."

(3) To authorize 24-month construction loans by Federal savings and loan associations on "other improved real estate." This also necessitates a technical change in the definition of "other improved real estate" to eliminate the "income" test from the definition since the present definition requirement that the property produce sufficient income during the loan term to retire the loan would be patently inconsistent with the making of short-term construction loans.

(4) To authorize an increase from 12 to 18 months in the delay of the first principal payment on monthly installment loans which include construction in the case of loans by Federal savings and loan associations on homes and combinations of homes and business properties and to authorize an increase from 12 to 24 months in the delay of such first principal payment in the case of such loans on other types of real estate.

(5) To eliminate the existing prohibition against Federal savings and loan associations' participating in land acquisition and development loans and against the purchase or sale of a participating interest in such loans and the purchase of such loans.

Resolved further that, for such purposes, it is hereby proposed that said Parts 541 and 545 be amended by amendments the substance of which are as follows:

1. Revise § 541.10 of the rules and regulations for the Federal Savings and Loan System to read as follows:

§ 541.10 Single-family dwelling.

The term "single-family dwelling" means a structure designed for residential use by one family, or a unit designed for residential use by one family, the owner of which unit owns an undivided interest in the underlying real estate. The term also includes property, owned in common with others, which is necessary or contributes to the use and enjoyment of such a structure or unit.

2. Revise § 541.12 of the rules and regulations for the Federal Savings and Loan System to read as follows:

§ 541.12 Other improved real estate.

The term "other improved real estate" means either:

(a) Real estate other than that defined in § 541.10, § 541.10–1, § 541.10–2, § 541.10–3, § 541.11, or § 541.11–1 improved by (1) a permanent structure or structures having a value of at least 25 percent of the value of the real estate as a whole, or (2) improvements which render the real estate usable by a business or industrial enterprise; or

(b) Building lots or sites which, by reason of installations and improvements that have been completed in keeping with applicable governmental requirements and with general practice in the community, are building lots or sites ready for the construction on each such building lot or site of a structure designed for residential use for one family.

§ 545.6–1 [Amended]

3. Amend subdivision (ii) of subparagraph (3) of paragraph (a) of § 545.6–1 of the rules and regulations for the Federal Savings and Loan System to read as follows:

(ii) If such loan is made for the purpose of construction, 80 percent of the value and for a term of not more than 18 months without regard to any requirement of this part for amortization of principal prior to the end of the term.

4. Amend subdivision (ii) of subparagraph (4) of paragraph (a) of § 545.6–1 of the rules and regulations for the Federal Savings and Loan System to read as follows:

(ii) The loan is made upon the security of a first lien upon a single-family dwelling which is not in a multiple unit structure other than a structure in which each unit is situated on the ground. The amount by which such a loan exceeds 80 percent of the value of the improved real estate shall not be disbursed until construction has been completed, and, if such single-family dwelling is being constructed for sale, until the property has been sold and title has been conveyed to a purchaser who has executed an agreement with the association assuming and agreeing to pay the loan;

5. Amend subdivision (ii) of subparagraph (3) of paragraph (b) of § 545.6–1 of the rules and regulations for the Federal Savings and Loan System to read as follows:

(ii) If such loan is made for the purpose of construction, 75 percent of the value and for a term of not more than 24 months without regard to any requirement of this part for amortization of principal prior to the end of the term.

6. Add a new subparagraph (5) to paragraph (c) of § 545.6–1 of the rules and regulations for the Federal Savings and Loan System to read as follows:

(5) A loan made for the purpose of construction may be made in an amount not exceeding 70 percent of the value of such real estate and for a term of not more than 24 months without regard to any requirement of this part for amortization of principal prior to the end of the term but with interest payable at least semiannually.

7. Amend § 545.6–12 of the rules and regulations for the Federal Savings and Loan System to read as follows:

§ 545.6–12 Loan payments.

(a) *Payments on monthly installment loans.* Payments on all monthly installment loans, other than construction loans, insured loans, and guaranteed loans, shall begin not later than 60 days after the advance of the loan. Insured loans and guaranteed loans may be repayable upon terms acceptable to the insuring or guaranteeing agency. The Board hereby approves for use by any Federal association a loan plan whereby payments on any monthly installment loan which includes construction may begin not later than 24 months after the date of the first advance, but not later than 18 months if the loan is secured by real estate consisting solely of one or more homes or combinations of home and business property; interest shall be payable at least semiannually until regular periodic payments become due.

(b) *Loan payments and prepayments.* Payments on the principal indebtedness of all loans on real estate security shall be applied direct to the reduction of such indebtedness, but prepayments made on an installment loan may be reapplied from time to time in whole or in part by a Federal association to offset payments which subsequently accrue under the loan contract. Borrowers from Federal associations shall have the right to prepay their loans without penalty unless the loan contract makes express provision for a prepayment penalty. The prepayment penalty for a loan secured by a home or combination of home and business property shall not be more than 6 months' advance interest on that part of the aggregate amount of all prepayments made on such loan in any 12-month period which exceeds 20 percent of the original principal amount of the loan.

§ 545.6–14 [Amended]

8. Revoke paragraph (d) of § 545.6–14 of the rules and regulations for the Federal Savings and Loan System.

9. Reletter paragraphs (e) and (f) of § 545.6–14 of the rules and regulations for the Federal Savings and Loan System as paragraphs (d) and (e) respectively.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by June 17, 1968, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 68–5861; Filed, May 15, 1968; 8:50 a.m.]

[12 CFR Part 563]

[21,668]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Participation Loans

MAY 9, 1968.

Resolved that, for the purpose of conforming the definition of the term "other dwelling units", as contained in paragraph (f) of § 563.9–1 of the rules and regulations for Insurance of Accounts (12 CFR 563.9–1), with the definition of that term contained in § 541.10–3 of the rules and regulations for the Federal Savings and Loan System, it is hereby proposed that § 563.9–1 be amended by revising paragraph (f) thereof to read as follows:

§ 563.9–1 Participation loans.

* * * * *

(f) *Definitions.* As used in this section—

(1) The term "home" means real estate which is either:

(i) Real estate upon which there is located a structure or structures designed primarily for residential use for not more than 4 families in the aggregate, or

(ii) An individually owned unit designed for residential use for one family in a multiple-unit structure, the owner of which unit owns an undivided interest in the underlying real estate and the common elements of such structure (the term "common elements" includes supporting walls, hallways, stairways, elevators and such other facilities as are necessary to the use and enjoyment of an individual unit).

(2) The term "other dwelling units" means real estate upon which there is located or which comprises or includes any of the following improvements:

(i) A structure or structures designed primarily for residential use and consisting of single-family dwellings or dwelling units for more than four families in the aggregate;

(ii) A structure or structures, or parts thereof, designed or used as fraternity or sorority houses which include sleeping accommodations for students of a college or university;

(iii) A structure or structures, or parts thereof, designed or used principally for the provisions of living accommodations for students, employees, or members of the staff of a college, university, or hospital.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by June 17, 1968, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 68–5862; Filed, May 15, 1968; 8:50 a.m.]

[12 CFR Part 563]

[21,669]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Sale of Participation Interests in Loans

MAY 9, 1968.

Resolved that, for the purpose of eliminating restrictions contained in § 563.9–2 of the rules and regulations for Insurance of Accounts (12 CFR 563.9–2) on the sale by an insured institution of participating interests in loans on the security of real estate located more than 50 miles from the insured institution's principal office and outside the territory in which the institution was operating on June 27, 1934, it is hereby proposed that said § 563.9–2 be repealed, as follows:

Section 563.9–2 of the rules and regulations for Insurance of Accounts is hereby repealed.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp. p. 1071)

Resolved further that interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by June 17, 1968, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68–5863; Filed, May 15, 1968; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 221]

[Reg. U]

LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

Creditor Who Makes a Market in Convertible Securities; Withdrawal of Proposed Rule Making

By notice of proposed rule making that appeared in the FEDERAL REGISTER of February 8, 1968 (33 F.R. 2714), the Board of Governors indicated that it was considering amending § 221.2 by adding a new paragraph (l) to exempt from margin requirements loans made by banks to dealers to finance their market-making activities in convertible bonds.

The Board has decided not to adopt the proposed amendment. This decision followed an analysis of reports that dealer firms engaged in such activities filed with the Board following the announcement that the Board was considering such an exemption. The study did not reveal a clear need for extending credit on a more favorable basis to such firms and indicated that the exemption would involve undue administrative burdens.

As indicated in a notice of deferred effective date published in the FEDERAL REGISTER of April 16, 1968 (33 F.R. 5789), the date by which bank loans on convertible securities made after October 20, 1967 and before March 11, 1968, to those dealer firms that filed reports to establish their eligibility for possible exemption was extended from April 10, 1968, as specified in § 221.3(r), to May 10, 1968. All other bank loans on convertible bonds have been and remain subject to margin requirements in accordance with the provisions of such section.

As a result of the Board not adopting the proposed amendment, no useful purpose would be served by dealers who have not already done so filing a registration statement (Form U–3) with the Board, as suggested in the notice of proposed rule making.

Dated at Washington, D.C., the 9th day of May 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68–5812; Filed, May 15, 1968; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 7]

SMALL BUSINESS SIZE STANDARDS

New Definition of Small Business Concern for Standard Industrial Classification Industry No. 2819, Industrial Inorganic Chemicals, Not Elsewhere Classified, for Purpose of Government Procurement and Financial Assistance

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend Schedules A and B of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by establishing a new definition of a small business concern for Standard Industrial Classification Industry No. 2819, "Industrial Inorganic Chemicals, Not Elsewhere Classified."

The presently effective size standard for Standard Industrial Classification Industry No. 2819, "Industrial Inorganic Chemicals, Not Elsewhere Classified," for the purpose of Government procurement and financial assistance, is 750 employees.

It has been brought to the attention of the Small Business Administration that there are 56 companies in Standard Industrial Classification Industry No. 2819, Industrial Inorganic Chemicals, Not Elsewhere Classified, which employ more than 2,500 persons and account for 81.7 percent (81.7) of the total value of ship shipments by the industry and that manufacturers of certain industrial inorganic chemicals produced by this industry employ only 750 to 1,000 persons but compete primarily with the leading manufacturers in the industry and yet are ineligible for set aside procurements and financial assistance because their employment exceeds the presently effective 750 employee size standard.

In view of the above, it is proposed to increase the size standard for this industry, for the purpose of Government procurement and financial assistance, to 1,000 employees.

Interested persons may file with the Small Business Administration within 15 days after publication of this proposal in the FEDERAL REGISTER, a written statement of facts, opinions or arguments concerning the proposal.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. Attention: Size Standards Staff.

It is proposed to amend the regulation as follows:

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby further amended by (1) Revising the size standard for SIC Industry 2819, Industrial Inorganic Chemicals, in Schedule B, § 121.3–8, to read as follows:

Census classification code	Industry	Employment size standard (number of employees)
2819	Industrial inorganic chemicals, n.e.c.	1,000

(2) Revising the size standard for SIC Industry 2819, Industrial Inorganic Chemicals in Schedule A, § 121.3–10, to read as follows:

Census classification code	Industry	Employment size standard (number of employees)
2819	Industrial inorganic chemicals, n.e.c.	1,000

Dated: May 10, 1968.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 68–5856; Filed, May 15, 1968; 8:49 a.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEPARTMENT OF DEFENSE INDUSTRIAL DEFENSE PROGRAM

Definitions

Notice published at 30 F.R. 11532 (Sept. 9, 1965), "Department of Defense Industrial Defense Program (DoD Directive 5160.54)," is amended by deleting the last sentence of subsection IV. C., reading as follows: "The term also includes any Government-owned or leased facility operated by a private contractor under the authority of the Atomic Energy Commission."

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, O A S D (Administration).

[F.R. Doc. 68-5804; Filed, May 15, 1968; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Nos. AA-2779, F-955]

ALASKA

Notice of Proposed Classification of Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management, all of the public lands in the area described below. As used herein, "public lands" means any lands which are not withdrawn or reserved for a Federal use or purpose.

Except as provided for in paragraphs 3 and 4 of this notice and excluding prior valid rights, publication of this notice has the effect of segregating the public lands in the described area from appropriation under the Agricultural Land Laws (48 U.S.C. 371-380), Native Allotment Act (48 U.S.C. 357-357b), Trade and Manufacturing Site Act, as amended (48 U.S.C. 461), Townsites (48 U.S.C. 355-355d), and Selections by the State of Alaska under the Act of July 7, 1958 (72 Stat. 339-340).

2. The lands proposed to be classified are described as follows and are shown on maps on file in the Anchorage District Office, 4700 East 72d Street, Anchorage, Alaska 99502, the Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501, the Glennallen Resource Area Office, Post Office Box 147, Glennallen, Alaska 99588, and the Fairbanks Land Office, 516 Second Avenue, Post Office Box 1050, Fairbanks, Alaska 99701.

COPPER RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 2 N., R. 1 E.; all that portion east of the west bank of the Copper River.
Tps. 3 to 14 N., R. 1 E.
Tps. 1 to 14 N., Rs. 2 and 3 E.
Tps. 1 to 16 N., Rs. 4 and 5 E.
Tps. 1 to 12 N., Rs. 6 to 10 E.
Tps. 1 to 10 N., Rs. 11 and 12 E.
Tps. 1 to 9 N., Rs. 13 and 14 E.
Tps. 1 to 8 N., R. 15 E.
Tps. 1 to 5 N., Rs. 16, 17 and 18 E.
Tps. 1 to 4 N., Rs. 19 to 24 E.
T. 1 N., R. 1 W.
T. 2 N., R. 1 W., W½.
Tps. 6 to 14 N., R. 1 W.
Tps. 1 to 3 N., R. 2 W.
Tps. 5 to 14 N., R. 2 W.
Tps. 1 to 14 N., Rs. 3 to 10 W.
Tps. 1 to 4 N., R. 11 W.
Tps. 1 to 9 S., R. 1 W.
Tps. 1 to 7 S., R. 2 W.
T. 8 S., R. 2 W.,
Secs. 19 to 36, inclusive.
T. 9 S., R. 2 W.
Tps. 1 to 7 S., R. 3 W.
Tps. 1 to 5 S., Rs. 4 and 5 W.
Tps. 1 to 4 S., R. 6 W.
Tps. 1 to 3 S., Rs. 7 and 8 W.
Tps. 1 and 2 S., Rs. 9 to 11 W.
T. 1 S., R. 1 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Sec. 25, W½;
Secs. 26 to 33, inclusive.
T. 2 S., R. 1 E.,
Secs. 4 to 9, inclusive;
Secs. 15 to 36, inclusive.
Tps. 3 to 9 S., R. 1 E.
T. 1 S., R. 2 E.,
Secs. 1 to 6, inclusive;
Secs. 11, 12, and 13; all east of the west bank of Copper River.
Tps. 3 to 10 S., R. 2 E.
Tps. 1 and 2 S., R. 3 E.; all that portion east of the west bank of the Copper River.
Tps. 3 to 10 S., R. 3 E.
Tps. 14 and 15 S., R. 3 E., north of the Chugach National Forest.
T. 1 S., R. 4 E.
T. 2 S., R. 4 E.; all that portion east of the west bank of the Cooper River.
Tps. 3 to 15 S., R. 4 E., north of the Chugach National Forest.
Tps. 1 to 15 S., Rs. 5 and 6 E., north of the Chugach National Forest.
Tps. 1 to 12 S., Rs. 7 to 24 E.
Tps. 5 to 12 S., R. 25 E.

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

Tps. 21 to 33 N., Rs. 1 to 12 E.
Tps. 18 and 19 N., Rs. 9 to 12 E.
T. 20 N., R. 9 E., except for surveyed sections 19 to 23, inclusive, and 25 to 30, inclusive.
T. 20 N., Rs. 10 to 12 E., partially surveyed.
Tps. 21 to 33 N., R. 1 W.
Tps. 21 to 30 N., R. 2 W.

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

Tps. 15 to 22 S., Rs. 1 and 2 W.
Tps. 14 to 22 S., Rs. 3 to 5 W.
Tps. 19 to 22 S., Rs. 6 and 7 W.
T. 19 S., R. 8 W.,
Secs. 1 to 4, inclusive;
Secs. 7 to 36, inclusive.
Tps. 20, 21 and 22 S., Rs. 8 and 9 W.
T. 22 S., R. 10 W.
Tps. 15 to 22 S., Rs. 1 to 5 E.
Tps. 17 to 22 S., Rs. 6 to 8 E.
Tps. 19 to 22 S., Rs. 9, 10 and 11 E.
Tps. 20 to 22 S., Rs. 12 to 16 E.

Aggregating approximately 23 million acres of which approximately 22 million acres are public lands.

3. As to the following described lands, the segregative effect caused by the publication of this notice shall be only from appropriation under the Agricultural Land Laws (48 U.S.C. 371-380).

COPPER RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 6 N., R. 7 W.,
Secs. 1 to 12, inclusive;
Sec. 13, N½;
Secs. 14 to 22, inclusive;
Sec. 23, W½NE¼, NW¼, SW¼;
Sec. 27, W½;
Secs. 28 and 29.
T. 7 N., R. 7 W.,
Sec. 17, S½; but not including lots 9, 10, and 11 of U.S.S. 3497;
Sec. 18, S½;
Secs. 19 and 20;
Sec. 21, S½;
Sec. 22, SW¼;
Sec. 26, SW¼;
Secs. 27 to 36, inclusive.
T. 6 N., R. 4 W.,
Secs. 4 and 5;
Sec. 6, S½;
Secs. 7, 8, and 9;
Secs. 16 to 21, inclusive.
T. 7 N., R. 4 W.,
Secs. 7, 9, 16, 18, 19, and 21;
Sec. 28, S½;
Secs. 30 to 33, inclusive.
T. 6 N., R. 5 W.,
Secs. 1 and 12.
T. 7 N., R 5 W.,
Secs. 12, 13, 24, 25, and 36.
T. 3 N., R. 6 W.,
Sec. 6.
T. 4 N., R. 6 W.,
Secs. 31, 32, and 33.
T. 3 N., R. 7 W.,
Secs. 1 and 2;
Secs. 8 and 9, S½;
Secs. 10 and 11;
Sec. 15, NW¼;
Secs. 16 and 17, N½.
T. 4 N., R. 7 W.,
Sec. 36, S½.
T. 6 N., R. 1 E.,
Secs. 3 to 9, inclusive;
Sec. 10, N½, SW¼;
Secs. 16 and 17, N½;
Sec. 18.
T. 6 N., R. 1 W.,
Secs. 1 to 23, inclusive;
Secs. 24 and 25, W½;
Secs. 26 to 34, inclusive;
Sec. 35, N½, SW¼;
but not including a buffer strip 10 chains (660 feet) wide on either side of the line of MHW of the Gulkana River north of the Richardson Highway crossing.
T. 9 N., R. 4 E.,
Sec. 2, N½;
Secs. 4 to 9, inclusive;
Secs. 16, 17, and 18;
Secs. 19 and 20, N½.
T. 10 N., R. 4 E.,
Secs. 25, 26, and 27;
Sec. 34, W½;
Sec. 35;
Sec. 36, N½.

T. 11 N., R. 8 E.,
Secs. 14, 15, and 16, S½;
Sec. 17, SE¼;
Sec. 19, S½;
Sec. 20, NE¼, S½;
Sec. 21, N½, SW¼;
Secs. 22 and 23, N½;
Sec. 29, N½, SW¼;
Sec. 30.

The above described areas contain approximately 70,000 acres.

4. All public lands described in paragraph 2 will remain available for selection by the State of Alaska under the Community Grant provisions of the Act of July 7, 1958 (72 Stat. 339–340), and for selection by the State of Alaska for administrative sites for management purposes under any land grant provisions of the said act of 1958.

5. The chief purpose of this proposed classification is to provide time to study the land and resource values to develop a pattern of management, disposal, and use. Comments, opinions, and suggestions for the development of this plan are encouraged from interested parties either individually or collectively.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed classification, may present their views in writing to the Anchorage District Manager, Bureau of Land Management.

6. Public hearings will be held at times and places to be announced.

BURTON W. SILCOCK,
State Director.

MAY 10, 1968.

[F.R. Doc. 68–5843; Filed, May 15, 1968; 8:48 a.m.]

[C–3436]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management; Correction

MAY 10, 1968.

In F.R. Doc. 68–4510, appearing at page 5894 of the issue for Wednesday, April 17, 1968, the following changes should be made:

T. 5 N., R. "82 W.", should be T. 5 N., R. "81 W."

T. 5 N., R. "81 W.", should be T. 5 N., R. "82 W."

J. ELLIOTT HALL,
Acting State Director.

[F.R. Doc. 68–5815; Filed, May 15, 1968; 8:45 a.m.]

[C–3898]

COLORADO

Notice of Proposed Classification of Public Lands for Multiple-Use Management

MAY 8, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands described below.

2. Publication of this notice:

(A) Has the effect of segregating all public lands described in this notice from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334); Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682 (a) and (b)); and

(b) Further segregates the land described in paragraph 4 of this notice from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); and the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421–27); and

(c) Further segregates the land described in paragraph 5 of this notice from operation of the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–1 to 869–4); and

(d) Further segregates the lands described in paragraph 6 of this notice from the operation of the general mining laws (30 U.S.C. 21), and the Materials Act of July 31, 1947 as amended, but not from the mineral leasing laws.

The lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws; and exchanges under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g). As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

3. The public lands proposed for classification are located within the following described area and are shown on maps on file in the Grand Junction District Office, Bureau of Land Management, Federal Building, Fourth and Rood, Grand Junction, Colo.; and the Land Office, Bureau of Land Management, 1961 Stout Street, Denver, Colo.

UTE PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 1 S., R. 1 E.,
Sec. 22, Lot 4;
Sec. 31, NE¼SW¼.
T. 1 S., R. 2 E.,
Sec. 10, NE¼NW¼.
T. 2 S., R. 1 E.,
Sec. 4, N½NE¼.
T. 2 S., R. 2 E.,
Sec. 8, NE¼NE¼;
Sec. 9, NW¼NW¼.

The above areas aggregate approximately 333.43 acres of public land.

4. As provided in paragraph 2(b) above, the following lands are further segregated from sale under section 2455 of the Revised Statutes and the Public Land Sale Act of September 19, 1964:

UTE PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 1 S., R. 1 W.,
Sec. 36, Lot 13.
T. 1 S., R. 2 E.,
Sec. 17, SE¼SW¼;
Sec. 19, N½SE¼.
T. 2 S., R. 1 E.,
Sec. 2, N½;
Sec. 4, S½NW¼, N½SW¼;
Sec. 5, S½NE¼, SE¼NW¼;
Sec. 6, Lots 3, 4, 5, SE¼NW¼.
T. 2 S., R. 1 W.,
Sec. 1, Lot 1.

The areas described aggregate approximately 826.35 acres of public lands.

5. As provided in paragraph 2(c) above, the following lands are further segregated from appropriation under the Recreation and Public Purposes Act:

UTE PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 1 S., R. 1 E.,
Sec. 25;
Sec. 35.
T. 1 S., R. 2 E.
Sec. 1, W½ and that part of E½ lying west of the high rim;
Secs. 10 to 17, inclusive;
Secs. 19 to 36, inclusive.
T. 2 S., R. 1 E.,
Secs. 1 to 5, inclusive;
Sec. 6, portion of SE¼ east of Gunnison River;
Secs. 9 and 10;
Secs. 13 to 16, inclusive;
Secs. 23 to 27, inclusive;
Secs. 35 and 36.
T. 2 S., R. 2 E.,
Secs. 1 to 23, inclusive;
Secs. 26 to 34, inclusive.
T. 3 S., R. 2 E.,
Secs. 1 and 2;
Secs. 4 to 30, inclusive;
Secs. 32 to 34, inclusive.

SIXTH PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 11 S., R. 97 W.,
Sec. 30, Lots 1 to 4, inclusive;
Sec. 31, Lots 5 to 8, inclusive, E½W½, W½SE¼.
T. 11 S., R. 98 W.,
Sec. 13, SW¼SW¼ that portion lying south of Rapid Creek Divide;
Sec. 14, Lot 4 that portion lying west of Rapid Creek Divide;
Sec. 23 and 24, portion west of Rapid Creek Divide;
Secs. 25 and 26;
Secs. 35 and 36.
T. 12 S., R. 97 W.,
Secs. 6 and 7;
Secs. 18 and 19;
Sec. 30;
Sec. 32 to 34, inclusive.
T. 12 S., R. 98 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 25, inclusive.
T. 13 S., R. 97 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 31, inclusive.
T. 13 S., R. 98 W.,
Sec. 1;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 to 36.
T. 13 S., R. 99 W.,
Sec. 10, east of the Gunnison River;
Sec. 11;
Sec. 14;
Sec. 15, east of the Gunnison River;
Sec. 22, east of the Gunnison River;
Sec. 23;
Sec. 26, east of the Gunnison River;
Sec. 27, east of the Gunnison River;
Sec. 35, east of the Gunnison River.
T. 14 S., R. 98 W.,
Sec. 8, east of the Gunnison River;
Sec. 18, east of the Gunnison River.

The areas described aggregate approximately 60,520 acres of public lands. Area aggregates approximately 61,679.78 acres of public land.

6. As provided in paragraph 2(d) above, the following lands are further segregated from appropriation under the mining laws and the Materials Act, as amended:

SIXTH PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 12 S., R. 97 W.,
Sec. 19, Lot 7, S½SE¼NW¼.

These lands aggregate 49.90 acres. (Included in total area shown in paragraph 5.)

7. For a period of sixty (60) days from the day of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Grand Junction District Manager, Bureau of Land Management, Federal Building, Fourth and Rood, Grand Junction, Colo.

8. A public hearing on this proposed classification will be held at 8 p.m., on June 13, 1968, in Room 206A, Courthouse Annex, Grand Junction, Colo.

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-5816; Filed, May 15, 1968; 8:45 a.m.]

[C-3899]

COLORADO

Notice of Proposed Classification of Public Lands for Multiple-Use Management

MAY 10, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the areas described below.

2. Publication of this notice:

(a) has the effect of segregating all public lands described in this notice from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334); Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682(a)(b)); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-1 to 869-4); Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421-27).

The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws, the Materials Act and exchanges under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g). As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The public lands proposed for classification are located within the following described area and are shown on maps on file in the Grand Junction District Office, Bureau of Land Management, Federal Building, Fourth and Rood, Grand Junction, Colo.; and the Land Office, Bureau of Land Management, 1961 Stout Street, Denver, Colo.

SIXTH PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 12 S., R. 99 W.,
Secs. 32 and 33 those portions lying below the north and west rim of Unaweep Canyon.
T. 13 S., R. 99 W.,
Sec. 4;
Secs. 5 to 7 inclusive, those portions lying below the west and north rim of Unaweep Canyon;
Secs. 8 and 9;
Sec. 10 west of the Gunnison River;
Sec. 15 west of the Gunnison River;
Secs. 16 and 17;
Sec. 18 that portion lying below the north and west rim of Unaweep Canyon;
Secs. 19 to 21, inclusive;
Sec. 22 that portion west of the Gunnison River;
Sec. 26 that portion lying west of the Gunnison River;
Sec. 27 that portion lying west of the Gunnison River;
Secs. 28 to 34, inclusive;
Sec. 35 that portion lying west of the Gunnison River.
T. 13 S., R. 100 W.,
Sec. 25 that portion lying below the north and west rim of Unaweep Canyon;
Sec. 34 that portion lying below the north and west rim of Unaweep Canyon;
Secs. 35 and 36 those portions lying below the north and west rim of Unaweep Canyon.
T. 14 S., R. 98 W.,
Secs. 6 and 7;
Sec. 18 that portion lying west of the Gunnison River.
T. 14 S., R. 99 W.,
Sec. 1;
Sec. 2 that portion lying west of the Gunnison River;
Secs. 3 to 36, inclusive.
T. 14 S., R. 100 W.,
Secs. 1 and 2;
Secs. 3 and 4 those portions lying below the north and west rim of Unaweep Canyon;
Secs. 7 and 8 those portions lying below the north and west rim of Unaweep Canyon;
Secs. 9 to 36, inclusive.
T. 14 S., R. 101 W.,
Secs. 24 and 25 those portions lying below the north and west rim of Unaweep Canyon;
Sec. 36, E½NE¼, NE¼NW¼, NE¼SE¼.
T. 15 S., R. 99 W.,
Secs. 1 to 23, inclusive;
Secs. 27 to 31, inclusive.
T. 15 S., R 100 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 16, inclusive;
Secs. 23 to 25, inclusive.

The areas described aggregate approximately 82,882.06 acres of public lands.

4. For a period of sixty (60) days from the day of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Grand Junction District Manager, Bureau of Land Management, Federal Building, Fourth and Rood, Grand Junction, Colo.

5. A public hearing on this proposed classification will be held at 8 p.m., on June 13, 1968, in Room 206A, Courthouse Annex, Grand Junction, Colo.

J. ELLIOTT HALL,
Acting State Director.

[F.R. Doc. 68-5817; Filed, May 15, 1968; 8:46 a.m.]

[N-1910]

NEVADA

Order Opening Public Lands

MAY 10, 1968.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 53 E.,
Secs. 3, 9, 15, 17;
Secs. 19, 21, those portions lying north of the northerly highway right-of-way line of Nevada Interstate Route 80;
Sec. 27, that portion lying north of the northerly highway right-of-way line of Nevada Interstate Route 80 and that portion lying south of the southerly right-of-way line of the Western Pacific Railroad Co.
T. 34 N., R. 53 E.,
Secs. 7, 15, 21, 27, 29, 33.
T. 36 N., R. 53 E.,
Secs. 1, 3;
Sec. 5, S½;
Sec. 10, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 13;
Sec. 14, NE¼SW¼, NW¼SE¼;
Sec. 18, SE¼SE¼;
Sec. 24, NE¼NE¼, W½E½.
T. 34 N., R. 54 E.,
Sec. 5, E½E½;
Sec. 17, E½;
Sec. 25, NE¼, W½, W½SE¼, NE¼SE¼, except a strip of land 400 feet wide lying equally on each side of the centerline of the railroad of Central Pacific Railway Co.;
Sec. 27;
Sec. 33, E½NE¼.
T. 35 N., R. 54 E.,
Sec. 3, a portion thereof described as: Beginning at corner No. 1, which is also the southwest corner of said sec. 3; thence running east, 3,790.10 feet, to corner No. 2; at which point a drift fence is intersected; thence N. 10° E., 2,881.46 feet, along the drift fence to corner No. 3; thence N. 85°30' W., 70 feet, to corner No. 4; thence N. 47°55' W., 3,635.91 feet, to corner No. 5, a point where said drift fence intersects the north line of sec. 3; thence west, 1,522.30 feet, to corner No. 6, which is also the northwest corner of sec. 3; thence south, 5,280 feet, to corner No. 1, the place of beginning;
Sec. 5;
Sec. 7, E½, E½NW¼;
Secs. 9, 17;
Sec. 19, E½;
Sec. 28, N½NW¼;
Secs. 29, 33.

T. 36 N., R. 54 E.,
Sec. 4, lot 4;
Sec. 6, lot 2, SE¼NE¼;
Sec. 7;
Sec. 9, SW¼SW¼;
Sec. 17;
Sec. 18, SW¼NE¼, E½SW¼;
Sec. 29;
Sec. 33, A portion thereof, described as: Beginning at corner No. 1, which is also the northwest corner of sec. 33; thence south, 5,280 feet, to corner No. 2, which is also the southwest corner of sec. 33; thence east to corner No. 3, which is also the southeast corner of sec. 33; thence north, 2,202.35 feet, to corner No. 4, at which point a drift fence is intersected; thence along the drift fence, N. 41° W., 279.06 feet, to corner No. 5; thence N. 12°05′ W., 2,170.0 feet to corner No. 6; thence N. 43°30′ W., 1,027.25 feet, to corner No. 7, a point in the north line of sec. 33; thence west, 3,935.57 feet, to corner No. 1, the place of beginning.

The areas described aggregate approximately 19,717 acres.

2. The United States did not acquire the minerals in the lands herein described.

3. The lands are located in west-central Elko County. The soils are stony and generally shallow and support sagebrush and rabbitbrush with an understory of bunchgrass and annuals. Elevation ranges from 5,000 to 7,000 feet. The terrain is mountainous to rolling.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby opened to operation of the public land laws generally. All valid applications received at or prior to 10 a.m. on June 14, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 68-5839; Filed, May 15, 1968; 8:48 a.m.]

[New Mexico 5906]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 10, 1968.

The Forest Service, U.S. Department of Agriculture, has filed application, Serial No. New Mexico 5906, for the withdrawal of the land described below. The land was conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. It lies within the exterior boundary of the Cibola National Forest. It has not been open to entry under the public land laws. The applicant desires the land for the addition to, and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of natural resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals, Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

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

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

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

The land involved in the application is:

NEW MEXICO PRINCIPAL MERIDIAN

T. 4 N., R. 5 E.,
Sec. 12, E½NE¼SE¼, S½SW¼NE¼SE¼, and SE¼SE¼.

The area described contains 65 acres in Torrance County.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 68-5818; Filed, May 15, 1968; 8:46 a.m.]

[OR 3129]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

MAY 9, 1968.

The Bonneville Power Administration, U.S. Department of the Interior, has filed an application, Serial No. OR 3129, for the withdrawal of the public land described below, from all forms of appropriation under the public land laws including the mining laws, but not the mineral leasing laws.

The applicant desires to use the land for the Umatilla Substation Site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

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

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

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

The land involved in the application is:

WILLAMETTE MERIDIAN

UMATILLA SUBSTATION SITE

T. 5 N., R. 28 E.,
Sec. 14, lots 15 and 16 and S½SE¼.

The area described aggregates 111.51 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 68-5819; Filed, May 15, 1968; 8:46 a.m.]

OREGON DISTRICT MANAGERS ET AL.

Delegation of Authority Regarding Contracts and Leases; Correction

State Director, Oregon supplement to Bureau of Land Management Manual 1510.03.

Paragraph "A" of the Delegation of Authority to Oregon District Managers et al., regarding Contracts and Leases, as published in the FEDERAL REGISTER, Vol. 33, No. 74—Tuesday, April 16, 1968, contained reference to outdated authorities. Paragraph "A" of the redelegation is corrected to read:

A. *Redelegations.* Bureau Manual 1510.03B2d delegates to the State Director the authority to enter into certain contracts and leases. Bureau Manual 1510.03C further authorizes the State Director to redelegate these authorities to designated qualified employees. The purchasing authorities redelegated by the State Director, together with exceptions, restrictions or limitations, are as follows:

There is no change to any of the redelegations, exceptions, restrictions, or limitations from that previously published on April 16, 1968.

ARCHIE D. CRAFT,
State Director.

[F.R. Doc. 68-5814; Filed, May 15, 1968; 8:45 a.m.]

[Wyoming 12668]

WYOMING

Proposed Classification of Public Lands for Multiple-Use Management

MAY 10, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands described below. Publication of this notice (a) segregates all the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171); and (b) further segregates the lands described in paragraph 3 of this notice from appropriation under the general mining laws (30 U.S.C. 21). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Public lands located within the following described areas are shown on the Fremont, Sublette, and Sweetwater County Planning Unit Classification Maps, which are on file in the District Office, Bureau of Land Management, Rock Springs, Wyo., and the Land Office, Bureau of Land Management, Federal Building, Cheyenne, Wyo. The general description of the areas are as follows:

SIXTH PRINCIPAL MERIDIAN
FREMONT COUNTY, WYO.

All public lands within the following described area:

Beginning at the junction of Sublette-Fremont-Sweetwater County lines; thence east to the proposed district boundary between Lander and Rock Springs Grazing Districts; thence northerly along the proposed boundary between Lander and Rock Springs Grazing Districts to the Shoshone National Forest boundary; thence northwesterly along the Shoshone and Bridger National Forest boundaries to the Fremont-Sublette County line; thence south along the Fremont-Sublette County line to the point of beginning.

SIXTH PRINCIPAL MERIDIAN
SUBLETTE COUNTY, WYO.

All public lands within the following described area:

Beginning at a point along the Sublette and Lincoln County line, where the south section line of sec. 32, T. 27 N., R. 112 W., intersects the Green River; thence east along the Sublette County line to the junction of Sublette, Fremont, and Sweetwater Counties; thence north along the Sublette-Fremont County line to the Bridger National Forest boundary; thence westerly along the Bridger National Forest boundary to the northwest corner of sec. 5, T. 30 N., R. 105 W.; thence southwesterly and westerly along the existing proposed Pinedale and Rock Springs Grazing District boundary to the Green River; thence south and southwesterly along the Green River to the point of beginning.

SIXTH PRINCIPAL MERIDIAN
SWEETWATER COUNTY, WYO.

All public lands within the following described area, except those lands within Planning Units 0472, 0451, and 0471, as said planning units are delineated upon the maps previously referred to:

Beginning at the junction of the Sweetwater-Uinta County line at the Wyoming-Utah border; thence north along the Sweetwater-Uinta County line to the Sweetwater-Lincoln County line; thence north along the Sweetwater-Lincoln County line to the Sweetwater-Sublette County line; thence east along the Sweetwater-Sublette County line to the Sweetwater-Fremont County line; thence east along the Sweetwater-Fremont County line to the Rock Springs-Rawlins District boundary; thence southerly along the Rock Springs-Rawlins District boundary to the Wyoming-Colorado State line; thence west along the Wyoming-Colorado State line to the Wyoming-Utah border; thence west along the Wyoming-Utah State line to the point of beginning.

The total area of the public lands included within the purview of this notice of proposed classification aggregates approximately 3,821,095.86 acres.

3. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the mining laws (aggregating approximately 4,423.54 acres):

SIXTH PRINCIPAL MERIDIAN

FREMONT COUNTY, WYO.

T. 27 N., R. 102 W.,
Sec. 10, SW¼NE¼.
T. 28 N., R. 100 W.,
Sec. 28, NW¼NW¼.
T. 28 N., R. 101 W.,
Sec. 1, W½NW¼.
T. 29 N., R. 100 W.,
Sec. 18, S½SE¼NW¼, NW¼NE¼SW¼, SW¼SW¼NW¼, and NW¼NW¼SW¼.
T. 29 N., R. 101 W.,
Sec. 13, S½NE¼NE¼ and N½NE¼SW¼;
Sec. 14, SE¼NE¼, SW¼NE¼NE¼, and NW¼NE¼;
Sec. 15, N½NE¼;
Sec. 19, NE¼SE¼;
Sec. 29, NW¼SE¼;
Sec. 34, SW¼NE¼.
T. 29 N., R. 102 W.,
Sec. 5, lot 4.
T. 30 N., R. 102 W.,
Sec. 32, SW¼SW¼.

SUBLETTE COUNTY, WYO.

T. 29 N., R. 103 W.,
Sec. 10, SE¼SW¼.
T. 30 N., R. 103 W.,
Sec. 28, SW¼SW¼;
Sec. 29, SE¼SE¼;
Sec. 32, SE¼SE¼.
T. 30 N., R. 104 W.,
Sec. 15, SW¼NW¼.

SWEETWATER COUNTY, WYO.

T. 12 N., R. 103 W.,
Sec. 1, SE¼NW¼.
T. 12 N., R. 104 W.,
Sec. 1, lot 9.
T. 13 N., R. 105 W.,
Sec. 18, lots 2, 3, 5, SE¼ of lot 6, and lot 9;
Sec. 19, lot 9;
Sec. 30, SE¼NW¼.
T. 13 N., R. 106 W.,
Sec. 15, NE¼SW¼;
Sec. 23, S½NW¼SE¼ and N½SW¼SE¼;
Sec. 25, NE¼.
T. 14 N., R. 100 W.,
Sec. 1, SE¼NW¼.
T. 14 N., R. 107 W.,
Sec. 27, W½NE¼ and E½NW¼.
T. 14 N., R. 109 W.,
Sec. 30, NW¼NE¼.
T. 14 N., R. 111 W.,
Sec. 32, NE¼NW¼.
T. 15 N., R. 100 W.,
Sec. 4, W½NW¼.
T. 17 N., R. 107 W.,
Sec. 24, NW¼SE¼.
T. 18 N., R. 104 W.,
Sec. 8, SE¼NE¼, SW¼SE¼, and NE¼NE¼.
T. 18 N., R. 106 W.,
Sec. 2, NW¼SE¼ and SW¼NE¼.
T. 18 N., R. 107 W.,
Sec. 18, lots 5 and 6.
T. 19 N., R. 105 W.,
Sec. 18, SE¼SE¼.
T. 19 N., R. 106 W.,
Sec. 10, SE¼.
T. 20 N., R. 106 W.,
Sec. 12, NW¼SW¼.
T. 21 N., R. 105 W.,
Sec. 32, SE¼SE¼, SW¼NE¼SE¼, SE¼NW¼SE¼, and NE¼SW¼SE¼.
T. 22 N., R. 103 W.,
Sec. 4, lot 4.
T. 22 N., R. 105 W.,
Sec. 14.
T. 22 N., R. 109 W.,
Sec. 20, lots 4, 5, and 6, E½SE¼;
Sec. 28, SW¼.
T. 23 N., R. 102 W.,
Sec. 1, W½NW¼;
Sec. 9, SE¼NE¼;
Sec. 11, SE¼NW¼.
T. 23 N., R. 104 W.,
Sec. 21, NW¼NE¼ and NE¼NW¼.
T. 23 N., R. 105 W.,
Sec. 13, NW¼SW¼.
T. 23 N., R. 108 W.,
Sec. 19.
T. 23 N., R. 111 W.,
Sec. 17, portion north of river;
Sec. 18, portion north of river.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Rock Springs District Office, Bureau of Land Management, Post Office Box 1088, Rock Springs, Wyo. 82901.

5. A public hearing on the proposed classification will be held in the Public Meeting Room, Sweetwater County Courthouse, Green River, Wyo. on June 26, 1968 at 10 a.m.

ED PIERSON,
State Director.

[F.R. Doc. 68–5840; Filed, May 15, 1968; 8:48 a.m.]

Office of the Secretary

DEPARTMENTAL SEAL

The following is a part of the Departmental Manual and the numbering is that of the Manual:

310.4.1 A. *Departmental seal.* The use of a seal by the Department of the Interior is authorized by the Act of August 24, 1912 (37 Stat. 498; 43 U.S.C. 1462). In addition to its use as required by law (43 U.S.C. 1460 et seq.), the seal is a visible symbol of the Department's environmental mission. The seal consists of stylized symbols of the earth, the sun, mountains, and water framed by a stylized set of hands, set within a circle and having the legend "U.S. Department

of the Interior" within the circle. A reproduction of the seal appears at the end of this notice.

(1) *Policy.* The seal of the Department of the Interior may not be used in connection with any commercial or other unofficial enterprise without the written approval of the custodian of the seal.

(2) *Custody.* The Director of Management Operations is the custodian of the Departmental seal.

(3) *Use.* In accordance with the Act of August 24, 1912 (43 U.S.C. 1460 et seq.), the official seal shall be impressed on all Departmental official papers and documents which require certification or authentication.

a. All official documents and publications and all letterheads printed for official use shall bear the printed seal of the Department.

b. Requests for permission to use the seal for other purposes should be addressed to the Director of Management Operations. Each request should contain exact and explicit information as to the intended use of the seal, with full details as to the product, method of reproduction, and any other data which would be helpful in appraising such a request.

GEORGE E. ROBINSON,
Deputy Assistant Secretary for Administration.

MAY 10, 1968.

[F.R. Doc. 68-5821; Filed, May 15, 1968; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NEW YORK UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Service Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00531-33-46040. Applicant: New York University School of Medicine at Milbank Research Laboratories, 340 East 24th Street, New York, N.Y. 10010. Article: Electron miscroscope, Model EM 9A with spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used in investigations of problems dealing with regeneration of both peripheral nerves and spinal cords using both tissue culture and vivo preparation. Application received by Commissioner of Customs: April 17, 1968.

Docket No. 68-00534-33-46500. Applicant: University of North Carolina, School of Medicine, Chapel Hill, N.C. 27514. Article: Ultramicrotome, Model LKB 4800A. Manufacturer: LKB Produkter Fabriksaktiebolag, Sweden. Intended use of article: The article will be used by the residents and medical students in the preparation of thin sections for viewing with the electron microscope. Application received by Commissioner of Customs: April 19, 1968.

Docket No. 68-00535-33-46500. Applicant: New York State Department of Health, Division of Laboratories and Research, New Scotland Avenue, Albany, N.Y. 12201. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for ultrasectioning of tissue imbedded in hard plastic material for high resolution electron microscopy required for the study and observation of the subunit structure of viruses. Application received by Commissioner of Customs: April 19, 1968.

Docket No. 68-00544-00-46040. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Electromagnetic shutter for Elmiskop IA electron microscope. Manufacturer: Siemens & Halske AG, West Germany. Intended use of article: The article will be used to eliminate shutter vibration associated with manually operated shutters. Application received by Commissioner of Customs: April 26, 1968.

Docket No. 68-00545-33-46040. Applicant: Medical College of Ohio at Toledo, 1614 South Byrne Road (Post Office Box 6190), Heatherdowns Station, Toledo, Ohio 43614. Article: Electron Microscope, Model HU-11E-1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for teaching students and technicians; and for research which includes investigations on the fine structure of myocardium of mammals under normal and experimental conditions, focusing on the changes of mitochondrial cristae after administration of drugs; investigations on the fine structure of human hearts of patients submitted to open heart surgery; investigations of the prostate gland of rats under normal and experimental conditions; investigations on the synovial-membrane of the knee joint of rabbits under normal and experimental conditions. All these projects require an electron microscope with ultra high resolution. Application received by Commissioner of Customs: April 26, 1968.

Docket No. 68-00546-33-46500. Applicant: Battelle Northwest—Pacific Northwest Laboratory, Post Office Box 999, Richland, Wash. 99352. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in studies of ocular development to section embryonic tissues for observation under the electron microscope. Application received by Commissioner of Customs: April 26, 1968.

Docket No. 68-00547-98-65600. Applicant: Brookhaven National Laboratory, Associated Universities, Inc. Upton, Long Island, N.Y. 11973. Article: Main magnet power supply. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: The article will be used as a main magnet power supply source of controlled electric power for the main magnet of the Alternating Gradient Synchrotron. Application received by Commissioner of Customs: April 26, 1968.

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

[F. R. Doc. 68-5802; Filed, May 15, 1968; 8:45 a.m.]

UNIVERSITY OF MINNESOTA

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office

of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00364–33–46500. Applicant: University of Minnesota, School of Medicine, University of Minnesota Hospitals, Minneapolis, Minn. 55455. Article: LKB 8800A Ultrome III ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in the study of ultramicroscopic changes in the chinchilla cochlea following permanent and temporary threshold shift caused by noise exposure. This necessitates an instrument which will cut long series of equal thickness serial sections. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument of apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a thermal feed for ultrathin sections as well as a mechanical feed for thicker sections. (See specifications for LKB 8800 Ultrotome ultramicrotome attached to application.) The only known comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall) which provides only a mechanical feed for cutting sections of all thicknesses. (See 1966 catalogue for Sorvall "Porter-Blum" MT–1 and MT–2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.) We are advised by the Department of Health, Education, and Welfare (HEW) that in the experience of expert electron microscopists working with biological material of the kind specified by the applicant, ultramicrotomes equipped with thermal feed have proven clearly superior to microtomes with mechanical feeds alone. HEW further advises that reproducibility of thickness of each section cut for examination under the electron microscope is substantially greater when thermal advance microtomes are used than when the advance is achieved through purely mechanical devices. (See memorandum from HEW dated Apr. 17, 1968.) This is a pertinent characteristic because, for optimum results, an ultramicrotome must be capable of reproducing consecutive thin sections of the specimen with consistent accuracy and uniformity. In the case of an application relating to a similar foreign article (Docket No. 67–00024–33–46500), HEW advised that in a mechanical advance there must be a system of gears to advance the specimen. Inherent in such a system are backlash and slippage no matter how slight these may be. Thus, there is bound to be greater variation in section thickness with mechanical advance than with thermal advance when both systems are functioning at their best. (See memorandum from HEW dated June 26, 1967.)

(2) The thin-sectioning capability of an ultramicrotome is expressed as the thinnest section which it can produce. This characteristic is pertinent because the thinner the section, the more it is possible to take full advantage of the resolving power and other capabilities of the electron microscope for which the specimen is being prepared. The specified thin-section limit for the foreign article is 50 Angstroms (specifications for foreign article cited above). The specified thin-section limit for the Sorvall MT–2 is 100 Angstroms (Sorvall catalogue cited above, page 12).

(3) The foreign article provides a means of measuring the angle at which the knife is set, to an accuracy of plus or minus 1° (applicant's response to Question 13 of application). The catalogue describing the Sorvall Model MT–2 cited above makes no reference to any similar device. The capability of accurately setting the knife angle is pertinent because thickness of the section is varied by varying the knife angle. Therefore, the more accurate the setting of the knife angle, the more accurate will be the sectioning of the specimen.

For the foregoing reasons, we find that the Sorvall Model MT–2 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

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

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

[F.R. Doc. 68–5803; Filed, May 15, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order E–26782]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority May 10, 1968.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act (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 Traffic Conference 1 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 May 2, 1968, names additional rates under existing commodity descriptions, as set forth in the attachment hereto.[1] The rates proposed 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 20107, R–11 through R–16, be approved, provided that 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] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–5848; Filed, May 15, 1968; 8:48 a.m.]

[1] Attachment filed as part of the original document.

[Docket No. 18650; Order No. E–26783]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority May 10, 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 unprotected notices to the carriers and promulgated in an IATA letter dated May 2, 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–15 and R–16 be approved, provided approval

[1] Attachment filed as part of the original document.

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] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-5849; Filed, May 15, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18177; FCC 68M-752]

CARPENTER RADIO CO.

Order Scheduling Hearing

In the matter of application of James M. Carpenter and Miriam Carpenter doing business as Carpenter Radio Co., Docket No. 18177, pursuant to section 201(a) of the Communications Act of 1934, as amended, for establishment of physical connection between its facilities and those of the Lima Telephone Co. at Lima, Ohio:

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 July 8, 1968, at 10 a.m.; and that a prehearing conference shall be held on June 6, 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: May 10, 1968.

Released: May 13, 1968.

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

[F.R. Doc. 68-5852; Filed, May 15, 1968; 8:49 a.m.]

[Docket Nos. 17778, 17779; FCC 68M-747]

GRAYSON TELEVISION CO., INC., AND HERCULES BROADCASTING CO.

Order Regarding Procedual Dates

In re applications of Grayson Television Co., Inc., Sacramento, Calif., Docket No. 17778, File No. BPCT-3698; Hercules Broadcasting Co., Sacramento, Calif., Docket No. 17779, File No. BPCT-3812; for construction permit for new television broadcast station (Channel 15).

For the reasons stated in a letter of May 7, 1968, from counsel for Hercules Broadcasting Co., all parties having consented:

It is ordered, That all procedural dates including the commencement of hearing heretofore scheduled for June 4, 1968, are continued, pending further order.

Issued: May 9, 1968.

Released: May 10, 1968.

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

[F.R. Doc. 68-5853; Filed, May 15, 1968; 8:49 a.m.]

[Docket No. 16777; FCC 68-518]

INTERNATIONAL TAXICAB ASSOCIATION

Denial of Request and Delay of Frequency Assignment

In the matter of amendment of Part 91 of the Commission's rules to allocate certain unassigned band-edge frequencies in the 150.8-162 Mc/s band, Docket No. 16777; petition of the Forest Industries Radio Communications for assignment of additional frequency space to the Forest Products Radio Service in the 150 Mc/s band, RM-707; petition of Special Industrial Radio Service Association, Inc., for allocation of additional frequencies to the Special Industrial Radio Service in the 150 Mc/s band, RM-752; petition of National Committee for Utilities Radio for amendment of Parts 21, 89, 91, and 93 of the Commission's rules to allocate certain frequencies in the 150-162 Mc/s band, RM-884; memorandum opinion and order delaying assignment of 152.480 Mc/s in Washington, D.C., area.

1. In our report and order in the above-entitled proceeding, released on August 16, 1967, FCC 67-958, 9 FCC 2d 666, we allocated the frequencies 152.480, 157.740, and 158.460 Mc/s primarily to the Business Radio Service for private one-way paging communication systems and secondarily to the Special Industrial and Forest Products Radio Services for two-way base/mobile radio systems. The rules adopted in that report and order designate the maximum permissible power for each of these frequencies as 600, 120, and 30 watts, respectively, when used for paging operations. See § 91.554 (b) (25), (26), and (27). These rules became effective on September 22, 1967.

2. On September 14, 1967, the International Taxicab Association, by its legal counsel, filed a document, entitled "Comments", relating to the maximum permissible power on the frequency 152.480 Mc/s. In its Comments, this Association asserted that 600 watts is "excessive" power for paging and suggested that operation of paging systems on the frequency 152.480 Mc/s may cause intermodulation interference to the taxicab operations on 152.450 Mc/s on which a maximum of 120 watts is permitted. It requested that we postpone the effective date of the new rules "* * * pending investigation of the power requirements for the Business Radio paging frequency and, also, to determine proper safeguards to prevent intermodulation." The National Association of Business and Educational Radio filed a letter on October 2, 1967, opposing that request.

3. The frequency 152.480 Mc/s was allocated for paging systems designed to cover relatively wide areas, such as large metropolitan areas, and the 600-watt power allowance on that frequency was intended to permit such wide-area operations. Although the International Taxicab Association has asserted that "* * * paging requirements have been proven to require far less power than voice requirements * * *", it made no concrete showing that the power permitted on the 152.480 Mc/s for the purposes for which it has been allocated is indeed excessive. The rules permit not only one-way signaling, but also one-way voice communications on that frequency. The power limits on this and on the other two frequencies allocated in this proceeding were arrived at after careful consideration of the comments and other available information and, in the absence of concrete showing that the 600-watt maximum allowance for the frequency 152.480 Mc/s is excessive, further inquiry is not warranted.

4. With respect to the Association's request for safeguards against intermodulation interference, it should be noted that the frequencies in the 150-160 Mc/s band have been allocated on the basis of 30 kc/s channel separation and this has taken into account that systems on adjacent channels may be operating with different levels of power. Thus, although it is recognized that the introduction of a radio system into an adjacent channel increases the chances of intermodulation interference, specific protection against it is not provided in the rules. Instead, our rules expect licensees to take precautions and to cooperate among themselves to minimize intermodulation and other interference problems. Thus, there is no reason to establish special safeguards for taxicab operations on 152.450 Mc/s, as requested by the International Taxicab Association, and its request will be denied.

5. Another unrelated matter but concerning the use of frequency 152.480 Mc/s in the Washington, D.C., area requires resolution. It is a conflict between an existing common carrier radio paging system operated by the Chesapeake and Potomac Telephone Co. on 152.486 Mc/s on a developmental basis, commonly known as Bellboy, and potential operations of private radio paging systems on 152.480 Mc/s. This system, which was authorized in 1962 on a developmental basis, provides paging radio service to nearly 3,500 subscribers. The conflict exists because the existing Bellboy system and any private system on 152.480 Mc/s would be separated by only 6 kc/s and would cause mutual destructive interference.

6. In its report and order in Docket 16778, adopted today, the Commission requires the Bellboy system to discontinue operation on the frequency 152.486 Mc/s by January 31, 1969, and it is considered reasonable to maintain the status quo until that date. This system operates on this frequency in Washington, D.C., only so that a similar conflict does not exist in any other part of the country. Therefore, we believe it is necessary to delay the availability of the frequency 152.480 Mc/s in the Washington, D.C., area.

7. *Accordingly, it is ordered,* That the above-described request of the International Taxicab Association is denied and that the frequency 152.480 Mc/s will not be available for assignment within 75 miles from the center of Washington, D.C., until January 31, 1969.

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

Adopted: May 8, 1968.

Released: May 13, 1968.

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

[F.R. Doc. 68-5851; Filed, May 15, 1968; 8:49 a.m.]

[Docket Nos. 17889, 17890; FCC 68M-745]

LONG ISLAND VIDEO, INC., AND GRANIK BROADCASTING CO., INC.

Order Regarding Procedual Dates

In re applications of Long Island Video, Inc., Patchogue, N.Y., Docket No. 17889, File No. BPCT-3242; Granik Broadcasting Co., Inc., Patchogue, N.Y., Docket No. 17890, File No. BPCT-3422; for construction permit for new television broadcast station (Channel 67).

Upon the informal request of the applicants:

It is ordered, That the conference scheduled for May 10, 1968, is canceled, and that the following dates will govern this hearing:

Exchange of exhibits—June 25, 1968.
Notification of witnesses—July 2, 1968.
Commencement of hearing—July 9, 1968.

Issued: May 9, 1968.

Released: May 10, 1968.

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

[F.R. Doc. 68-5854; Filed, May 15, 1968; 8:49 a.m.]

[Docket Nos. 18093-18095; FCC 68M-748]

MANATEE CABLEVISION, INC., ET AL.

Order Regarding Procedural Dates

In re petitions by Manatee Cablevision, Inc., Manatee County, Fla., Docket No. 18093, File No. CATV 100-78; for authority pursuant to § 74.1107 of the rules to operate CATV Systems in the Tampa-St. Petersburg, Fla., television market (ARB 31); et al., Docket No. 18094, File No. CATV 100-262; Docket No. 18095, File No. CATV 100-296:

It is ordered, Pursuant to the agreements reached at the prehearing conference of May 8, 1968 that:

(a) All exhibits to be offered in the affirmative presentations shall be exchanged among the parties and copies thereof provided the Hearing Examiner on July 15, 1968, with notification of the names of all then known witnesses to be offered in the affirmative presentations and their areas of testimony to be given simultaneously therewith;

(b) Notification of witnesses desired for cross-examination on the exchanged exhibits, unless noted as a witness to be offered in the affirmative presentation, shall be given on July 31, 1968;

(c) A further prehearing conference shall be held on June 10, 1968 commencing at 9 a.m. in the offices of the Commission at Washington, D.C. and the hearing presently scheduled for June 4, 1968, is continued without date.

Issued: May 9, 1968.

Released: May 10, 1968.

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

[F.R. Doc. 68-5855; Filed, May 15, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-16499 etc.]

PETROLEUM ASSOCIATES, INC., ET AL.

Findings and Order

MAY 7, 1968.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, severing proceeding, terminating rate proceeding, making successor co-respondent, redesignating proceeding, accepting agreement and undertaking for filing and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sale from the Permian Basin area of Texas is authorized to be made at the applicable area base rate and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Petroleum Associates, Inc., Applicant in Docket No. G-16499, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to El Paso Products Co. FPC Gas Rate Schedule No. 7. El Paso's rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule except for sales made pursuant to Supplement No. 4 thereto, is in effect subject to refund in Docket No. G-20526, and Applicant has filed a motion to be made co-respondent in said proceeding together with an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made co-respondent; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on May 1, 1968, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

[1] Commissioner Loevinger absent; Commissioner Johnson concurring in the result.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–16499, G–16576, CI60–604, CI61–15, CI61–482, CI61–1170, CI62–1184, CI63–996, CI65–229, CI66–942, CI67–779, CI67–792, CI68–55, and CI68–162 should be amended as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to and acreage*
G–4899	CI68–1082
G–10713	CI68–927
G–13051	CI68–1009
G–13135	CI68–1009
G–14131	CI68–870
CI62–1184	CI68–501
CI62–1243	CI62–1184
CI62–1243	CI67–792
CI62–1243	CI68–55

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket Nos. CI68–898 and CI68–1128 should be cancelled and that the applications filed therein should be construed as amendments to the applications filed in Docket Nos. CI61–1699 and CI66–55, respectively.

(8) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(9) Permission for and approval of abandonment of service should be granted in Docket Nos. CI61–1699 and CI66–55 and the temporary certificates heretofore issued in said dockets should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. G–20190 should be severed from the consolidated proceedings in Docket No. AR67–1 et al., and that the rate suspension proceeding pending in Docket No. G–20190 should be terminated.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Petroleum Associates, Inc., should be made a co-respondent in the proceeding pending in Docket No. G–20526, that said proceeding should be redesignated accordingly, and that the agreement and undertaking should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date as indicated by footnote 8 in the attached tabulation.

(E) Within 45 days from the date of this order Applicant in Docket No. CI68–870 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(F) Any rate collected on or after September 1, 1965, by Applicant in Docket No. CI68–870 in excess of the applicable area rate set forth in paragraphs (A) and (B) of Opinion No. 468, as modified by Opinion No. 468–A, shall be subject to refund under the conditions prescribed in paragraph (D) of Opinion No. 468.

(G) The certificates issued herein in Docket Nos. CI68–989 and CI68–1017 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(H) The acceptance for filing of the related rate filings in Docket Nos. CI61–482 and CI68–1082 is contingent upon Applicants' filing three copies each of a billing statement as required by the regulations under the Natural Gas Act.

(I) The certificates heretofore issued in Docket Nos. G–16576, CI61–482, CI61–1170, CI62–1184, CI63–996, CI65–229, CI66–942, CI67–792, and CI68–55 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(J) The certificate heretofore issued in Docket No. CI60–604 is amended to include the interest of the co-owner, Humble Oil & Refining Co., as indicated in the tabulation herein.

(K) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–4899	CI68–1082
G–10713	CI68–927
G–13051	CI68–1009
G–13135	CI68–1009
G–14131	CI68–870
CI62–1184	CI68–501
CI62–1243	CI62–1184
CI62–1243	CI67–792
CI62–1243	CI68–55

(L) The Certificates heretofore issued in Docket Nos. G–16499, CI61–15, CI67–778, and CI68–162 are amended by substituting the respective successors in interest as certificate holders as indicated in the tabulation herein.

(M) Docket Nos. CI68–898 and CI68–1128 are canceled.

(N) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(O) Permission for and approval of abandonment of service are granted in Docket Nos. CI61–1699 and CI66–55 and the temporary certificates issued in said dockets are terminated.

(P) The certificates heretofore issued in Docket Nos. G–13629 and CI67–468 are terminated.

(Q) Docket No. G–20190 is severed from the consolidated proceedings in Docket No. AR67–1, et al., and the rate suspension proceeding pending in Docket No. G–20190 is terminated.

(R) Petroleum Associates, Inc., is made a co-respondent in the proceeding pending in Docket No. G–20526, said proceeding is redesignated accordingly; [1] and the agreement and undertaking submited by Petroleum Associates, Inc., in said proceeding is accepted for filing.

(S) Petroleum Associates, Inc., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Petroleum Associates, Inc., in Docket No. G–20526 shall remain in fullforce and effect until discharged by the Commission.

(T) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] El Paso Products Co. and Petroleum Associates, Inc.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–16499 E 2–2–68	Petroleum Associates, Inc. (successor to El Paso Products Co.).	El Paso Natural Gas Co., North Jameson (Strawn) Field, Nolan County, Tex.	El Paso Products Co., FPC GRS No. 7.	1	----
			Supplement Nos. 1–7	1	1–7
			Notice of succession 1–24–68.	----	----
			Assignment 12–30–67 [1]	1	8
			Assignment 1–1–68 [1]	1	9
			Supplemental agreement 1–2–68. [2]	1	10
			Effective date: 1–1–68	----	----
G–16576 D 2–9–68	Texaco, Inc.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Prasifka Field, Wharton County, Tex.	Release agreement 10–28–58. [3]	378	10
			Amendment 11–20–67 [4] [5]	378	11
CI60–604 3–1–68 [6]	Union Oil Company of California (Operator) et al.	El Paso Natural Gas Co., Spraberry Field, Midland County, Tex.	Assignment 12–12–67 [7]	73	26
			Effective date: 12–1–67	----	----
			Assignment 12–28–67 [7]	73	27
			Effective date: 1–1–68	----	----
CI61–15 E 3–8–68	CRA, Inc. (Operator) (successor to Caska Corp. (Operator)).	Arkansas Louisiana Gas Co., Quitman Field, Wood County, Tex.	Caska Corp. (Operator), FPC GRS No. 1.	46	----
			Supplement Nos. 1–5	46	1–5
			Notice of succession 3–7–68.	----	----
			Agreement of sale 2–29–68.	46	6
			Effective date: 4–1–68	----	----
CI61–482 D 1–22–68 C 1–22–68 [8]	Atlantic Richfield Co. (Operator) et al.	Natural Gas Pipeline Co. of America, Northeast Thompsonville and Taquachie Creek Fields, Webb, Zapata, and Jim Hogg Counties, Tex.	Supplemental agreement 11–1–67. [5] [9]	224	9
CI61–1170 C 3–11–68 [8]	Glen W. Roberts	Consolidated Gas Supply Corp., Burning Springs District, Wirt County, W. Va.	Letter agreement 2–1–68. [10]	1	1
CI62–1184 (CI62–1243) C 2–20–68 [11]	Sinclair Oil & Gas Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Latimer and Pittsburg Counties, Okla.	Supplemental agreement 1–1–68. [12]	251	17
			Effective date: 1–1–68	----	----
CI63–996 D 10–24–66	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., North Cooper Field, Blaine County, Okla.	Assignment 8–22–66 [8] [13]	331	16
CI65–229 D 3–8–68	Horizon Oil & Gas Co. of Texas (Operator) et al.	Baca Gas Gathering System, Inc., various fields, Baca County, Colo.	Supplemental agreement 2–19–68 [8] [14]	2	7
CI66–55 (CI68–1128) B 3–19–68 [15]	Texas Oil & Gas Corp.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Lopeno Field, Zapata County, Tex.	Notice of cancellation 3–14–68. [8] [16]	41	4
CI66–942 C 9–5–67 [8] [17]	Pan American Petroleum Corp. (Operator) et al.	Northern Natural Gas Co., Northeast Gage Field, Ellis County, Okla.	Supplemental agreement 7–12–67, [16]	449	8
CI66–942 C 9–27–67 [8] [17]	do	Northern Natural Gas Co., West Sharon Field, Woodward County, Okla.	Supplemental agreement 7–19–67. [16]	449	9
CI66–942 C 10–9–67 [8] [17]	do	Northern Natural Gas Co., Northeast Gage Field, Ellis County, Okla.	Supplemental agreement 8–11–67. [16]	449	10
CI66–942 C 12–5–67 [8] [17]	do	Northern Natural Gas Co., Tangier Field, Woodward County, Okla.	Supplemental agreement 9–27–67. [16]	449	11
CI66–942 C 3–4–68 [8] [17]	do	do	Supplemental agreement 12–4–67. [16]	449	12
CI67–778 E 3–7–68	Mareve Oil Corp. (successor to Joseph S. Gruss).	United Fuel Gas Co., Walton District, Roane County, W. Va.	Joseph S. Gruss, FPC GRS No. 12.	3	----
			Notice of succession 3–4–68.	----	----
			Assignment 10–26–67 [18]	3	1
			Effective date: 10–26–67	----	----
CI67–792 (CI62–1243) C 2–20–68 [11]	Sinclair Oil & Gas Co.	Arkansas Louisiana Gas Co., Wilburton Area, Pittsburg County, Okla.	Letter agreement 1–1–68. [12]	369	1
			Effective date: 1–1–68	----	----
CI68–55 (CI62–1243) C 2–20–68 [11]	do	Arkansas Louisiana Gas Co., West Wilburton Area, Pittsburg County, Okla.	Letter agreement 68. [12]	380	1
			Effective date: 1–1–68	----	----
CI68–162 E 3–7–68	Mareve Oil Corp. (successor to Joseph S. Gruss).	United Fuel Gas Co., Big Sandy and Elk Districts, Kanawha County, W. Va.	Joseph S. Gruss, FPC GRS No. 19.	4	----
			Notice of succession 3–4–68.	----	----
			Assignment 10–26–67 [18]	4	1
			Effective date: 10–26–67	----	----

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI68-927 (G-10713) F 1-22-68	Frederick Eugene Turner (successor to Mercantile National Bank at Dallas, Trustee).	El Paso Natural Gas Co., Blanco Field, San Juan County, N. Mex.	Contract 4-18-51 [19]	1	
			Supplemental agreement 12-5-53.	1	1
			Supplemental agreement 2-4-54.	1	2
			Notice of change 4-10-59.	1	3
			Assignment 9-18-67 [20]	1	4
			Effective date: 9-18-67		
CI68-501 (CI62-1184) F 9-29-67	Austral Arkoma Co. (successor to Sinclair Oil).	Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg County, Okla.	Contract 3-15-62 [21]	4	
			Letter agreement 3-15-62.	4	1
			Amendment 9-15-62	4	2
			Amendment 3-6-63	4	3
			Ratified 3-19-63	4	4
			Assignment 3-17-67 [22]	4	5
			Assignment 3-17-67 [23]	4	6
			Assignment 3-17-67 [24]	4	7
			Assignment 5-22-67 [22]	4	8
			Assignment 5-22-67 [23]	4	9
			Assignment 5-22-67 [24]	4	10
			Effective date: Date of Transfer of Properties.		
CI68-870 (G-14131) F 1-11-68	Chambers & Kennedy (successor to Phillips Petroleum Co.).	Northern Natural Gas Co., Kermit and South Kermit Fields, Winkler County, Tex.	Contract 9-6-57 [25]	5	
			Assignment 9-26-61 [26]	5	1
			Effective date: 9-26-61		
CI68-898 (CI61-1699) B 1-22-68 [27]	Gulf Oil Corp	Florida Gas Transmission Co., West Fulton Beach Field, Aransas County, Tex.	Notice of cancellation 1-19-68.[5] [16]	238	4
CI68-959 A 2-5-68 [8]	J. M. Huber Corp	Mountain Fuel Supply Co., Powder Wash Field, Moffat County, Colo.	Contract 11-20-67	79	
			Amendatory letter 3-11-68.[10] [28]	79	1
CI68-989 A 2-15-68 [8]	Midwest Oil Corp	Panhandle Eastern Pipe Line Co., Feldman (Upper Morrow) Field, Hemphill County, Tex.	Contract 12-14-67	48	
			Compliance 3-21-68.[29]	48	1
CI68-1009 (G-13135) (G-13051) F 2-16-68	Roy M. Huffington, Inc. (successor to Sohio Petroleum Co. and Getty Oil Co.).	Southern Natural Gas Co., Bayou Boullion Field, St. Martin Parish, La.	Contract 7-8-57 [30]	7	
			Contract 7-29-57 [31]	7	1
			Farmout agreement 3-3-67.[10] [32]	7	2
CI68-1017 A 2-23-68 [8]	Edwin L. Cox	Panhandle Eastern Pipe Line Co., Feldman (Upper Morrow) Field, Hemphill County, Tex.	Contract 12-14-67	70	
			Compliance 3-19-68 [29]	70	1
CI68-1075 (G-13629) B 3-4-68	D. A. Biglane et al	United Gas Pipe Line Co., Pistol Ridge Field, Pearl River County, Miss.	Notice of Cancellation 2-29-68.[5] [16]	[33] 1	7
CI68-1076 A 3-5-68 [8]	Mareve Oil Corp	United Fuel Gas Co., acreage in Kanawha County, W. Va.	Contract 2-2-68 [10]	2	
CI68-1078 (CI67-468) B 3-6-68	Texaco, Inc	Trunkline Gas Co., South Tomball Field, Harris County, Tex.	Notice of Cancellation 3-1-68.[5] [16]	382	1
CI68-1080 A 3-7-68 [8]	Petroleum, Inc	Colorado Interstate Gas Co., Vilas Field, Baca County, Colo.	Contract 10-30-67 [10]	49	
CI68-1082 (G-4899) F 3-5-68	Atlantic Richfield Co. (successor to Pan American Petroleum Corp.).	United Gas Pipe Line Co., West Mustang Island Field, Nueces County, Tex.	Contract 10-28-53 [34]	314	
			Letter agreement 10-28-53.	314	1
			Letter agreement 10-28-53.	314	2
			Letter agreement 8-31-54.	314	3
			Letter agreement 9-23-57.	314	4
			Letter agreement 8-20-58.	314	5
			Letter agreement 3-20-62.	314	6
			Letter agreement 1-16-63.	314	7
			Letter agreement 2-25-63.	314	8
			Amendment 5-16-66 [35]	314	9
			Assignment 8-1-67 [36]	314	10
			Assignment 9-25-67 [37]	314	11
			Effective date: 9-14-66		
CI68-1083 A 3-7-68	J. C. Trahan, Drilling Contractor, Inc.	Arkansas Louisiana Gas Co., Mansfield Field, Logan and Scott Counties, Ark.	Contract 1-22-68	40	
			Contract 5-12-67 [38]	41	1
CI68-1090 A 3-11-68 [8]	Aikman Bros. Corp	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	Contract 2-13-68	3	
CI68-1094 A 3-11-68 [8]	Jack E. Webber	Equitable Gas Co., West Union District, Doddridge County, W. Va.	Contract 1-10-68 [10]	4	

See footnotes at end of table.

[1] By El Paso Products Co. to Petroleum Associates, Inc.
[2] Supplement No. 10 is being accepted for filing only insofar as it reestablishes original delivery point for gas from Jameson A No. 1 Well.
[3] Instrument whereby Differential Corp. and Columbia Drilling Co. (predecessors to Texaco, Inc.) released a portion of the acreage back to the land owners due to nonproduction.
[4] Texaco ratifies basic contract dated Dec. 28, 1954, which was previously on file as Differential Corp. (Operator) et al., FPC GRS No. 1 and amends contract to reflect deletion of acreage released by Oct. 28, 1958 agreement.
[5] Effective date: Date of this order.
[6] Amendment to the certificate filed to cover interest of coowner, Humble Oil & Refining Co.
[7] From Union to Humble Oil & Refining Co. (Humble has requested Union to cover the sale of its interest).
[8] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[9] Deletes leases which have been surrendered by Atlantic due to nonproduction and dedicates a portion of a newly acquired lease between the depths of 9,490 feet and 9,683 feet to the contract with Natural Gas Pipeline Co. of America.
[10] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[11] Adds acreage acquired from Ni-Gas Supply, Inc., whose interest is covered by the certificate issued to Anadarko Production Co. (Operator) et al., in Docket No. CI62-1243.
[12] Amends Sinclair's contract to provide for acreage which was acquired from Ni-Gas Supply, Inc., by an agreement of sale dated Dec. 29, 1967; acreage was previously covered by Anadarko Production Co. (Operator) et al., FPC GRS No. 102. Effective date shown is date Sinclair acquired subject acreage.
[13] Deletes acreage assigned to Kingwood Oil Co.
[14] Provides for deletion of various expired leases.
[15] Original application sought certificate of public convenience and necessity. Applicant now proposes to abandon the subject service previously commenced pursuant to temporary authorization; therefore, the abandonment will be permitted in Docket No. CI66-55, the temporary certificate will be terminated and Docket No. CI68-1128 erroneously assigned to the application will be canceled.
[16] Source of gas depleted.
[17] Revised contract summary filed to reflect a rate of 19.55 cents (inclusive of 2.55 cents upward B.t.u. adjustment) in lieu of 19.565-cent rate originally filed (Filed Mar. 11, 1968).
[18] From Gruss to Mareve Oil Corp.
[19] Currently on file as Mercantile National Bank at Dallas, Trustee, FPC GRS No. 1.
[20] Mercantile National Bank at Dallas assigns certain interest to Frederick Eugene Turner.
[21] On file as Sinclair Oil & Gas Co. FPC GRS No. 251.

(*Continued on next page*)

[22] Lease No. 486-42 et al.
[23] Lease No. 155-01 et al.
[24] Lease No. 150-04 et al.
[25] Between Phillips Petroleum Co. and Northern Natural Gas Co.; on file as Phillips Petroleum Co. FPC GRS No. 306.
[26] From Phillips Petroleum Co. to Chambers & Kennedy.
[27] No permanent authorization granted in Docket No. CI61-1699; therefore, the abandonment will be permitted in said docket, the temporary certificate will be terminated and Docket No. CI 68-898 erroneously assigned to the application will be cancelled.
[28] Letter amends contract by deleting the possibility of buyer transporting liquids.
[29] Accepts the conditions of the temporary issued Mar. 15, 1968; Applicant has stated willingness to accept a permanent certificate conditioned upon the ultimate disposition of Docket No. R-338.
[30] Between Sohio Petroleum Co. and Southern Natural Gas Co.; on file as Sohio Petroleum Co. (Operator) et al., FPC GRS No. 46.
[31] Between Tidewater Oil Co. and Southern Natural Gas Co.; on file as Getty Oil Co. FPC GRS No. 81.
[32] From Sohio Petroleum Co. et al. to Roy E. Huffington, Inc., to varying depths.
[33] Applicant filed for a rate increase to 24 cents; however, the rate was never placed in effect. Rate increase suspended in Docket No. G-20190; therefore, the rate suspension proceeding in said docket will be severed from the proceedings in Docket No. AR67-1 et al., and terminated.
[34] Contract between Stanolind Oil & Gas Co. and United; currently on file as Pan American Petroleum Corp. FPC GRS No. 79.
[35] Provides for rate of 15 cents.
[36] Assigns acreage from Pan American Petroleum Corp. to Atlantic Richfield Co. and Getty Oil Co.
[37] Atlantic Richfield Co. and Getty Oil Co. reassign to Pan American all rights below a depth of 12,600 feet.
[38] On file as Midwest Oil Corp. FPC GRS No. 45.

[F.R. Doc. 68-5749; Filed, May 15, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT NATIONAL SECURITIES CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Barnett National Securities Corp., Jacksonville, Fla., for approval of the acquisition of 80 percent or more of the voting shares of Regency Square Barnett Bank, Jacksonville, Fla., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Barnett National Securities Corp., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Regency Square Barnett Bank, Jacksonville, Fla., a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida State Comptroller, who is the State Commissioner of Banking, and requested his views and recommendation. He recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 8, 1967 (32 F.R. 15559), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than three months after the date of the order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority; and provided further that the Regency Square Barnett Bank shall be opened for business not later than six months after the date of this order.

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

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-5813; Filed, May 15, 1968; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Vice Chairman Robertson, and Governors Mitchell, Daane, Maisel, and Sherrill. Absent and not voting: Chairman Martin and Governor Brimmer.

SECURITIES AND EXCHANGE COMMISSION

AMERICAN CHECKMASTER SYSTEM, INC.

Order Suspending Trading

MAY 10, 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 12, 1968, through May 21, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-5824; Filed, May 15, 1968; 8:46 a.m.]

[File No. 1-4672]

CAMEO-PARKWAY RECORDS, INC.

Order Suspending Trading

MAY 10, 1968.

The common stock, 10 cents par value, of Cameo-Parkway Records, Inc., Philadelphia, Pa., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Cameo-Parkway Records, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 13, 1968, through May 22, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-5825; Filed, May 15, 1968; 8:46 a.m.]

[File No. 2-14698]

CORMAC CHEMICAL CORP.

Order Suspending Trading

MAY 10, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Cormac Chemical Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 13, 1968, through May 22, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-5826; Filed, May 15, 1968; 8:46 a.m.]

ROVER SHOE CO.

Order Suspending Trading

MAY 10, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rover Shoe Co., Bushnell, Fla., and stock purchase warrants of Rover Shoe Co. being traded otherwise than on

a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 11, 1968, through May 20, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-5827; Filed, May 15, 1968; 8:46 a.m.]

[812-2301]

VALUE LINE DEVELOPMENT CAPITAL CORP.

Notice of Filing of Application for Order Exempting Transaction Between Affiliated Persons

MAY 10, 1968.

Notice is hereby given that Value Line Development Capital Corp. ("Applicant"), 5 East 44th Street, New York, N.Y. 10017, a New York corporation, has 1940, 15 U.S.C. section 80a-1 et. seq. ("Act"), for an order of the Commission exempting from the provisions of section 17(a) of the Act a proposed transaction whereby Applicant will purchase $96,000 principal amount of 6 percent subordinated notes and 20,000 shares of Class A common stock, at $1 per share, of Compusize, Inc., a recently organized New York corporation, from Arnold Bernhard & Co., Inc. ("Bernhard"). Bernhard, which as Applicant's manager and investment adviser is an affiliated person of Applicant, proposes to sell the subordinated notes and common stock to Applicant at Bernhard's cost. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such affiliated person, from selling to such registered investment company any security or other property. The Commission, upon application pursuant to section 17(b) of the Act, may grant an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Applicant represents that in or about December 1967, it came to the attention of Bernhard that an investment in Compusize was available. At that time Compusize made an offering of $336,000 of its 6 percent subordinated notes due 1972, at par, and 70,000 shares of its Class A common stock, par value 50 cents a share, at $1 per share. The offering, which in the opinion of counsel was a private offering and therefore not registered under the Securities Act of 1933, was made to seven individuals and four corporations in 14 units of $29,000 each, with each unit consisting of $24,000 of the subordinated notes and 5,000 shares of the Class A common stock at $1 per share. At the time of the closing of this offering on January 4, 1968, Compusize had outstanding 21,000 additional shares of Class A common stock, 36,000 shares of Class B common stock and 7,000 shares of Class C stock, all of which had been sold for $1 per share.

As set forth in Applicant's current prospectus, it is the primary investment objective of Applicant to invest its funds in "Development Situations" as that term is defined therein. Compusize is engaged in the development of computer programs to be used on computers which will provide sizing and pattern-making services to the textile industry, and in the judgment of Bernhard, would have been a suitable "Development Situation" for investment by Applicant had Applicant been able to avail itself of the opportunity to purchase the aforementioned securities of Compusize when offered. However, Applicant represents that at such time Applicant had no assurance that its registration statement under the Securities Act of 1933 would become effective or that the proposed underwriting agreement would be entered into and a closing thereunder occur. Therefore, no commitment by Applicant as to any purchase of Compusize units was then possible and there was then no assurance that any such commitment would ever become possible. Accordingly, Bernhard purchased four units at an aggregate purchase price of $116,000, representing $96,000 principal amount of 6 percent subordinated notes and 20,000 shares of Class A common stock at a price of $1 a share. Said transaction was consummated on January 4, 1968. It is proposed that Bernhard sell and Applicant purchase said four units at such aggregate purchase price of $116,000, which was Bernhard's cost thereof. Said four units represent approximately 35 percent of the aforementioned offering by Compusize and approximately 15 percent of all common stock outstanding on January 4, 1968.

Applicant contends that since only a short time has elapsed since the purchase by Bernhard of the units, since no adverse changes in the business, assets, or prospects of Compusize has occurred or is anticipated and since Bernhard proposes to sell the units to Applicant at Bernhard's cost, the proposed transaction is fair and reasonable and does not involve any overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of Applicant and with the general purposes of the Act.

Notice is further given that any interested person may, not later than May 31, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-5828; Filed, May 15, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1180]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 10, 1968.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 239 (Sub-No. 23) (Correction), filed March 28, 1968, published FEDERAL REGISTER issue of April 11, 1968, corrected and republished as corrected this issue. Applicant: ECKLAR-MOORE EXPRESS, INC., Forbes Road, Extension, Lexington, Ky. 40505. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), (1) between Lexington and Stanford, Ky., over U.S. Highway 27, serving the intermediate points of Nicholasville, Camp Nelson, and Lancaster, Ky., and serving the junction U.S. Highway 27 with Kentucky Highways 34 and 152 for purpose of joinder only, (2) between Danville, Ky., and junction Kentucky Highway 34 and U.S. Highway 27, over Kentucky Highway 34, serving no intermediate points, and serving junction Kentucky Highway 34 and U.S. Highway 27 for purpose of joinder only, (3) between Danville and Stanford, Ky., over U.S. Highway 150, serving no intermediate points, (4) between Danville, Ky., and junction Kentucky Highway 33 and U.S. Highway 68, over Kentucky Highway 33, serving no intermediate points, and serving junction Kentucky Highway 33 and U.S. Highway 68 for purpose of joinder only, (5) between Lexington and Harrodsburg, Ky., over U.S. Highway 68, serving no intermediate points, but serving junction U.S. Highway 68 and Kentucky Highway 33 for purpose of joinder only, (6) between Danville and Lawrenceburg, Ky., over U.S. Highway 127, serving the intermediate point of Harrodsburg, Ky., and (7) between Harrodsburg, Ky., and junction Kentucky Highway 152 and U.S. Highway 27, over U.S. Highway 152, serving no intermediate points, and serving the junction Kentucky Highway 152 and U.S. Highway 27 for purpose of joinder only. NOTE: The purpose of this republication is to show the authority sought as over regular routes in lieu of irregular routes as previously published. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky., or Cincinnati, Ohio.

No. MC 409 (Sub-No. 37), filed April 28, 1968. Applicant: O. E. POULSON, INC., Post Office Box 295, Elm Creek, Nebr. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, urea, and fertilizer*, from Omaha, Nebr., to points in Iowa, Kansas, Minnesota, Missouri (except St. Louis), Nebraska, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha and Lincoln, Nebr.

No. MC 2368 (Sub-No. 16), filed April 29, 1968. Applicant: BRALLEY-WILLETT TANK LINES, INC., 200 Stockton Street, Post Office Box 495, Richmond, Va. 23204. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Savannah, Ga., to points in Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3114 (Sub-No. 28), filed April 26, 1968. Applicant: T. H. COMPTON, INC., R.F.D. 1, Berkeley Springs, W. Va. 25422. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, in bulk, from Perryville, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Michigan, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3753 (Sub-No. 14), filed April 29, 1968. Applicant: A.A.A. TRUCKING CORPORATION, 3630 Quaker Bridge Road, Trenton, N.J. 08619. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between New York, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y. NOTE: Applicant indicates tacking with its existing authority at New York, N.Y. The instant application is a matter directly related to MC–F 10116, published in FEDERAL REGISTER issue of May 8, 1968, wherein applicant seeks to convert the certificate of registration held by G. X. Garvey under MC 96809, into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 8948 (Sub-No. 80), filed April 26, 1968. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058. Applicant's representative: R. Y. Schurman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90058. 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. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 22301 (Sub-No. 10), filed April 25, 1968. Applicant: SIOUX TRANSPORTATION COMPANY, INC., 1619 11th Street, Sioux City, Iowa 51102. Applicant's representative: Wallace W. Huff, 314 Security Bank Building, Sioux City, Iowa 51101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and dangerous explosives (not including small arms ammunition), household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Elk Grove Village, Ill., as an off-route point to presently held regular routes authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 30470 (Sub-No. 5), filed April 29, 1968. Applicant: CONSOLIDATED MOTOR FREIGHT, INC., Post Office Box 947, Hastings, Nebr. 68901. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box

2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) between Hastings, Nebr., and junction of U.S. Highway 6 and Nebraska Highway 44, over U.S. Highway 6, serving all intermediate points and the junction of U.S. Highway 6 and Nebraska Highway 44 for purposes of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 44639 (Sub-No. 21), filed May 2, 1968. Applicant: SAM MAITA AND IRVING LEVIN, a partnership, doing business as L. & M. EXPRESS CO., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Crewe, Va., on the one hand, and, on the other, Alberta and Kenbridge, Va. NOTE: Applicant indicates tacking at Crewe, Va., to serve points in New York and New Jersey. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 46234 (Sub-No. 2), filed May 1, 1968. Applicant: TOP-HAT TRUCKING, INC., 400 Grace Street, Secaucus, N.J. 07094. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosive, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between the plantsite of Revlon, Inc., at Edison, N.J., on the one hand, and, on the other, the steamship piers in the New Jersey part of the New York, N.Y., commercial zone as defined by the Commission. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 51146 (Sub-No. 90), filed April 29, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Donald F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition wood and composition wood products*, from Adel, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and, *returned and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52579 (Sub-No. 103) (Correction), filed April 17, 1968, published FEDERAL REGISTER issue of May 9, 1968, and republished as corrected this issue. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, N.J. 17094. Applicant's representative: Aaron Hoffman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used in the manufacture of wearing apparel, between Hialeah, Fla., on the one hand, and, on the other, Passaic, N.J., and points in the New York, N.Y. commercial zone, (2) *wearing apparel, loose, on hangers, and materials and supplies*, used in the manufacture of wearing apparel, between Hallandale, Fla., and points in the New York, N.Y. commercial zone, (3) *materials and supplies* used in the manufacture of wearing apparel, from Miami, Fla., to points in the New York, N.Y. commercial zone, (4) *wearing apparel, loose, on hangers* between Philadelphia, Pa., on the one hand, and, on the other, Lepanto and West Helena, Ark., (5) *wearing apparel, loose, on hangers, and materials and supplies* used in the manufacture of wearing apparel, between Philadelphia, Pa., on the one hand, and, on the other, Greenville and Selma, Ala., and Daytona Beach, Fla., and (6) *wearing apparel, loose, on hangers*, from Mount Vernon, Ill., to points in the New York, N.Y. commercial zone. NOTE: The purpose of this republication is to redescribe the commodity description in (1) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 56853 (Sub-No. 9), filed May 1, 1968. Applicant: B AND B LINES, INC., 1002 North Owasso Avenue, Tulsa, Okla. 74106. Applicant's representative: Martin E. Wyatt, Post Office Box 711, Tulsa, Okla. 74101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between Bartlesville, Okla., and Coffeyville, Kans., from Bartlesville over U.S. Highway 75 to junction U.S. Highway 166, thence over U.S. Highway 166 to Coffeyville, and return over the same route, serving the intermediate point of Caney, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 58152 (Sub-No. 18), filed April 25, 1968. Applicant: OGDEN & MOFFETT COMPANY, a corporation, 3565 24th Street, Port Huron, Mich. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries in mixed shipments with salt and salt products*, from Detroit, Mich., and the port of entry on the international boundary between the United States and Canada located at Detroit and also from Marysville, Mich., and ports of entry on the United States-Canada boundary line at or near Port Huron, St. Clair, and Marine City, Mich., to points in Michigan, Ohio, Indiana, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 59117 (Sub-No. 32), filed May 1, 1968. Applicant: ELLIOTT TRUCK LINE, INC., Post Office Box 1, Vinita, Okla. 74301. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, urea, urea compounds, and feed and feed ingredients*, from Pryor, Okla., and points within 10 miles thereof to points in Iowa and Illinois. NOTE: Applicant states it intends to tack at Pryor, Okla., on shipments for same shipper, originating at its Kerens, Tex., plant. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 59640 (Sub-No. 9), filed May 1, 1968. Applicant: PAULS TRUCKING CORPORATION, 847 Flora Street, Elizabeth, N.J. 07201. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream*, from Suffield, Conn., to points in Woodbridge Township, N.J., under contract with Supermarkets General Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 59952 (Sub-No. 6), filed April 29, 1968. Applicant: THE J. M. BARBE CO., a corporation, 470 South Street SE., Post Office Box 767, Warren, Ohio 44483. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, parts and accessories* therefor, between Warren and Niles, Ohio, on the one hand, and, on the other, points in New York, Pennsylvania, West Virginia, Michigan, Indiana, Delaware, Maryland, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 61592 (Sub-No. 107), filed April 29, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Tigerton and Ladysmith, Wis., to points in Michigan, Illinois, Indiana, North Carolina, South Carolina, Mississippi, Tennessee, Minnesota, Iowa,

and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 63387 (Sub-No. 5), filed April 17, 1968. Applicant: STANLEY STANLEY, doing business as ACME EXPRESS, 23 Fenwick Street, Newark, N.J. 07114. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles namely bars and castings and machine parts* between the plantsite of Benedict-Miller, Inc., at Lyndhurst, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 64932 (Sub-No. 451), filed April 25, 1968. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Illiopolis, Ill., to points in Colorado, Indiana (except Wabash), Kansas, Michigan (except Kalamazoo, Grand Rapids, and Canadian border points on shipments to Canada), Missouri, Ohio, Pennsylvania (except Bloomsburg and New Carlyle), Texas (except Houston and points within 50 miles of Houston) and Wisconsin, restricted to traffic originating at the plantsite and facilities of the Borden Chemical Co., Division of the Borden Co. at or near Illiopolis, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69901 (Sub-No. 17), filed April 29, 1968. Applicant: COURIER-NEWSOM EXPRESS, INC., Post Office Box 509, Columbus, Ind. 47201. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, (1) *Paper and paper products;* and, (2) *materials and supplies* (except commodities in bulk) used in the manufacture and distribution of paper and paper products, and *returned and rejected shipments* of the above-described commodities, on return, from Columbus, Ind., to points in Illinois, Kentucky, Michigan, Ohio, Wisconsin, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 79080 (Sub-No. 5), filed April 29, 1968. Applicant: AUSTGEN EXPRESS & STORAGE CO., a corporation, Post Office Box 1528, Aurora, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, bottles and jars; caps, covers, stoppers and tops; fiberboard boxes*, from Lincoln, Ill., to Frankfort, Ky., and points within 10 miles of Frankfort, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.; Chicago, Ill.; or Washington, D.C.

No. MC 94350 (Sub-No. 184), filed April 29, 1968. Applicant: TRANSIT HOMES, INC., Haywood Road at Transit Drive, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., Post Office Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements in truckaway service, from points in Natchitoches County, La., to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Alexandria, La.

No. MC 95084 (Sub-No. 69), filed April 29, 1968. Applicant: HOVE TRUCK LINE, a corporation, 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: (1) *Agricultural implements, farm machinery, farm equipment, and agricultural implement parts and attachments, farm machinery parts and attachments, farm equipment parts and attachments*, from Bethany, Mo., to points in the United States (except Alaska and Hawaii), and (2) *materials, supplies and equipment used in the manufacture, processing, sale and distribution of agricultural implements, farm machinery and farm equipment*, from points in the United States (except Alaska and Hawaii) to Bethany, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Kansas City, Mo., or Des Moines, Iowa.

No. MC 101291 (Sub-No. 1), filed April 15, 1968. Applicant: LAKEHEAD FREIGHTWAYS LIMITED, Post Office Box 58, Port Arthur, Ontario, Canada. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk and those requiring special equipment), (1) between Sault Ste. Marie, Mich., on the one hand, and, on the other, the international boundary line between the United States and Canada at Sault Ste. Marie, Mich., restricted to interlining traffic with U.S. carriers at Sault Ste. Marie, Mich., (2) between the junction of U.S. Highway 61 and the international boundary line betweeen the United States and Canada along the Pigeon River, on the one hand, and, on the other, points in Minnesota within 5 miles of said junction, (3) between International Falls, Minn., and the international boundary line between the United States and Canada at or near Baudette, Minn., on the one hand and, on the other, the international boundary line between the United States and Canada at the intersection of Minnesota Highway 313 and said international boundary line, lying north of Warroad, Minn., (4) between International Falls, Minn., and the international boundary line between the United States and Canada at or near Baudette, Minn., on the one hand, and, on the other, the international boundary line between the United States and Canada at the intersection of Minnesota Highway 310 and said international boundary line lying north of Roseau, Minn.

(5) Between International Falls, Minn., and the international boundary line between the United States and Canada at or near Baudette, Minn., on the one hand, and, on the other, the international boundary line between the United States and Canada at the intersection of Minnesota Highway 89 and said international boundary line lying north of Pine Creek, Minn.; (6) between International Falls, Minn., and the international boundary line between the United States and Canada at or near Baudette, Minn., on the one hand, and, on the other, the international boundary line between the United States and Canada at the intersection of U.S. Highway 59 and said international boundary line lying north of Lancaster, Minn.; and (7) between International Falls, Minn., and the international boundary line between the United States and Canada at or near Baudette, Minn., on the one hand, and, on the other, the international boundary line between the United States and Canada at the intersection of U.S. Highway 75 and said international boundary line at or near Noyes, Minn. NOTE: Applicant states that the purpose of this instant application is simply to obtain authority from the Interstate Commerce Commission under which it would be permitted to enter into the United States to interchange traffic at the nearest feasible and practicable point in the United States with respect to the international boundary. Applicant further states that it would tack the authority sought with its present Canadian authority. If a hearing is deemed necessary, applicant requests it be held at Duluth, Minn.

No. MC 102295 (Sub-No. 15), filed April 22, 1968. Applicant: GUY HEAVENER, INC., Harleysville, Pa. 19438. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery refuse and sweeping for feed* from points in Franconia Township, Montgomery County and Hilltown Township, Bucks County, Pa., to Manchester, Conn.; and, (2) *plant refuse and waste material to be used for feed ingredient* from New York, N.Y., to points in Franconia Township, Montgomery County and Hilltown Township, Bucks County, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 103993 (Sub-No. 326), filed May 3, 1968. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Boats transported on trailers with a hitch ball coupler*, in initial movements, from points in Hamilton County, Tenn., to points in Alabama, Arkansas, Georgia, Arizona, Illinois, Indiana, Kentucky, Massachusetts, Maryland, Michigan, Mississippi, Missouri, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn.

No. MC 105656 (Sub-No. 3), filed April 29, 1968. Applicant: TOM PASQUALE, doing business as PASQUALE TRUCKING COMPANY, 905 Erie Avenue, Logansport, Ind. 46947. Applicant's representative: James D. Collins, 802 Board of Trade Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportng: *Meats, meat products, and articles distributed by meat packinghouses* as described in sections A and C of the appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Logansport, Ind., to points in Illinois, Michigan, and Ohio, restricted to the transportation of Wilson & Co., Inc., traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above specified destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107496 (Sub-No. 642) (Amendment), filed March 7, 1968, published FEDERAL REGISTER, issue of March 28, 1968, and republished as amended, this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquer, paint thinners*, and *paint removers*, in bulk, from Kansas City, Mo., to points in Mississippi, Alabama, Arkansas, Tennessee, and Texas. NOTE: The purpose of this republication is to broaden the application by adding *"paint removers"* to the commodity description, and to show origin point as Kansas City, Mo., in lieu of Kansas City, Kans. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Kans.

No. MC 107515 (Sub-No. 611), filed April 29, 1968. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food, food preparation, and foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, (2) *gift shop and curio shop merchandise when moving in mixed shipments with items in (1) above*, from points in Will, Cook, Du Page, and Lake Counties, Ill., and Lake County, Ind., to points in Kentucky, Tennessee (except Memphis and its commercial zone), Alabama, Georgia, North Carolina, and South Carolina. NOTE: Applicant states that it intends to interchange with other carriers at Chicago. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., and Atlanta, Ga.

No. MC 107839 (Sub-No. 124), filed April 29, 1968. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 766 and 209 (except commodities in bulk, in tank vehicles, and hides), from Denver and Greeley, Colo., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, South Carolina, North Carolina, District of Columbia, Michigan, Ohio, Indiana, and Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 109094 (Sub-No. 12), filed April 30, 1968. Applicant: GAULT TRANSPORTATION, INC., 379 Main Street, Wareham, Mass. 02571. Applicant's representative: William H. Tucker and Gavin W. O'Brien, 2000 L Street NW., Suite 815, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, and *calined clay, water-washed clay, and air-flooded calined clay*, from Providence, R.I., to points in Massachusetts, Connecticut, and Rhode Island. NOTE: Applicant indicates tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., Providence, R.I., or Washington, D.C.

No. MC 109612 (Sub-No. 18), filed May 2, 1968. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, and closures therefor*, from Dunkirk, Ind., to points in Illinois; St. Louis, Mo.; and, points in Wisconsin on and south of U.S. Highway 18, and Watertown and Clyman, Wis. NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 115066 and subs 3, 5, 6, and 8, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 110525 (Sub-No. 865), filed April 29, 1968. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. 19335. and Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from the plantsite of the Kaiser Agricultural Chemical Co., at or near Finney, Ohio, to points in Indiana and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 111170 (Sub-No. 122), filed May 2, 1968. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Applicant's representative: Thomas Harper, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsites and/or storage facilities of Monsanto at or near El Dorado, Ark., to points in Arizona, California, Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, and Washington, restricted to traffic originating at said plantsites and/or storage facilities and destined to States named above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or St. Louis, Mo.

No. MC 111170 (Sub-No. 123), filed May 2, 1968. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Applicant's representative: Thomas Harper, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from El Dorado, Ark., to points in Iowa and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or St. Louis, Mo.

No. MC 112520 (Sub-No. 180), filed May 2, 1968. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke breeze*, from points in Marion County, Ala., to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tallahassee or Jacksonville, Fla., or Atlanta, Ga.

No. MC 113267 (Sub-No. 198), filed May 1, 1968. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables*, from points in Baldwin County, Ala., to points in Arkansas, Iowa, Minnesota, Missouri Nebraska, Oklahoma, Georgia, Illinois, Louisiana, Mississippi, South Carolina, Tennessee, Texas, Wisconsin, Kentucky, and Indiana. NOTE: common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Birmingham, Ala.

No. MC 113678 (Sub-No. 320), filed April 29, 1968. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Wilson, N.C., and points within 5 miles thereof, to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Missouri, and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 114004 (Sub-No. 65), filed April 25, 1968. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72204. Applicant's representative: W. C. Chandler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movement, in truckaway service, from Wichita Falls, Tex., and 10 miles thereof, to points in the United States including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114045 (Sub-No. 316), filed April 26, 1968. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: R. L. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials and film or sheeting other than cellulose*, from Aberdeen and Havre de Grace, Md., to Benbrook, Fort Worth, and Irving, Tex.; Charleston, S.C.; Marietta, Ga.; Nashville, Tenn.; and Wichita, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114290 (Sub-No. 35), filed April 24, 1968. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (excluding frozen foods and potato products, not frozen), from points in Oregon and Washington to points in California, (2) *foodstuffs*, from points in Oregon and Washington to points in Nevada and Arizona, and (3) *foodstuffs* (excluding frozen fruits, frozen berries, and frozen vegetables), (a) from points in Washington to points in Oregon, and, (b) between points in Oregon, restricted to (a) and (b) traffic moving in the same vehicle with shipments destined to points in California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 114312 (Sub-No. 10), filed April 29, 1968. Applicant: ABBOTT TRUCKING, INC., 107½ Main Street, Delta, Ohio 43515. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bags and in bulk, and *grain products*, from Toledo, Ohio, to points in Indiana and Michigan. NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 114364 (Sub-No. 165), filed April 29, 1968. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Rodger Spahr (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hypochlorite solution* (except bulk), from Houston, Tex., to points in New Mexico and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 115322 (Sub-No. 54) (Amendment), filed April 3, 1968, published in FEDERAL REGISTER issue of April 25, 1968, and republished as amended, this issue. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, Fla. 32771. Applicant's representative: James V. McCoy, Post Office Box 426, Tampa, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen potato products*, from Presque Isle, Maine, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and (2) *potato products, not frozen*, from Presque Isle, Maine, to points in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: The purpose of this republication is to show Presque Isle, Maine, in lieu of Belfast, Maine, as origin point in (1) and (2) above, as previously published. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 115331 (Sub-No. 251), filed May 3, 1968. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid carbon dioxide*, in bulk, in tank vehicles, from Fort Madison, Iowa, to points in Illinois, Indiana, Ohio, Michigan, Missouri, Minnesota, Nebraska, Kansas, Oklahoma, Iowa, Kentucky, Tennessee, and Wisconsin. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Chicago, Ill., or Washington, D.C.

No. MC 115331 (Sub-No. 252), filed May 3, 1968. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags and/or containers, from El Dorado and Shumaker Park, Ark., to points in Missouri, Mississippi, Tennessee, and Louisiana. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Chicago, Ill., or Washington, D.C.

No. MC 115826 (Sub-No. 183), filed April 26, 1968. Applicant: W. J. DIGBY, INC., Post Office Box 5088 TA, Denver, Colo. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery products*, (2) *advertising materials, including premium merchandise*, moving in mixed loads with candy and confectionery products, and (3) *materials and supplies* used in manufacture, sale, and/or distribution of candy and confectionery products, between plantsites and storage facilities of Reed Candy Co. at or near Campbellsville, Ky., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville or Lexington, Ky.

No. MC 115840 (Sub-No. 34), filed April 29, 1968. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish meal, and shells, and shell meal* (except in bulk in tank vehicles), from Pensacola, Fla., and points in Chatham County, Ga., to points in Georgia, Tennessee, Alabama, Mississippi, and Louisiana, (2) *animal and poultry feeds and feedstuffs and ingredients thereof* (except in bulk in tank vehicles), between points in Alabama and (3) *Bagasse*, from points in Louisiana, on and west of the Mississippi River, to points in Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116273 (Sub-No. 104), filed April 29, 1968. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and liquefied petroleum*, in bulk, in tank vehicles, from Frankfort, Ill., to points in Georgia, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee (except Kingsport), and Wisconsin. NOTE: Applicant indicates tacking possibilities with it existing authority at Freeport, Ill., wherein applicant is authorized to serve points in Colorado, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, Tennessee, Wisconsin, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116886 (Sub-No. 36), filed April 22, 1968. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue SW., Roanoke, Va. 24014. Applicant's representative: R. R. Rush, 300 Shenandoah Building, Mail: Post Office Box 614, Roanoke, Va. 24004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as defined in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; *frozen foods* in vehicles equipped with mechanical refrigeration, except commodities in bulk, in tank vehicles, between Hamilton, Ohio, points in Hamilton County, Ohio, and points in West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 117119 (Sub-No. 410), filed May 2, 1968. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa powder*, in bags, from Camden, N.J., to Memphis, Tenn., and Russellville, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 117416 (Sub-No. 29), filed May 1, 1968. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville, Tenn. 37921. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container parts* (other than oilfield and pipeline equipment as defined in Mercer Extension-Oil Field Commodities, 74 M.C.C. 459, and commodities the transportation of which because of size or weight requires the use of special equipment), from points in Cocke County, Tenn., to Griffin, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Knoxville, Tenn.

No. MC 117796 (Sub-No. 2), filed April 30, 1968. Applicant: ROBERT L. MONICO, 2531 Utica Street, Dallas, Tex. 75227. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., to Dallas, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 117866 (Sub-No. 1) (Amendment), filed April 11, 1968, published FEDERAL REGISTER issue of April 25, 1968, amended April 30, 1968, and republished as amended this issue. Applicant: TELFER TANK LINES, INC., Foot of Talbart Street, Post Office Box 709, Martinez, Calif. 94553. Applicant's representatives: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104 and John W. Telfer (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oils used in paving operations, asphalt, road oils, and road emulsions*, in bulk, in tank vehicles, from points in Contra Costa, Alameda, and San Mateo Counties, Calif., to points in Curry, Josephine, Jackson, Klamath, and Lake Counties, Oreg., under contract with Shell Oil Co. NOTE: The purpose of this republication is to add Raymond A. Greene, Jr. as applicant's representative. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 118263 (Sub-No. 1) (Correction), filed February 23, 1968, published in FEDERAL REGISTER issues of March 21, 1968, and April 18, 1968, and republished as corrected this issue. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. NOTE: The purpose of this republication is to correct Item (11)(b) as East Greenville, "Pa.", erroneously published in FEDERAL REGISTER as East Greenville, Ga. The rest of the application remains as previously published.

No. MC 118482 (Sub-No. 6), filed April 30, 1968. Applicant: SMYTH OVERSEAS VAN LINES, INC., 11616 Aurora Avenue North, Seattle, Wash. 98113. Applicant's representative: Alan F. Wholstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the Seattle, Wash., commercial zone, on the one hand, and, on the other, points in Alaska, using public highways between said commercial zone and the Puget Sound terminal(s) of the Alaska Marine Highway System, and thence using the Alaska Marine Highway System between said terminals and said points in Alaska. NOTE: Applicant states it could or would tack with other authority held by applicant in Alaska and also interline with other carriers at Seattle, Wash. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 118831 (Sub-No. 56), filed April 26, 1968. Applicant: CENTRAL TRANSPORT, INCORPORATED, Box 5044, High Point, N.C. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, in bulk, from Perryville, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119099 (Sub-No. 4), filed May 2, 1968. Applicant: BJORKLUND TRUCKING, INC., First Avenue NE. and Eighth Street, Buffalo, N.Y. 55313. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic liners*, from St. Paul, Minn., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119226 (Sub-No. 68), filed April 29, 1968. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in bulk, in tank vehicles, from Orrville, Ohio, to Battle Creek and Grand Rapids, Mich. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 119917 (Sub-No. 23), filed April 26, 1968. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, Ga. 30316. Applicant's representative: Monty Schumacher, 2045 Peachtree Road NE., Suite 310, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane*, from Cornelius, N.C., to Atlanta, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 120543 (Sub-No. 54), filed April 17, 1968. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Applicant's representative: Lawrence D. Fay, 1205 Universal Marion Building, Post Office Box 1086, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Citrus products, fruit crystals,* not frozen, from points in Florida to ports of entry on the international boundary line between the United States and Canada located at or near Detroit, Port Huron, and Sault Sainte Marie, Mich., International Falls and Mineral Center, Minn., Buffalo, Rooseveltown, Rouses Point, and Trout River, N.Y., and Derby Line, Vt., for furtherance to points in Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Orlando, or Miami, Fla.

No. MC 123048 (Sub-No. 130), filed April 25, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul Gartzke, 121 West Doty Street, Madison, Wis. 53703, and C. Ernest Carter, Post Office Box A, Racine, Wis. 53401. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tractors, agricultural implements, farm machinery and parts, and attachments thereof,* from New Orleans, La., and Thibodaux, La., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Jackson, Miss.

No. MC 123048 (Sub-No. 131), filed May 2, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703, and Ernest Carter, Post Office Box A, Racine, Wis. 53401. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wooden pallets, and wooden freezer spacers, prefabricated wooden articles, and cut to length lumber,* from Prescott, Ark., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Little Rock, Ark.

No. MC 123819 (Sub-No. 15), filed April 22, 1968. Applicant: ACE FREIGHT LINE, INC., Post Office Box 2103, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hides, trimmings, and tails,* between points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., and thence along the western boundaries of Itasca and Koochiching Counties, Minn., the international boundary line between the United States and Canada, and those in Arkansas, Louisiana, Missouri, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 124078 (Sub-No. 325), filed April 29, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Corn flour,* in bulk, from Bonner Springs, Kans., to points in Nebraska, Missouri, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 124078 (Sub-No. 326), filed April 29, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lithium ore, dry,* in bulk, in tank and hopper vehicles, from Kings Mountain, N.C., to points in Alabama, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 124078 (Sub-No. 328), filed May 2, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials,* from Piqua, Ohio, to points in Indiana. NOTE: Applicant states it intends to tack with its present authority in MC 124078 (Sub-No. 225), at Indianapolis, to serve points in Illinois. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 329), filed May 2, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fats, greases, and tallows,* from points in Wisconsin to points in Illinois. NOTE: Applicant states that it intends to tack with its present authority in MC 124078 (Sub-No. 225) at Chicago, Ill., to serve points in Tennessee, except Memphis, Tenn. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 124078 (Sub-No. 330), filed May 2, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Urea and dry fertilizer,* from Spencerville, Ohio, to points in Indiana and Ohio. NOTE: Applicant indicates tacking with its existing authority under MC 124078 (Sub-No. 225) at Indianapolis, Ind., and St. Bernard, Ohio, to serve points in Illinois and Kentucky. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or St. Louis, Mo.

No. MC 124895 (Sub-No. 2), filed April 26, 1968. Applicant: ADIRES B. SWAN, doing business as A. B. SWAN, 401 West Street, Rutland, Vt. 05701. Applicant's representative: Richard F. Sullivan, Woolworth Building, 82 Merchants Row, Rutland, Vt. 05701. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Wood chips,* in bulk, and *wood cores,* from the sites of Rutland Plywood Corp. mills located at or near Rutland Town and Rutland City, Vt., to site of International Paper Co. mill located at or near Ticonderoga, N.Y., under contract with Rutland Plywood Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rutland or Montpelier, Vt.

No. MC 125708 (Sub-No. 84), filed May 2, 1968. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxanna, Ill. 62087. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Steel angles, steel posts, and steel reinforcing,* from the plantsites and facilities of Missouri Rolling Mill Corp., at St. Louis, Mo., to points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 126090 (Sub-No. 2), filed May 2, 1968. Applicant: TRIPLE L. TRUCKING CO., INC., 136 North Market Street, East Palestine, Ohio. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Consumable hot tops and hot topping compounds,* from East Palestine and Negley, Ohio, and Wampum, Pa., to points in Iowa; and (2) *steel mill supplies* (except those which, because of size, shape, weight, or inherent character, require the use of special equipment), from East Palestine, Ohio, to points in Iowa, restricted to a service to be performed under a continuing contract or contracts with Insul Co., Inc., Lakewood Chemical & Supply Co., Inc., and Ritetherm Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 126155 (Sub-No. 1), filed April 29, 1968. Applicant: GLENN R. WALL, Rural Route No. 1, Lanark, Ill. 61046. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Feed*

and feed ingredients, from points in Cedar County, Iowa, to points in Stephenson, Carroll, Whiteside, De Kalb, Ogle, Kane, and Boone Counties, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127042 (Sub-No. 23), filed April 29, 1968. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums when moving in the same vehicle and at the same time with foodstuffs*, from the facilities of American Home Foods, Division of American Home Products Corp. at La Porte, Ind., to points in North Dakota and South Dakota, restricted to traffic originating at the named origin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 127274 (Sub-No. 14), filed May 1, 1968. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Post Office Box 2189, Muncie, Ind. 47302. Applicant's representative: Charles W. Sherwood (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Zinc and zinc products*, between Greencastle, Ind., on the one hand, and, on the other, points in Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee, and (2) *zinc and zinc products, caps, covers, and discs*, for bottles and jars, from Muncie Ind., to points in Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 128089 (Sub-No. 1), filed April 29, 1968. Applicant: GUENTHER TUCKEY TRANSPORTS, LIMITED, 165 Main Street North, Exeter, Ontario, Canada. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, between St. Clair, Mich., and ports of entry on the International boundary line between the United States and Canada, located at or near Port Huron, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 128302 (Sub-No. 3), filed April 29, 1968. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Route 87, Newbury, Ohio 44065. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in bulk, in tank vehicles, from Orrville, Ohio, to Battle Creek and Grand Rapids, Mich. NOTE: Applicant holds contract carrier authority in MC 112184 Sub 2, therefore dual operations may be involved. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 128822 (Sub-No. 4) (Correction), filed April 25, 1968, published in FEDERAL REGISTER issue May 9, 1968, and republished as corrected this issue. Applicant: RITTER & SMITH TRUCKING, INC., 1910 Halethorpe Farm Road, Baltimore, Md. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fittings and accessories for corrugated metal pipe, highway guard rail, tunnel liner plates, sectional plate pipe, and steel pilings*, from the plantsite of Armco Steel Corp., located at Halethorpe, Md., to points in New Jersey, New York, Delaware, Pennsylvania, West Virginia, Virginia, Connecticut, and the District of Columbia, and (2) *returned shipments of corrugated metal pipe, highway guard rail, tunnel liner plates, sectional plate pipe, steel pilings, and fittings and accessories therefor*, from the above-described destination territory to the plantsite of Armco Steel Corp., at Halethorpe, Md., under contract with Armco Steel Corp. NOTE: The purpose of this republication is to add No. (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128909 (Sub-No. 1) (Amendment), filed March 2, 1967, published FEDERAL REGISTER issues of March 23, 1967, April 13, 1967, June 29, 1967, and December 28, 1967, respectively, amended May 3, 1968, and republished as amended, this issue. Applicant: COMMODORE CONTRACT CARRIER, INC., 2410 Dodge Street, Omaha, Nebr. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Mobile homes, house trailers* designed to be drawn by passenger autos, and *buildings*, in sections mounted on wheeled undercarriages with hitch-ball connectors, and (2) *unrelated parts, appliances, furniture*, and *accessories* when moving in the commodities described in part (a)(1) above: (1) Between Falls City and North Bend, Nebr., Arlington (Shelby County), Tenn., Hamilton, Haleyville, and Red Bay, Ala., Danville, Va., and Roseburg, Oreg.; (2) between Falls City, Nebr., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wyoming, and Wisconsin, and ports of entry on the international boundary line between the United States and Canada, located in Minnesota, North Dakota, Montana, and Washington; (3) between North Bend, Nebr., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, South Dakota, Oklahoma, Oregon, Utah, Tennessee, Texas, Wyoming, Washington, and Wisconsin, and ports of entry on the international boundary line between the United States and Canada located in Minnesota, North Dakota, and Montana; (4) Between Hamilton, Haleyville, and Red Bay, Ala., and Arlington (Shelby County), Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia; (5) between Danville, Va., on the one hand, and, on the other, points in Delaware, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and the District of Columbia; (6) between Roseburg, Oreg., on the one hand, and, on the other, points in Washington, California, Nevada, Arizona, New Mexico, Colorado, Utah, Idaho, Montana, and Wyoming, and ports of entry on the international boundary line between the United States and Canada located in Washington and Montana; (B) *wheels, axles and hitches*, between points in the United States (except Alaska and Hawaii), on the one hand, and, on the other, Falls City and North Bend, Nebr.; Arlington (Shelby County), Tenn.; Hamilton, Haleyville, and Red Bay, Ala.; Danville, Va.; and Roseburg, Oreg. Restriction: All service included herein is to be performed under continuing contracts with the Commodore Corp., Omaha, Nebr., its wholly owned subsidiaries and its divisions, having plants at the specific named points set out in Parts A and B above. NOTE: The purpose of this republication is to broaden the commodity description. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 128909 (Sub-No. 3) (Amendment), filed August 28, 1967, published FEDERAL REGISTER issues September 21, 1967, and December 28, 1967, and republished as amended this issue. Applicant: COMMODORE CONTRACT CARRIERS, INC., 2410 Dodge Street, Omaha, Nebr. Applicant's representative: Donald L. Stern, Suite 630, City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Mobile homes, house trailers* designed to be drawn by passenger autos, and buildings in sections mounted on wheeled undercarriages with hitch-ball connector, and (b) *unrelated parts, appliances, furniture, and accessories* when moving in the commodities in part (a) above, between Fort Worth, Tex., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, and Wyoming, and (2) *wheels, axles, and hitches*, between points in the United States (except Alaska and

Hawaii), on the one hand, and, on the other, Fort Worth, Tex., under a continuing contract with the Commodore Corp., Omaha, Nebr. NOTE: The purpose of this republication is to more clearly set forth the commodity description by adding (b) to part (1) above, thereby broadening the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 129089 (Sub-No. 1) (Correction), filed April 22, 1968, published FEDERAL REGISTER issue of May 9, 1968, corrected and republished as corrected, this issue. Applicant: MIDWEST MATERIAL SERVICE COMPANY, a corporation, Foot of Mart, Muskegon, Mich. 49440. Applicant's representative: Judson B. Robb, Kurylo Building, 1158 Oak Street, Wyandotte, Mich. 48192. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, in foreign commerce, from Muskegon, Mich., to Mount Pleasant, Big Rapids, Niles, Hastings, Mason, Manistee, and Ludington, Mich., under a continuing contract with West Michigan Dock & Market Corp. NOTE: The purpose of this republication is to include "in foreign commerce" to the commodity description which was inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 129181 (Sub-No. 2), filed May 2, 1968. Applicant: DELRAN CARTAGE & LEASING COMPANY, INC., Post Office Box 1003, Route 130, Delran, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pillows*, from Philadelphia, Pa., to points in New Jersey, New York, Connecticut, Maryland, and Delaware, and *returned shipments*, on return, (2) *ground polystyrene scrap*, from Philadelphia, Pa., to points in New Jersey and New York, N.Y., and (3) *empty freight trailers*, between Moorestown, N.J., on the one hand, and, on the other, points in Nassau County, N.Y., New York, N.Y., Philadelphia, Pa., and the District of Columbia, under contract with Jack's Trailer Leasing, Domestic Home Supply, and George Pottash Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 129642 (Sub-No. 1), filed April 29, 1968. Applicant: KEITH D. EMHOFF, doing business as EMHOFF TRUCKING, Route No. 2, Sheffield, Iowa 50475. Applicant's representative: Clayton L. Wornson, 824 Brick & Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain stirring machinery*, from Sheffield, Iowa, to points in Illinois, Missouri, Nebraska, Minnesota, and Iowa, under contract with Sukup Manufacturing Co., Inc., Sheffield, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mason City or Des Moines, Iowa.

No. MC 129797, filed March 25, 1968. Applicant: VERNA WALIGORSKI, 84 Narrows Road, Plymouth, Pa. 18651. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, in containers*, between the facilities of Ragu Packing Co., Inc., Rochester, N.Y., on the one hand, and, on the other, points in Pennsylvania east of U.S. Highway 219, including Plymouth, Pa.; Bridgeton, Camden, Edgewater, Elizabeth, Florence, Jersey City, and Newark, N.J.; and New York, N.Y., and (2) *empty glass containers*, from Bridgeton, N.J., piers and wharves in the New York and New Jersey harbor area to the facilities of Ragu Packing Co., Inc., at Rochester, N.Y., under contract with Ragu Packing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 129809 (Sub-No. 2), filed April 29, 1968. Applicant: A & H, INC., Footville, Wis. 53537. Applicant's representative: David J. MacDougall, 1 East Milwaukee Street, Janesville, Wis. 53545. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and butter*, from points in Wisconsin, to points in New York, under contract with Goldenrod Creamery Co., Brodhead, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 129819 (Sub-No. 2), filed April 29, 1968. Applicant: MARET GUIGNARD, doing business as GUIGNARD TRUCKING CO., 114 Clinton Avenue, Nyack, N.Y. 10960. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass bottles*, from Orangeburg, N.Y., to the Bronx, N.Y., and (2) *beverages* (other than alcoholic), from Bronx, N.Y., to Elizabeth and Woodbridge, N.J., and empty pallets used in these shipments, on return, for the account of Apollo Bottling Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 129864, filed April 29, 1968. Applicant: AMERICAN VAN AND STORAGE CO., INC., 3200 Old Minden Road, Bossier City, La. 71010. Applicant's representative: W. Scott Clark, Fort Worth Club Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 129868, filed April 29, 1968. Applicant: SARDO'S DELIVERY SERVICE, INC., 1643 Redwood Path, Seaford, N.Y. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Musical instruments* (except pianos and organs), *accessories, paraphernalia, and component parts*, and (2) *radios, televisions, tape recorders, and component parts and accessories* thereof, between New York, N.Y., and points in Nassau and Suffolk Counties, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129869, filed April 30, 1968. Applicant: THOMAS I. MASTEN, JR., doing business as LYNDHURST MOVING VANS, 739 Third Street, Lyndhurst, N.J. 07071. Applicant's representative: Alfred A. Porro, Jr., 10 Stuyvesant Avenue, Lyndhurst, N.J. 07071. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household and office furniture and equipment*, from Lyndhurst, N.J., to points in New York, Pennsylvania, Connecticut, Massachusetts, Delaware, Maryland, Virginia, and North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 129877, filed May 3, 1968. Applicant: DANIEL'S MOVING & STORAGE, INC., 315 North Santa Fe Street, El Paso, Tex. 79901. Applicant's representative: W. Scott Clark, Fort Worth Club Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in El Paso County, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 129879, filed May 2, 1968. Applicant: C. M. DINING, INC., 27 Garfield Street, Exeter, N.H. 03833. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, from Exeter, N.H., to points in New Hampshire, Massachusetts, Maine, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portsmouth, N.H., or Boston, Mass.

No. MC 129862, filed April 28, 1968. Applicant: RAJOR, INC., 5001 Firestone Boulevard, South Gate, Calif. 90280. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such articles and products as are dealt in, manufactured, distributed, and sold by businesses engaged in the manufacture and sale of (1) commercial products, (2) power equipment, (3) fabricated and prefabricated articles, (4) automobile, aircraft, and missiles, parts and accessories, (5) service and systems, (6) ordnance articles and devices, and in connection therewith, equipment, materials, and supplies used in the conduct of such businesses* under a continuing contract with Lear Siegler, Inc., between

points in the United States (excluding Alaska and Hawaii), including ports of entry located on the international boundary line between Canada and the United States, under a continuing contract with Lear Siegler, Inc.

MOTOR CARRIERS OF PASSENGERS

No. MC 99891 (Sub-No. 8), filed April 25, 1968. Applicant: HENRY LIENHART, doing business as ARROW COACH LINE, 2715 West 10th Street, Little Rock, Ark. 72204. Applicant's representative: Ben Allen, 1100 Boyle Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, from points in Pulaski County, Ark., to points in the United States, and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 128528 (Sub-No. 1), filed April 24, 1968. Applicant: ALPINE COACH LINES, LTD., 229 West First Street, North Vancouver, British Columbia. Applicant's representative: Donald F. Reid (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at ports of entry on the international boundary line between the United States and the Province of British Columbia, Canada, located in Washington, and extending to Portland, Oreg. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 129833 (Clarification), filed April 15, 1968, published FEDERAL REGISTER issue May 2, 1968, and republished as clarified, this issue. Applicant: SHORT'S BUS SERVICE, INC., 2836 27th Street, Slayton, Minn. 56172. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in round-trip and charter operations, beginning and ending at Edgerton, Pipestone County, Minn., and points in Murray, Cottonwood, Redwood, and Rock Counties, Minn., and extending to points in Colorado, Illinois, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to show Pipestone as a County in Minnesota. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

APPLICATIONS FOR BROKERAGE LICENSE

No. MC 130057, filed May 2, 1968. Applicant: CHRISTOPHER L. HILGERT, 307 North Second Street, Columbia, Pa. For a license (BMC 5) to engage in operations as a *broker* at Columbia, Pa., in arranging for the transportation in interstate or foreign commerce, of passengers and their baggage in the same vehicle with passengers, both as individuals and in groups, in charter service, beginning and ending at points in the Borough of Columbia, Lancaster County, Pa., and extending to Atlantic City, N.J., and New York, N.Y.

FREIGHT FORWARDER OF PROPERTY

No. FF-343 HIPAGE CO., INC., freight forwarder application, Filed April 25, 1968. Applicant: THE HIPAGE CO., INC., Citizens Bank Building, Norfolk, Va. 23510. Applicant's representative: Braden Vandeventer, Jr., Citizens Bank Building, Norfolk, Va. 23510. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, in the transportation of *general commodities* from points in Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia to ports in Virginia, when consigned for export.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 107500 (Sub-No. 104), filed May 1, 1968. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. 61401. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and commodities requiring special equipment), between St. Louis, Mo., and Keokuk, Iowa, from St. Louis, over Interstate Highway 70, to junction U.S. Highway 61, thence over U.S. Highway 61 to Keokuk, and return over the same route serving no intermediate or off-route points for operating convenience only, in connection with applicant's regular route authority between St. Louis, Mo., and Keokuk, Iowa.

No. MC 116967 (Sub-No. 11), filed April 5, 1968. Applicant: WONDAAL TRUCKING CO., INC., 2857 Ridge Road, Lansing, Ill. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glazed concrete products and slag blocks*, from Chicago, Ill., to points in Kentucky, under an existing limited contract with Structural Glazed Masonry Inc., of Chicago, Ill.

No. MC 59680 (Sub-No. 160), filed May 3, 1968. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Lane, Post Office Box 5689, Dallas, Tex. 75222. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the Big Brown Steam Electric Station located approximately 103 miles northeast of Fairfield, Tex., as an off-route point in connection with applicant's authorized regular route between Dallas and Houston, Tex.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 122), filed April 26, 1968. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: John E. Adkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers. Route 1: Between Warner Robins, Ga., and the junction of Watson Boulevard and U.S. Highway 41, as follows: Over Watson Boulevard to its junction with U.S. Highway 41 and return over the same route serving all intermediate points. Route 2: Between Broussard, and Lafayette, La., as follows: Over relocated U.S. Highway 90 to Lafayette, La., and return over the same route serving all intermediate points. Route 3: Between Morgan City, La., and the junction of relocated U.S. Highway 90 and old U.S. Highway 90 (10 miles east of Centerville, La.) as follows: From Morgan City, La., over relocated U.S. Highway 90 to its junction with old U.S. Highway 90, approximately 10 miles east of Centerville, La., and return over the same route serving all intermediate points. Route 4: Between the junction of relocated U.S. Highway 21 and old U.S. Highway 21 (redesignated South Carolina Highway 6) (near Rock Hill, S.C.) and the junction of relocated U.S. Highway 21 and old U.S. Highway 21 (South Carolina Highway No. 6) (near Roddey, S.C.), and return over the same route serving all intermediate points. In connection with Route No. 4 authority is sought to abandon old U.S. Highway 21 (redesignated South Carolina Highway No. 6) between its junctions with relocated U.S. Highway 21, near Rock Hill and Roddey, S.C. Route 5:

Between the junction of Old U.S. Highway 231 (redesignated Alabama Highway 134) and new U.S. Highway 231 (near Midland City, Ala.) and old U.S. Highway 231 (redesignated Alabama Highway 123) and new U.S. Highway 231 (near Ozark, Ala.) as follows: From the junction of old U.S. Highway 231 (redesignated Alabama Highway 134) and new U.S. Highway 231 (near Midland City, Ala.) over new U.S. Highway 231 to its junction with old U.S. Highway 231 (redesignated Alabama Highway 123, near Ozark, Ala.) and return over the same route serving all intermediate points. Route 6: Between the junction of U.S. Highway 1 and Florida Highway 405 and Gate 3 at Cape Kennedy as follows: From the junction of U.S. Highway 1 and Florida Highway 405 over Florida Highway 405 to Gate 3 at Cape Kennedy and return over the same route serving all intermediate points. Route 7: Between Belzoni, Miss., and the junction of old U.S. Highway 49W and new U.S. Highway 49W, Southeast of Isola, Miss., as follows: Over new U.S. Highway 49W to its junction with old U.S. Highway 49W,

Southeast of Isola, Miss., and return over the same route serving all intermediate points. In connection with this route authority is sought to abandon old U.S. Highway 49W between Belzoni, Miss., and the junction of old U.S. Highway 49W and new U.S. Highway 49W, Southeast of Isola, Miss.

By the Commission.

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

[F.R. Doc. 68-5785; Filed, May 15, 1968; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 13, 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. 41325—*Asphalt—southwestern points to points in southern territory.* Filed by Southwestern Freight Bureau, agent (No. B-9068), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct, or petroleum (other than paint, stain, or varnish), in packages, or in bulk, in carloads or tank carloads, from Port Arthur and West Port Arthur, Tex., to points in Louisiana, also Natchez, Vicksburg, Miss., and Memphis, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 35 to Southwestern Freight Bureau, agent, tariff ICC 4636.

FSA No. 41326—*Liquefied petroleum gas from Falfurrias, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-9074), for interested rail carriers. Rates on liquefied petroleum gas, in tank carloads, from Falfurrias, Tex., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 182 to Southwestern Freight Bureau, agent, tariff ICC 4486.

FSA No. 41327—*Gypsum wallboard from Cody and Himes, Wyo.* Filed by Western Trunk Line Committee, agent (No. A-2552), for interested rail carriers. Rates on gypsum wallboard, and related articles, in carloads, from Cody and Himes, Wyo., to Minneapolis, Minn., Transfer and St. Paul, Minn.

Grounds for relief—Carrier competition.

Tariff—Supplement 97 to Western Trunk Line Committee, agent, tariff ICC A-4421.

By the Commission.

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

[F.R. Doc. 68-5845; Filed, May 15, 1968; 8:48 a.m.]

[Notice 608]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 13, 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 106398 (Sub-No. 361 TA), filed May 9, 1968. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 8096, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: O. L. Thee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, from Addison, Ill., to all points in the United States, except Alaska and Hawaii, for 180 days. Supporting shipper: Towne House/Gallaway, 720 South Vista, Addison, Ill. 60101. 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 115946 (Sub-No. 45 TA), filed May 8, 1968. Applicant: GAY TRUCKING COMPANY, Post Office Box 7055, 48 Augusta Road, Savannah, Ga. 31408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, in drums, on flat-bed equipment, from Baxley, Douglas, Fitzgerald, Helena, Hoboken, Homerville, Swainsboro, Tifton, Valdosta, Vidalia, and Waycross, Ga., to the Port of Savannah, Ga., for 180 days. Supporting shippers: American Turpentine Farmers Association Cooperative, 1204 North Patterson Street, Valdosta, Ga. 31601; Filtered Rosin Products Co., Baxley, Ga. 31513. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 126483 (Sub-No. 3 TA), filed May 9, 1968. Applicant: ED STORTZ AND EDWIN STORTZ, a partnership, doing business as HIGHWAY FUEL COMPANY, 2390 Fairgrounds Road, Salem, Oreg. 97303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hemlock wood chips*, from June until the last of December 1968, from Willamina, Oreg., to Vancouver, Wash., for 180 days. Supporting shipper: Willamina Lumber Co., Terminal Sales Building, Portland, Oreg. 97205. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 126899 (Sub-No. 31 TA), filed May 9, 1968. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Post Office Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, Suite 703, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane pads and padding*, from the plantsite of Burkart A. Textron Co., at Cairo, Ill., to the plantsite of Eisen Bros., Inc., at Carrollton, Ky., for 180 days. Supporting shipper: Burkart A Textron Co., a Delaware Corp., 4900 North Second Street, Saint Louis, Mo. 63147. Send protests to: W. W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, Memphis, Tenn. 38103.

No. MC 129834 (Sub-No. 1 TA), filed May 8, 1968. Applicant: LOUIS L. OWENS, doing business as O.C.O. TRUCKING, Route 2, Box 5408B, Anderson, Calif. 96007. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel corrugated culvert pipe*, 16 gauge or heavier, from Redding, Calif., to points in Coos, Curry, Douglas, Harney, Jackson, Josephine, Klamath, and Lake Counties, Oreg., for 180 days. Supporting shipper: Pacific Corrugated Culvert Co., Post Office Box 3, Redding, Calif. 96001. Send protests to: District Supervisor William E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 129887 TA, filed May 8, 1968. Applicant: CAL-PINE TRANSPORTATION, INC., 270 Henderson Street, Jersey City, N.J. 07302. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soaps, cleaning compounds, sanitary liquids and powders*, in containers (other than bulk), (a) from the plantsite and warehouse of West Chemical Products, Inc., Long Island City, N.Y., to the warehouses of West Chemical Products, Inc., in Atlanta, Ga., Buffalo, N.Y., Chicago, Ill., Cleveland, Ohio, Dallas, Tex., Denver, Colo., Detroit,

Mich., Houston, Tex., Los Angeles, Calif., New Orleans, La., Oakland, Calif., Pittsburgh, Pa., Portland, Oreg., Richmond, Va., St. Paul, Min., Salt Lake City, Utah, and Seattle, Wash., and (b) from the plantsite and warehouse of West Chemical Products, Inc., Chicago, Ill., to the warehouses of West Chemical Products, Inc., in Atlanta, Ga., Buffalo, N.Y., Cleveland, Ohio, Dallas, Tex., Denver, Colo., Detroit, Mich., Houston, Tex., Indianapolis, Ind., Kansas City, Mo., Lackland, Ohio, Long Island City, N.Y., Los Angeles, Calif., New Orleans, La., Oakland, Calif., Philadelphia, Pa., Pittsburgh, Pa., Portland, Oreg., Richmond, Va., St. Louis, Mo., St. Paul, Minn., Salt Lake City, Utah, and Seattle, Wash. The above movements under paragraphs (a) and (b) to be performed under a continuing contract with West Chemical Products, Inc., for 180 days. Supporting shipper: West Chemical Products, Inc., 42–16 West Street, Long Island City, N.Y. 11101. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 129893 (Sub-No. 1 TA), filed May 9, 1968. Applicant: DALLAS MATERIALS TRANSPORT COMPANY, Post Office Box 6117, Dallas, Tex. 75222. Applicant's representative: Dan Felts, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Gifford-Hill Portland Cement plantsite at Gifco, near Midlothian, Tex., to points in New Mexico, Oklahoma, Louisiana, Arkansas, for 180 days. NOTE: Applicant does not intend to tack with its existing authority. Supporting Shipper: Gifford-Hill Portland Cement Co., Dallas, Tex. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

By the Commission.

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

[F.R. Doc. 68-5846; Filed, May 15, 1968; 8:48 a.m.]

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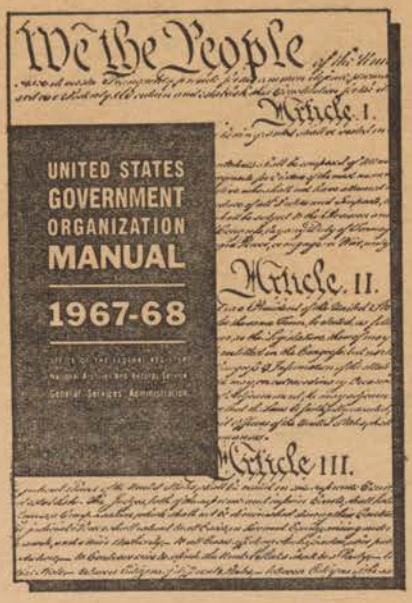

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