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PART I

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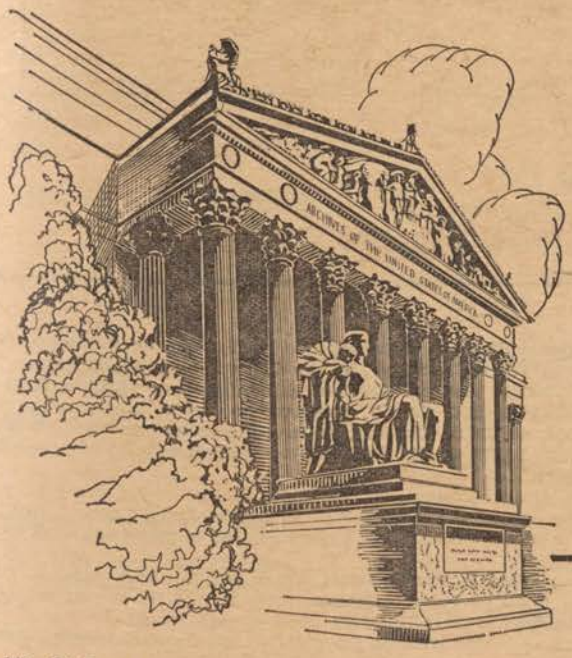

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Title 7—AGRICULTURE

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

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart V—U.S. Standards for Grades of Edible Dry Casein (Acid)

A notice of proposed rule making covering the issuance of U.S. Standards for Grades of Edible Dry Casein (Acid) was published in the FEDERAL REGISTER of December 14, 1967 (32 F.R. 17894). It afforded interested persons the opportunity to submit within 60 days to the Hearing Clerk, written data, views, or arguments in connection with the proposal. The time for submitting data, views, or arguments was extended to April 15, 1968 (33 F.R. 3345).

Statement of consideration. In response to the notice of proposed rule making, the Hearing Clerk received 13 comments from interested persons. There was no opposition to the issuance of an edible dry casein standard and those who commented on this aspect were in favor of such a standard. The application and meaning of "optional tests" brought forth most of the comments, particularly the proposed "nonassignment" of grade to products failing to meet optional tests. The need for the optional tests listed was generally conceded; however, the consensus was that aside from those tests for Staphylococcus and Salmonella, the other optional tests should not affect the assignment of grade except as provided in § 58.2806. Therefore, the standards were modified to give the buyer and seller or the Department the opportunity to have any of the optional tests conducted and reported with the understanding that failures to meet the requirements for Staphylococcus or Salmonella or any other unwholesome condition will result in the nonassignment of grade.

The optional test for particle size was considered to be of sufficient importance to certain buyers to be included. However, provisions were made to permit sieve sizes, other than those listed, to be specified by the buyer or seller when requesting a U.S. grade on the products.

Comments received agreed with the essential requirement that the product not endanger public health and that appropriate inspection authorities should be assured that effective hygiene methods of manufacture have been used. The verification of time and temperature requirements used in casein processing which would meet pasteurization requirements is possible with the installation of proper controls and recording devices. Therefore, the standard permits the pasteurization requirement to be satisfied by providing for controlled time/temperature treatment before or during the process of manufacture in a manner approved by the Administrator.

We were asked to change certain grade factors slightly upward or downward, but the majority of the comments were in favor of the levels as presented.

In addition, some comments and suggestions were received regarding the test methods to be used. Although the laboratory procedures are not a direct part of the standards, consideration will be given to minor technical changes which do not affect the level of acceptance of any factors in the standards.

After consideration of all data, views, or arguments submitted and based on currently available technical information, the proposed standards were revised.

U.S. Standards for Grades of Edible Dry Casein (Acid) are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). The standards are applicable only to dry casein intended for human food, manufactured from skim milk by acid precipitation.

The standards are as follows:

Subpart V—U.S. Standards for Grades of Edible Dry Casein (Acid) [1]

Sec.

AUTHORITY: The provisions of this Subpart V issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

§ 58.2800 Definitions.

(a) *Edible dry casein (acid).* (1) For the purposes of these standards edible dry casein (acid) is the pulverized or unpulverized product resulting from washing, drying or otherwise processing the coagulum resulting from acid precipitation of skim milk which has been pasteurized before or during the process of manufacture in a manner approved by the Administrator.

(2) The product shall have been produced in a plant under conditions suitable for the manufacture of human food and packaged in a container which will prevent contamination, deterioration, and/or development of a public health hazard under normal conditions of storage and transportation.

(b) *Administrator.* The Administrator of the Consumer and Marketing Service or any other officer or employee of the Consumer and Marketing Service of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

U.S. GRADES

§ 58.2801 Nomenclature of U.S. Grades.

The nomenclature of U.S. grades is as follows:

(a) U.S. Extra.
(b) U.S. Standard.

§ 58.2802 Basis for determination of U.S. Grades.

(a) The U.S. Grades of edible dry casein (acid)—are determined on the basis of:

(1) Flavor and odor, physical appearance, bacterial estimate on the basis of standard plate count and coliform count, protein content, moisture content, milkfat content, extraneous materials, and free acid.

(2) Additional optional tests for Salmonella or Staphylococcus, metals, yeast and mold as listed in 58.2805 that have been made at the request of the applicant for the service or at the option of the Department.

(b) The final U.S. Grade shall be established on the basis of the lowest ratings of any one of the applicable quality characteristics present in representative samples of the lot.

§ 58.2803 Requirements for U.S. Extra Grade.

U.S. Extra Grade edible dry casein (acid) shall conform to the following requirements:

(a) *Flavor and odor.* Bland natural flavor and odor and free from offensive flavors and odors such as sour or cheesy.

(b) *Physical appearance.* Is white to cream colored; if pulverized, free from lumps that do not break up under slight pressure.

(c) *Bacterial estimates.* Standard plate count not more than 30,000 per gram. Coliform count negative per 0.1 gram.

(d) *Protein content.* Not less than 95 percent, dry basis (Nitrogen x 6.38).

(e) *Moisture content.* Not more than 10 percent.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(f) *Milkfat content.* Not more than 1.5 percent.

(g) *Extraneous materials.* Scorched particles not more than 15 mg. and free from foreign materials in 25 grams.

(h) *Free acid.* Titrated to not more than 0.20 ml. of 0.1 N NaOH per gram.

§ 58.2804 Requirements for U.S. Standard Grade.

U.S. Standard Grade edible dry casein (acid) shall conform to the following requirements:

(a) *Flavor and odor.* Not more than slight unnatural flavors or odors and free from offensive flavors and odors such as sour or cheesy.

(b) *Physical appearance.* Is white to cream colored; if pulverized free from lumps that do not break up under moderate pressure.

(c) *Bacterial estimates.* Standard plate count not more than 100,000 per gram. Coliform count not more than 2 per 0.1 gram.

(d) *Protein content.* Not less than 90 percent, dry basis (Nitrogen x 6.38).

(e) *Moisture content.* Not more than 12 percent.

(f) *Milkfat content.* Not more than 2 percent.

(g) *Extraneous materials.* Scorched particles not more than 22.5 mg. and free from foreign materials in 25 grams.

(h) *Free acid.* Titrated to not more than 0.27 ml. of 0.1 N NaOH per gram.

§ 58.2805 Optional tests.

There are certain tests in addition to those specified in §§ 58.2803 and 58.2804 which may be run occasionally at the option of the Department and will be run whenever they are requested by the buyer or seller. Certain of these tests, such as ash, metals, and lactose should be run on first lots received and periodically thereafter. Also, specific uses of the product may necessitate additional tests. These optional tests are listed below together with appropriate recommended criteria.

(a) *Most frequently used particle size.* 30, 60, or 80 mesh.

(1) 30 mesh:

100 percent—must pass 30 ASTM screen.
10 percent—may pass 60 ASTM screen.

(2) 60 mesh:

99 percent—must pass 50 ASTM screen.
10 percent—may pass 80 ASTM screen.

(3) 80 mesh:

100 percent—must pass 60 ASTM screen.
85 percent—may pass 80 ASTM screen.

(4) Other mesh sizes as specified.

(b) *Ash (phosphorus fixed).* Not more than 2.2 percent.

(c) *Percent by weight of metals.* (1) Copper, maximum, 5 p.p.m.

(2) Lead, maximum, 5 p.p.m.

(3) Iron, maximum, 20 p.p.m.

(d) *Yeast and mold.* Not more than 5 per 0.1 gram.

(e) *Thermophiles.* Not more than 5,000 per gram.

(f) *Reducing sugars (as lactose).* Not more than 1 percent.

(g) *Staphylococcus (coagulase positive).* Negative.

(h) *Salmonella.* Negative in 100 gram sample.

§ 58.2806 U.S. Grade not assignable.

Edible dry casein (acid) which fails to meet the requirements of U.S. Standard Grade; or of Salmonella or Staphylococcus tests when such tests have been made; or product manufactured, packaged or transported under conditions unsuitable for human food or otherwise found to be unwholesome shall not be assigned a U.S. Grade.

§ 58.2807 Test methods.

(a) Testing methods contained in "Methods for the Analysis of Edible Dry Casein (acid)," Dairy Division Inspection and Grading Branch Laboratory, Consumer and Marketing Service, U.S. Department of Agriculture, or latest revision thereof, shall be used.

§ 58.2808 Sampling methods.

(a) An inspection lot shall be a consignment of units of the same size, type, and style which have been manufactured or processed under essentially the same conditions and not exceeding 80,000 pounds net weight.

(b) Unit containers for sampling shall be selected at random from the inspection lot at the following rate:

Number of containers in inspection lot = N	*Minimum number of containers to be selected*
1 to 4	Each container
5 to 40	$4+\frac{N-10}{10}$ [1]
41 or more	6+one for each 4,000 pounds or fraction thereof in the lot.

[1] Raise fractions of ½ or more to next whole number; disregard negative fractions or fractions less than ½.

(c) A representative portion of the edible dry casein shall be taken from the sample unit by means of a sampling tube and placed in properly identified sample bag. When five or more containers are to be sampled, representative portions from not more than five containers may be commingled on a proportionate basis. Each sample bag, whether from a single container or a composite, should contain at least 500 grams.

(d) Preparation of the sample for analysis. All samples representing an inspection lot shall be composited just prior to analysis to form a sufficient sample for analysis. Results of the analysis of the composited sample will be reported for the inspection lot.

Done at Washington, D.C., this 16th day of July 1968, to become effective September 1, 1968.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 68-8653; Filed, July 19, 1968; 8:47 a.m.]

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

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 9]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

On pages 9089 and 9090 of the FEDERAL REGISTER of June 20, 1968, there was published a notice of proposed rule making with respect to several miscellaneous changes to the republication of the Processor Wheat Marketing Certificate Regulations (31 F.R. 13502). Interested persons were given 15 days in which to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received, and the amendment as so proposed is hereby adopted, subject to the following change: In paragraph (c) of § 777.14, the proposed change of the conversion factor for rolled wheat has been deleted. The present conversion factor of 1.800 bushels of wheat equivalent per 100 pounds of rolled wheat product will continue in effect until further notice.

Since the provisions of this amendment as set forth below must be acted on immediately, or are needed immediately in the administration of the regulations, it is hereby found and determined that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is impracticable and contrary to the public interest and that this amendment shall be effective as provided below.

Effective date. This amendment shall be effective with respect to wheat processed on and after July 1, 1968, except for the provision deleting the last sentence of Item (14), Appendix II, which shall be effective with respect to the ending inventory for the 1967–68 marketing year.

Signed at Washington, D.C., on July 15, 1968.

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

Section 777.2 is amended by changing the last sentence to read as follows:

§ 777.2 Administration.

* * * Information pertaining to the regulations in this part may be obtained from the Director, Commodity Operations Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

Section 777.3(l) is amended to read as follows:

§ 777.3 Definitions.

* * * * *

(l) "Director" means the Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, or his designee. Any delegations of authority made by the Director, Procurement and Sales Division, ASCS, under these regulations prior to the effective date of this amendment shall continue in effect until superseded. Any delegations of authority made under these regulations to the Director, Procurement and Sales Division, ASCS, shall continue in effect as delegations to the Director, Commodity Operations Division until superseded.

* * * * *

Section 777.4(a) is amended by changing the last sentence to read as follows:

§ 777.4 Applicability of certificate requirements.

(a) *General.* * * * The cost of domestic certificates shall be 75 cents a bushel during the marketing years beginning July 1, 1965, through the marketing year beginning July 1, 1968.

* * * * *

Section 777.12(b)(1) is amended by the addition of a reporting period (v) as follows:

§ 777.12 Food processing reports.

* * * * *

(b) *Processing report period.* (1) * * *

(v) Effective commencing with the marketing year beginning July 1, 1968, once annually in the case of a food processor whose certificate liability during the previous marketing year totalled 100 bushels of wheat or less. The report shall cover the period July 1 through June 30. CCC reserves the right to require any processor to report in the period prescribed in subdivision (i), (ii), (iii) or (iv) of this subparagraph.

* * * * *

Section 777.14(c) is amended by changing the conversion factor of the following food product to read as follows:

§ 777.14 Conversion factor basis of reporting.

* * * * *

(c) *Conversion factors.* * * *

A—Food product	*B—Bushels of wheat equivalent per 100 pounds of product (conversion factor)*
* * *	
Bulgur	2.000
* * *	

* * * * *

Section 777.19(e) is amended to read as follows:

§ 777.19 Industrial users of flour second clears.

* * * * *

(e) *Refund rate.* The refund rate for the marketing years beginning July 1, 1965, and July 1, 1966, shall be $1.71 per hundredweight, which was determined on the basis of the conversion factor 2.283, multiplied by the applicable certificate cost rounded to the nearest cent. The refund rate for the marketing year beginning July 1, 1967, shall be $1.69 per hundredweight, which was determined on the basis of a conversion factor of 2.252, multiplied by the applicable certificate cost rounded to the nearest cent. The refund rate for the marketing year beginning July 1, 1968, shall be $1.68 per hundredweight, which was determined on the basis of a conversion factor of 2.240, multiplied by the applicable certificate cost rounded to the nearest cent. The refund rate to be used is the rate applicable to the marketing year in which the flour second clears were produced as shown by the processor on Form CCC–165.

* * * * *

Appendix II is amended by deletion of the last sentence in Item (14) and by changing the second paragraph of Item (15) to read as follows:

APPENDIX II—INSTRUCTIONS FOR PREPARATION OF PROCESSING REPORT—WEIGHT OF WHEAT BASIS

* * * * *

(15) * * *

If accurate boc' inventory records are maintained, such book quantities may be used except as of June 30, or the processor's own fiscal year closing date, whichever is applicable for each marketing year. As of whichever of such dates is applicable, the quantities of such wheat shall be determined by weighup or by accurate measurement of the wheat stored. Once the ending inventory is determined by weighup, it shall continue to be determined on a weighup basis for each marketing year thereafter unless prior approval to change is received from the director for good cause shown. The processor may elect to use a fiscal closing date other than June 30, of each year.

* * * * *

[F.R. Doc. 68–8656; Filed, July 19, 1968; 8:48 a.m.]

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

[Valencia Orange Reg. 247, Amdt. 1]

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

Limitation of Handling

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 recommendation 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553(1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 908.547 (Valencia Orange Reg. 247, 33 F.R. 9947) are hereby amended to read as follows:

§ 908.547 Valencia Orange Regulation 247.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 325,000 cartons.

* * * * *

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

Dated: July 17, 1968.

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

[F.R. Doc. 68–8700; Filed, July 19, 1968; 8:51 a.m.]

[Lemon Reg. 330]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.630 Lemon Regulation 330.

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

market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 16, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 21, 1968, through July 27, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 316,200 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: July 18, 1968.

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

[F.R. Doc. 68–8730; Filed, July 19, 1968; 8:51 a.m.]

[Peach Reg. 6]

PART 919—PEACHES GROWN IN THE COUNTY OF MESA IN THE STATE OF COLORADO

Regulation by Grades and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in the county of Mesa in the State of Colorado, 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 of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 22, 1968. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 11, 1968; recommendations as to the need for, and the extent of, regulation of shipments of such peaches were made by said committee on July 11, 1968, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were submitted to the Department on July 12, with supplemental information received on July 15, and made available to growers and handlers; shipments of the current crop of peaches are expected to begin shortly, and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 919.307 Peach Regulation 6.

(a) *Order.* (1) During the period July 22, 1968, through September 28, 1968, no handler shall ship:

(i) Any peaches of any variety which do not grade at least U.S. No. 1 grade except as follows: Not to exceed 20 percent, by count, of such peaches in such lot may consist of peaches which do not meet the requirements of such grade, but not more than 10 percent, by count, of the peaches in any such lot may consist of peaches with defects causing serious damage of which not more than 5 percent shall consist of such defects caused by twig borer, or oriental fruit moth, and not more than 1 percent, by count, of the peaches in any such lot may consist of peaches which are not free from decay;

(ii) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (*a*) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(2) *Definitions.* As used herein, "peaches," "handler," "ship," and "varieties" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1," "diameter," "count," and "serious damage" shall have the same meaning as when used in the U.S. Standards for Peaches (§§ 51.1210–51.1223 of this title).

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

Dated: July 17, 1968.

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

[F.R. Doc. 68–8655; Filed, July 19, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 68–WE–11–AD; Amdt. 39–624]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

Amendment 39–208 (31 F.R. 4283), AD 66–7–2, requires a one time inspection for cracks in the lower chord of the horizontal stabilizer rear spar, repair as necessary, and a report of the results of the inspections on Boeing Model 727 Series airplanes. After issuing Amendment 39–208, due to service experience and an additional evaluation by the manufacturer, the administration determined (1)

that stress corrosion is definitely the cause of cracking, (2) that the cracking occurs in a larger area, (3) that the applicability can be limited to airplanes listed in Boeing Service Bulletin No. 55–18 (R–6), (4) that repetitive inspections are necessary to detect cracks in this larger area even on airplanes that have received one inspection, and (5) that the problem can be corrected by replacing rivets with lockbolts. Therefore, the AD is being superseded by a new AD that requires repetitive inspections for cracks in the lower chord of the horizontal stabilizer rear spar until either the preventive modification is accomplished on uncracked structure or a repair is accomplished on cracked structure.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), section 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

BOEING. Applies to Model 727 Series airplanes listed in Parts I, II, and III of paragraph I, *Planning Information* * * *, 1. *Airplanes Affected*, of Boeing Service Bulletin No. 55–18 (R–6) dated June 15, 1967, as set forth on pages 1 and 2 thereof, and hereafter referred to as *Part I* of 1. *Airplanes Affected* or *Part II* and *Part III* of 1. *Airplanes Affected*.

Compliance required as indicated.

To detect cracks or to prevent further cracks in the lower chord of the horizontal stabilizer rear spar, accomplish the following:

(a) Unless already accomplished within the last 750 hours' time in service, within the next 50 hours' time in service after the effective date of this AD or prior to 650 hours' time in service after April 10, 1966, whichever is later, and thereafter at intervals not to exceed 800 hours' time in service, inspect Model 727 Series airplanes with 350 or more hours' time in service on April 10, 1966, listed in *Part I* of 1. *Airplanes Affected* in accordance with paragraph (e) hereof.

(b) Unless already accomplished within the last 750 hours' time in service, within the next 50 hours' time in service after the effective date of this AD or prior to the accumulation of 1,000 hours' time in service, whichever is later, and thereafter at intervals not to exceed 800 hours' time in service, inspect Model 727 Series airplanes with less than 350 hours' time in service on April 10, 1966, listed in *Part I* of 1. *Airplanes Affected*, in accordance with paragraph (e) hereof.

(c) Unless already accomplished within the last 100 hours' time in service, within the next 700 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 800 hours' time in service, inspect Model 727 Series airplanes with 2,300 or more hours' time in service on the effective date of this AD listed in *Part II* and *Part III* of 1. *Airplanes Affected* in accordance with paragraph (e) hereof.

(d) Unless already accomplished within the last 100 hours' time in service, before the accumulation of 3,000 hours' time in service, and thereafter at intervals not to exceed 800 hours' time in service, inspect Model 727 Series airplanes with less than 2,300 hours' time in service on the effective date of this AD listed in *Part II* and *Part III* of 1. *Airplanes Affected* in accordance with paragraph (e) hereof.

(e) Visually inspect for cracks in the lower chord of the horizontal stabilizer rear spar, Stabilizer Stations 110.00 through 225.54, in accordance with paragraph II, *Accomplishment Instructions, Part I—Inspection Data*, of Boeing Service Bulletin No. 55–18 (R–2), dated January 3, 1966, or later FAA approved revision.

(f) If cracks are found, repair before further flight (except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed) in accordance with paragraph II, *Accomplishment Instructions, Part III—Repair Data*, of Boeing Service Bulletin No. 55–18 (R–2), dated January 3, 1966, or later FAA approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. After the repair is accomplished, the repetitive inspections required by this AD may be discontinued for areas repaired.

(g) If cracks are not found, the aircraft may be modified in accordance with paragraph II, *Accomplishment Instructions, Part II—Preventive Modification Data*, of Boeing Service Bulletin No. 55–18 (R–2) or later FAA approved revision. After the modification is accomplished, the repetitive inspections required by this AD may be discontinued for areas modified.

NOTE: A repair in accordance with Service Bulletin 55–18 or 55–18 (R–1) is considered a preventive modification.

(h) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Regional Director, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This supersedes Amendment 39–208 (31 F.R. 4283), AD 66–7–2.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Co., Commercial Airplane Division, Post Office Box 707, Renton, Wash. 98055. These documents may also be examined at Room 406, Building A, FAA Western Region Office, 5651 West Manchester Avenue, Los Angeles, Calif. 90045 and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C., and at FAA Western Region.

This amendment becomes effective July 20, 1968.

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

Issued in Los Angeles, Calif., on July 11, 1968.

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

[F.R. Doc. 68–8657; Filed, July 19, 1968; 8:48 a.m.]

[Airworthiness Docket No. 68–WE–13–AD, Amdt. 39–622]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

Amendment 39–598, AD 68–10–5, extends the compliance time to modify the thrust reverser linkage on Boeing Model 727 Series airplanes. Due to reliable evidence that previous information on parts availability time was erroneous and that parts will be available within 1,600 hours, the Administration has determined that compliance by numerous operators with AD 68–10–5 within the required time would be impossible and that safety will permit an extension of the compliance time. Therefore, the AD is being amended to increase the compliance time for the modifications to the thrust reverser linkage.

Since this amendment increases the compliance time and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–598, AD 68–10–5, is amended by amending paragraph (a) to read as follows:

Within 1,600 hours time in service after the effective date of this AD unless already accomplished, modify the thrust reverser deflector doors in accordance with Boeing Service Bulletin No. 78–51, Revision 1, dated April 2, 1968 (or later FAA approved revision). Within 800 hours time in service after the effective date of this AD unless already accomplished, modify the thrust reverser deflector doors in accordance with Boeing Service Letter 6–7132–3375, dated March 1, 1967 (or later revision).

This amendment becomes effective on July 20, 1968.

Issued in Los Angeles, Calif., on July 10, 1968.

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

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

[F.R. Doc. 68–8694; Filed, July 19, 1968; 8:50 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34–8347]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Annual Income and Expense Reports

On February 1, 1968, the Securities and Exchange Commission published a

proposal in Securities Exchange Act Release No. 8242 and in the FEDERAL REGISTER of February 8, 1968 (33 F.R. 2715), to adopt Rule 17a–10 (17 CFR 240.17a–10) and the forms accompanying the rule, providing for annual income and expense reports of exchange members and broker-dealers to be filed with the Commission or with a registered self-regulatory organization, which will transmit the reports to the Commission. Comments on these proposals have been received and considered, and the Commission has adopted Rule 17a–10 (17 CFR 240.17a–10) as set out below.

The major purpose of the reports, set forth in greater detail in Release No. 8242, is to provide needed comprehensive financial data on a continuing basis so that up-to-date information will be readily available to the Commission, the national securities exchanges, and the National Association of Securities Dealers, Inc. (NASD), in connection with the performance of their respective responsibilities.

In response to comments received concerning the proposed rule and reports, the Commission has made various changes designed primarily to lighten the reporting burden on smaller firms. The major changes are as follows:

1. A reporting broker-dealer will file an introductory page and Part I, II, or III of the form as follows:

A. Part I, a summary income and expense statement, is to be completed by any reporting broker-dealer who is not a member of the New York Stock Exchange (NYSE) and:

(1) Had gross securities income of at least $20,000 but less than $100,000 during the reporting year, or,

(2) Had gross securities income of at least $20,000 and received 80 percent or more of his gross securities income from one or more of the following: Retail mutual fund sales; municipal bonds; fractional interests in oil, gas, or other mineral rights; variable annuities; savings and loan placements; real estate syndications.

B. Part II, an income and expense report which is somewhat more detailed than Part I, is to be completed by any reporting broker-dealer who is not a member of the NYSE and:

(1) Does not qualify to complete Part I, and

(2) Had gross securities income of at least $100,000 but less than $1 million during the reporting year.

C. Part III, an income and expense report which is similar to the more comprehensive report the NYSE now requires of its members, is to be completed by any reporting broker-dealer who:

(1) Is a member of the NYSE, or

(2) Does not qualify to complete Parts I or II.

Part I has been modified in certain respects to reflect the fact that the reporting requirements, as summarized above, have been revised to make this part of the form available for use by additional classes of firms. (Under the proposal published on Feb. 1, 1968, the only firms authorized to utilize Part I were retailers of mutual funds.) Parts II and III are substantially the same as those published for comment in Release No. 8242.

2. Firms whose gross securities income was less than $20,000 during the calendar year or who effected no securities transactions with or for any person other than a broker or dealer, and underwriters of shares of open-end investment companies and variable annuities who do not themselves effect retail sales of such securities, will be required to file only the introductory page of Form X–17A–10 (17 CFR 249.618).[1] This introductory page, which will be required from all who file, requests only basic nonfinancial information (such as exchange memberships and the number of years the reporting firm has been in the securities business), and certain aggregate income data (such as total amount of gross securities income, and amount of income derived from the firm's primary and secondary securities activities).

3. No reports will be required concerning securities activities that took place prior to January 1, 1969. All reports, however, are to be filed on a calendar year basis, and the first reports will cover the calendar year ending December 31, 1969. Reports must be filed within 30 days of the close of the calendar year.

4. The final version of the form contains a transaction count which has been simplified from the proposed 14-way breakdown to a five-way breakdown. The separate transaction counts for "underwriting transactions," "commodity transactions," and "house accounts" have been eliminated.

In order to assist reporting firms in making necessary adjustments in their recordkeeping procedures, the NASD and the New York Stock Exchange will send copies of the appropriate forms to their members in the next few weeks. The Commission will furnish copies of Form X–17A–10 (17 CFR 249.618) (except Part III thereof) to other reporting brokers and dealers at about the same time. Part III will, however, be available on request. In addition, all interested persons may request copies of the form from the Commission or any of its regional offices after August 1, 1968. The format of the reporting forms to be disseminated initially will be later modified to make the forms suitable for use with electronic data processing equipment of the Commission and the self-regulatory agencies. It is anticipated that these definitive forms will be available for distribution on or about November 15, 1968.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17(a) and 23(a) thereof, and deeming it necessary for the exercise of the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby amends Chapter II of Title 17 of the Code of Federal Regulations by adopting Rule 17a–10 (17 CFR 240.17a–10) under Part 240 thereof and Form X–17A–10 (17 CFR 249.618) under Subpart G of Part 249 thereof, effective January 1, 1969.

The text of the rule is as follows:

§ 240.17a–10 Report of income and expenses.

(a) Every member of a national securities exchange and every broker or dealer registered pursuant to section 15 of the Act shall, not later than 90 days after the close of each calendar year (commencing with the calendar year 1969), file a report of his income and expenses and related financial and other information for such calendar year on Form X–17A–10 (§ 249.618 of this chapter).

(b) The provisions of paragraph (a) of this section shall not apply to a member of a national securities exchange or a registered national securities association which maintains records containing the information required by Form X–17A–10 (§249.618 of this chapter) as to each of its members, and which transmits to the Commission a copy of the record as to each such member, pursuant to a plan the procedures and provisions of which have been submitted to and declared effective by the Commission. Any such plan filed by a national securities exchange or a registered national securities association may provide that, in transmitting copies of such records to the Commission, the names and addresses of members as to whom such information is transmitted may be omitted, and may further provide that when a member is also a member of one or more national securities exchanges, or of one or more national securities exchanges and a registered national securities association, the information required to be submitted with respect to any such member may be transmitted by only one specified national securities exchange or registered national securities association. For the purpose of this section, a plan filed with the Commission by a national securities exchange or a registered national securities association shall not become effective unless the Commission, having due regard for the public interest, for the protection of investors, and for the fulfillment of the Commission's functions under the provisions of the Act, declares the plan to be effective. Further, the Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties under the Act.

(c) Individual reports filed by, or on behalf of, brokers, dealers, or members of national securities exchanges pursuant to this section are to be considered nonpublic information, except in cases where the Commission determines that

[1] Special reporting forms are in preparation for use by exchange specialists and floor traders, and underwriters of shares of open-end investment companies and variable annuities.

it is in the public interest to direct otherwise.

Subpart G—Forms for Reports To Be Made by Certain Exchange Members, Brokers, and Dealers

§ 249.618 Form X–17A–10: Information required of Exchange members, brokers, and dealers pursuant to section 17 of the Act and § 240.17a–10 of this chapter.

This form [1] must be executed and filed by every member, broker or dealer required to file a report under § 240.17a–10(a) of this chapter, unless such member, broker or dealer has filed the information required by the form with a national securities exchange or a registered national securities association in conformity with a plan adopted by the exchange or association pursuant to § 240.17a–10(b) of this chapter.

(Secs. 17(a), 23(a), 48 Stat. 897, 901, as amended, 49 Stat. 1379, 15 U.S.C. 78q, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JUNE 28, 1968.

[F.R. Doc. 68–8652; Filed, July 19, 1968; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

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

Exemption of Milk and Milk Products From Certain Labeling Requirements

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

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of February 14, 1968 (33 F.R. 2947), based on a petition submitted by the Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006. In response to the proposal, 16 comments were received as follows:

1. Six State weights and measures officials recommend that the exemption apply only to "measure containers" as defined in the "National Bureau of Standards Handbook 44," thus excluding all containers other than glass milk bottles.

2. Six State weights and measure officials recommend that the exemption be expanded to encompass containers of standard capacities whether in glass, plastic, or paperboard.

3. One State weights and measure official opposes the exemption in its entirety, but would not oppose an extension of time in which to bring labels into compliance.

4. To correct what it believes to be an unintentional effect caused by reference to the "National Bureau of Standards Handbook 44," The Milk Industry Foundation recommends that the proposal be changed to refer to containers of standard capacities, including 10-ounce and 2-gallon containers, in the case of placement of the quantity of contents declaration. It also requests that the exemption apply to fruit juices and drinks packaged in glass and plastic containers of standard capacities.

5. One packer of sterilized cream and whipping cream fully supports the proposal.

Based on consideration of the comments received and other relevant information, the Commissioner of Food and Drugs concludes:

1. That the proposed exemption satisfies the criteria of section 5(b) of the Fair Packaging and Labeling Act.

2. That because the proposal is based upon consumer recognition, no valid reason exists for limiting the exemption to those containers sanctioned by the "National Bureau of Standards Handbook 44" when one of the common and familiar retail fluid milk containers is paperboard—a container that does not meet its requirements. The exemption is, therefore, expanded to cover plastic and paperboard containers used for milk and milk products.

3. That because 10-ounce and 2-gallon containers are not familiar and commonly used containers, and because exemption of fruit juices and drinks is more properly the subject for separate proposal, these should be excluded from the exemption.

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

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered,* That § 1.1c(a) be amended by adding thereto a new subparagraph, as follows:

§ 1.1c Exemption from required label statements.

(a) *Foods.* * * *

(7) (i) Milk, cream, light cream, coffee or table cream, whipping cream, light whipping cream, heavy or heavy whipping cream, sour or cultured sour cream, half-and-half, sour or cultured half-and-half, reconstituted or recombined milk and milk products, concentrated milk and milk products, skim or skimmed milk, vitamin D milk and milk products, fortified milk and milk products, homogenized milk, flavored milk and milk products, buttermilk, cultured buttermilk, cultured milk or cultured whole buttermilk, low-fat milk (0.5 to 2.0 percent butterfat), and acidified milk and milk products, when packaged in containers of 8- and 64-fluid-ounce capacity, are exempt from the requirements of § 1.8b(b)(2) to the extent that net contents of 8 fluid ounces and 64 fluid ounces (or 2 quarts) may be expressed as ½ pint and ½ gallon, respectively.

(ii) The products listed in subdivision (i) of this subparagraph, when packaged in glass or plastic containers of ½-pint, 1-pint, 1-quart, ½-gallon, and 1-gallon capacities are exempt from the placement requirement of § 1.8b(f) that the declaration of net contents be located within the bottom 30 percent of the principal display panel, provided that other required label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

(iii) The products listed in subdivision (i) of this subparagraph, when packaged in containers of 1-pint, 1-quart, and ½-gallon capacities are exempt from the dual net-contents declaration requirement of § 1.8b(j).

* * * * *

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

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

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

Dated: July 10, 1968.

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

[F.R. Doc. 68–8695; Filed, July 19, 1968; 8:50 a.m.]

[1] Form filed as part of the original of this document. Copies may be obtained from the Commission's headquarters office or from its regional offices.

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

Confirmation of Effective Date of Order Exempting Soft Drinks From Certain Labeling Requirements

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

Pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): Notice is given that the objection filed in response to the order in the above-identified matter published in the FEDERAL REGISTER of May 7, 1968 (33 F.R. 6861), has been withdrawn. Accordingly, the amendment promulgated by that order became effective July 6, 1968.

Dated: July 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8696; Filed, July 19, 1968; 8:51 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS

Artificially Sweetened Fruit Jelly, Fruit Preserves, and Jams; Order Amending Standards To Permit Addition of Nutritive Sweeteners to Certain Jelling Ingredients

In the matter of amending the definitions and standards of identity for artificially sweetened fruit jelly (21 CFR 29.4) and artificially sweetened fruit preserves, artifically sweetened fruit jams (21 CFR 29.5) to provide that the jelling ingredients carrageenin and salts of carrageenin be optionally standardized with a nutritive sweetening ingredient and to provide for limiting the amounts of such sweetening ingredient and such standardized carrageenin or salts of carrageenin:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of April 20, 1968 (33 F.R. 6128), based on a petition submitted by Stein, Hall & Co., Inc., 605 Third Avenue, New York, N.Y. 10016.

The information submitted by the petitioner and other relevant material having been considered, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments as proposed.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That §§ 29.4 and 29.5 be amended as set forth below.

Sections 29.4 (b) and (d) and 29.5 (b) and (d) are revised to read as follows:

§ 29.4 Artificially sweetened fruit jelly; identity; label statement of optional ingredients.

* * * * *

(b) The fruit juice ingredient referred to in paragraph (a) of this section is any one, or any combination of two, three, four, or five of the fruit juice ingredients complying with the requirements of § 29.2 (c). Except as paragraph (d) of this section permits the use of pectin, carrageenan, or salts of carrageenan standardized with nutritive sweetener, no nutritive sweetening ingredient is added, either directly or indirectly, to the fruit juice ingredient used to make artificially sweetened fruit jelly.

* * * * *

(d) The jelling ingredients referred to in paragraph (a) of this section are pectin, agar-agar, carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, algin (sodium alginate), sodium carboxymethylcellulose (cellulose gum), methylcellulose (meeting U.S.P. requirements and with methoxy content not less than 27.5 percent and not more than 31.5 percent on a dry-weight basis), carrageenan or salts of carrageenan complying with the requirements of § 121.1066 or § 121.1067 of this chapter, or any combination of two or more of these. Pectin may be standardized with a nutritive sweetening ingredient, but such sweetening ingredient shall not amount to more than 44 percent by weight of the standardized pectin and the quantity of such standardized pectin used shall not exceed 3 percent by weight of the finished food. Carrageenan or salts of carrageenan may be standardized with a nutritive sweetening ingredient, but such sweetening ingredient shall not amount to more than 25 percent by weight of the standardized carrageenan or salts of carrageenan and the quantity of such standardized carrageenan or salts of carrageenan used shall not exceed 2 percent by weight of the finished food.

* * * * *

§ 29.5 Artificially sweetened fruit preserves, artificially sweetened fruit jams; identity; label statement of optional ingredients.

* * * * *

(b) The fruit ingredient referred to in paragraph (a) of this section is any one, or any combination of two, three, four, or five of the fruit ingredients complying with the requirements of § 29.3 (b) and (c). Except as paragraph (d) of this section permits the use of pectin, carrageenan, or salts of carrageenan standardized with nutritive sweetener, no nutritive sweetening ingredient is added, either directly or indirectly, to the fruit ingredient used to make artificially sweetened fruit preserves or artificially sweetened fruit jam.

* * * * *

(d) The jelling ingredients referred to in paragraph (a) of this section are pectin, agar-agar, carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, algin (sodium alginate), sodium carboxymethylcellulose (cellulose gum), methylcellulose (meeting U.S.P. requirements and with methoxy content not less than 27.5 percent and not more than 31.5 percent on a dry-weight basis), carrageenan or salts of carrageenan complying with the requirements of § 121.1066 or § 121.1067 of this chapter, or any combination of two or more of these. Pectin may be standardized with a nutritive sweetening ingredient, but such sweetening ingredient shall not amount to more than 44 percent by weight of the standardized pectin and the quantity of such standardized pectin used shall not exceed 3 percent by weight of the finished food. Carrageenan or salts of carrageenan may be standardized with a nutritive sweetening ingredient, but such sweetening ingredient shall not amount to more than 25 percent by weight of the standardized carrageenan or salts of carrageenan and the quantity of such standardized carrageenan or salts of carrageenan used shall not exceed 2 percent by weight of the finished food.

* * * * *

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

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

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

Dated: July 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8690; Filed, July 19, 1968; 8:50 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Buffered Crystalline Penicillin

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 146a.37(a) is revised to read as follows to clarify the second sentence regarding citric acid:

§ 146a.37 Buffered crystalline penicillin.

* * * * *

(a) It contains the buffer sodium citrate in a quantity not less than 4.0 percent and not more than 5.0 percent by weight of its total solids. It may contain citric acid in a quantity not more than 0.15 percent of its total solids in place of a corresponding amount of sodium citrate. Such sodium citrate and citric acid conform to the standards prescribed therefor by the U.S.P.

* * * * *

Since this order merely clarifies an existing regulation and is nonrestrictive and noncontroversial, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

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

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

Dated: July 10, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8691; Filed, July 19, 1968; 8:50 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

[Defense Manpower Policy 4, Revised]

DMP 4—PLACEMENT OF PROCUREMENT AND FACILITIES IN SECTIONS AND AREAS OF HIGH UNEMPLOYMENT

Petroleum and Petroleum Products Industries

Notification Nos. 38, 39, 53, and 57 were issued in 1952 upon the recommendation of the Surplus Manpower Committee established by Defense Manpower Policy 4. They made findings and prescribed policies with respect to the applicability of Defense Manpower Policy 4 to the placement of procurement with the textile, shoe, apparel, and shipbuilding industries, respectively. The Surplus Manpower Committee has advised me that the findings contained in those notifications no longer accurately reflect conditions in those industries, and has unanimously recommended that those notifications be revoked. I have reviewed this matter and concur with the Committee.

Accordingly, pursuant to the authority vested in me by Executive Order No. 10480 and Executive Order No. 11051, as amended, Notification Nos. 38, 39, 53, and 57 are hereby revoked. Section 4(g) of Defense Manpower Policy 4, as revised, is hereby amended to read as follows:

(g) Notification No. 58 dealing with the placement of procurement with the petroleum and petroleum products industries is continued in effect to the extent that it is not inconsistent with this revised policy.

PRICE DANIEL,
Director,
Office of Emergency Planning.

JULY 16, 1968.

[F.R. Doc. 68-8632; Filed, July 19, 1968; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 68-67]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

PORT OF NEW YORK AND VICINITY

1. The Commander, 3d Coast Guard District, New York, N.Y., has requested that regulations governing mooring in the Port of New York anchorage areas be published in the FEDERAL REGISTER. Under these regulations a mooring permit, issued by the Captain of the Port of New York, is required to moor in Jamaica Bay, south area and conditions are established pertaining to the location, dimensions, and maintenance of mooring buoys. The request is granted and the note following 33 CFR 110.60(s-1) is amended accordingly, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. The purpose of the document is to publish regulations governing mooring in Jamaica Bay, south area, New York, whereby permits must be acquired from the Captain of the Port, New York, before mooring; and anchor, mooring chain, and pendant requirements are established.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and the delegation in 49 CFR 1.4(a)(3) of the Secretary of Transportation under 49 U.S.C. 1655(g)(1), the note following 33 CFR 110.60 (s-1) is amended to read as follows and to become effective on and after 30 days after the date of publication of this document in the FEDERAL REGISTER:

§ 110.60 Port of New York and vicinity.

* * * * *

(s-1) *Jamaica Bay, south area.*

* * * * *

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. The Captain of the Port of New York is authorized to issue permits for maintaining mooring buoys within the anchorage. The method of anchoring these buoys shall be as prescribed by the Captain of the Port. No vessel shall anchor in the anchorage in such manner as to interfere with the use of a duly authorized mooring buoy. The Captain of the Port, New York regulations in § 110.155(1)(7) apply.

* * * * *

(R.S. 4233, as amended, 28 Stat. 647, as amended, 30 Stat. 98, as amended, sec. 6(g)(1) 80 Stat. 940; 33 U.S.C. 180, 258, 322; 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

Dated: July 16, 1968.

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

[F.R. Doc. 68-8692; Filed, July 19, 1968; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-1—GENERAL

Subpart 1-1.7—Small Business Concerns

SMALL BUSINESS SET-ASIDE PROGRAM

This amendment revises the procedure for initiating small business set-asides to provide that set-asides shall be made primarily on a unilateral basis by contracting officers. However, either the contracting officer or a Small Business Administration representative may still initiate joint determination set-asides.

Paragraphs (c) and (d) of § 1-1.706-1 are revised as follows:

§ 1-1.706-1 General.

* * * * *

(c) *Implementation.* Subject to any applicable preference for labor surplus area set-asides as provided in § 1-1.802, any individual procurement or class of procurements, or an appropriate part thereof, shall be set aside for the exclusive participation of small business concerns when such action (1) is unilaterally determined by a contracting officer, or (2) is jointly determined by an SBA representative and a contracting officer, upon initiation by either party, to be in the interest of maintaining or mobilizing the Nation's full productive capacity, or to be in the interest of war or national defense programs, or to be in the interest of assuring that a fair proportion of Government procurement is placed with small business concerns.

(b) *Initiation of set-asides.* Insofar as practicable, unilateral determinations initiated by a contracting officer of a procuring agency shall be used as the basis for small business set-asides rather than joint determinations by an SBA representative and a contracting officer. This, however, does not preclude SBA from initiating with an agency a proposal for a joint determination set-aside.

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

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

Dated: July 16, 1968.

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

[F.R. Doc. 68-8649; Filed, July 19, 1968; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 137—OFFICIAL MAIL

Surviving Spouses of Members of Congress

Pursuant to the provisions of Public Law 90-368 approved June 29, 1968, a new paragraph (c) is added to § 137.7 to provide that surviving spouses of Members of Congress may send, without prepayment of postage, correspondence relating to the death of the Member for a period not to exceed 180 days after the death of the Member.

Accordingly, new § 137.7(c) now reads as follows:

§ 137.7 President-elect, former Presidents, widows, of former Presidents, and surviving spouses of Members of Congress.

* * * * *

(c) *Surviving spouses of Members of Congress.* Upon the death of a Member of Congress during his term of office the surviving spouse of such Member may send, without prepayment of postage for a period not to exceed 180 days after the death of the Membef, correspondence relating to the death of the Member, provided it bears the written signature of the sender, or a facsimile signature in the upper right corner of the address side.

NOTE: The corresponding Postal Manual section is 137.73.

(5 U.S.C. 301, 39 U.S.C. 501; Public Law 90-368)

TIMOTHY J. MAY,
General Counsel.

JULY 16, 1968.

[F.R. Doc. 68-8633; Filed, July 19, 1968; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular 2244]

PART 1850—HEARINGS PROCEDURES

Subpart 1850—Hearings Procedures; General

SUBPOENA POWER AND WITNESS PROVISIONS

The purpose of the amendment is to clarify the authority of a field commissioner or examiner to issue a subpoena for the production of documentary evidence and to issue a subpoena in connection with depositions for prehearing discovery purposes, and to clarify the time when an examiner may issue a subpoena in a contest proceeding.

It is the policy of this Department to give advance notice and invite public participation in the rule making process, but because this amendment is procedural in nature and does not affect the substantive rights of applicants, proposed rule making has been deemed unnecessary. This amendment shall be effective upon publication in the FEDERAL REGISTER, and shall be applicable to contests initiated on and after that date.

In § 1850.0-7 paragraph (a) is amended and a new sentence is added to paragraph (b). As amended paragraphs (a) and (b) read as follows:

§ 1850.0-7 Subpoena power and witness provisions.

(a) *Compulsory attendance of witnesses.* The Field Commissioner or the examiner, as the case may be, is authorized to issue subpoenas directing the attendance of witnesses and the production of books, papers, documents, or other tangible things at hearings to be held before him or at the taking of depositions to be held before himself or other officers for the purpose of discovery or for use as evidence in the hearing or for both purposes. The issuance of subpoenas, service, attendance fees, and similar matters shall be governed by the act of January 31, 1903 (43 U.S.C. 102-106), and 28 U.S.C. 1821. Subpoenas will be issued on a form approved by the Director.

(b) *Application for subpoena.* An application for a subpoena may be filed in the office of the Field Commissioner or the examiner before whom the hearing is to be held, in the office of the officer who made the decision appealed from, or in the office of the manager in which a complaint was filed, in which case the officer or manager will forward the application to the Field Commissioner or the examiner, as the case may be. Prior to the referral of a case to an examiner and upon certification by the manager that a complaint has been signed and is a matter of public record in his office, an examiner may upon proper showing and prior to the filing of an answer issue subpoenas as provided in paragraph (a) of this section.

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8631; Filed, July 19, 1968; 8:46 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4480]

[Colorado 2519]

COLORADO

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of September 20, 1918, creating Stock Driveway No. 41, Colorado No. 8, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 9 N., R. 89 W.,
Sec. 21, lots 15 and 16.

Containing 79.24 acres.

2. Until 10 a.m. on January 12, 1969, the State of Colorado shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 12, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the regulations in 43 CFR 3400.3.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colo.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8609; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4481]

[Sacramento 076440]

CALIFORNIA

Partial Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The orders of the Bureau of Reclamation dated July 6, 1936, June 3, 1942, November 21, 1946, October 23, 1947, February 19, 1952, and September 25, 1954, concurred in by the Bureau of Land Management on July 7, 1936, June 3, 1942, December 10, 1946, November 6, 1947, February 27, 1952, and October 21, 1955, respectively, withdrawing lands for the Central Valley Project, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 5 W.,
Sec. 3, lots 3, 4, 5, 7, 8, 9, 10, 11, 12, and 13, except any portion in M.S. 4513;
Sec. 4 lots 16, 17, 18, 19, 24, and 25;
Sec. 6, lots 6, 7, 11, 12, 13, 18, and 22, and NE¼SW¼;
Sec. 8, lots 7, 8, 9, 10, 11, 16, and 17;
Sec. 9, lots 1, 8, and 9;
Sec. 10, lots 3 to 17, inclusive, E½NE¼, SW¼NE¼, W½SW¼, NE¼SE¼, and NW¼SE¼;
Sec. 15, lot 2, E½NW¼ and SW¼.
T. 33 N., R. 5 W.,
Sec. 22, S½SW¼NE¼, SE¼NE¼, N½SE¼, and SE¼SE¼;
Sec. 26, W½SW¼ and SW¼NW¼ (lots 2 and 3, and portion M.S. 5823);
Sec. 27, S½S½SW¼;
Sec. 28, E½ and E½W½ (lots 1 to 6, inclusive, and portion M.L. 52);
Sec. 32, E½SE¼ (lots 15 and 22);
Sec. 33, except NW¼NW¼NW¼ and any portion M.L. 38, 39, 48, 49, 50, 51, 52, 53, 56, 57, 58, and M.S. 5803;
Sec. 34, E½NE¼, W½E½NW¼, W½NW¼, and S½ except patented mineral entries;
Sec. 35, NW¼NW¼.

The areas described aggregate approximately 3,100 acres in Shasta County.

2. Until 10 a.m. on January 12, 1969, the State of California shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 12, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the U.S. mining laws (30 U.S.C., Ch. 2), at 10 a.m. on January 12, 1969.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8610; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4482]
[Sacramento 080394]

CALIFORNIA

Interforest Transfers; Exclusion of Lands From Klamath and Shasta National Forests

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and upon the recommendation of the Acting Secretary of Agriculture, it is ordered as follows:

1. The following described privately owned lands are hereby excluded from within the national forests indicated, and the boundaries of said forests are adjusted accordingly;

MOUNT DIABLO MERIDIAN

A. KLAMATH NATIONAL FOREST

T. 44 N., R. 1 E.,
Sec. 6, lots 1 to 5, inclusive, SE¼NE¼, and NE¼SE¼.
T. 45 N., R. 1 E.,
Sec. 8, W½.
T. 43 N., R. 1 W.,
Sec. 10, W½NW¼.
T. 44 N., R. 1 W.,
Sec. 29, SW¼SW¼;
Sec. 32, W½NW¼.
T. 45 N., R. 1 W.,
Sec. 18, lots 3 and 4.
T. 44 N., R. 2 W.,
Sec. 24, W½NE¼.
T. 45 N., R. 2 W.,
Sec. 1, lots 3 and 4, and N½NE¼SW¼;
Sec. 2, W½ lot 3 and lot 4;
Sec. 8, SW¼SE¼;
Sec. 10, E½ and NE¼NW¼;
Sec. 11;
Sec. 12, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 14, W½E½ and W½;
Sec. 15, N½, N½SE¼, and SE¼SE¼;
Sec. 16, E½NE¼;
Sec. 24, N½NW¼.
T. 45 N., R. 3 W.,
Sec. 23, E½;
Sec. 24, NW¼SW¼ and S½SW¼.
T. 46 N., R. 3 W.,
Sec. 32, SW¼NE¼.
T. 45 N., R. 4 W.,
Sec. 35, NW¼.
T. 46 N., R. 4 W.,
Sec. 26, N½N½.

B. SHASTA NATIONAL FOREST

T. 44 N., R. 1 E.,
Sec. 1, SW¼NW¼.
T. 43 N., R. 1 W.,
Sec. 1, N½NE¼ (lots 1 and 2), SW¼NE¼, and NW¼SE¼.
T. 44 N., R. 1 W.,
Sec. 8, SE¼.
T. 45 N., R. 1 W.,
Sec. 20, W½NW¼.
T. 44 N., R. 2 W.,
Sec. 24, SE¼NW¼, and NE¼SW¼;
Sec. 25, E½ and SW¼.
T. 47 N., R. 4 W.,
Sec. 24, NE¼.

The areas described aggregate approximately 5,248 acres of nonpublic lands.

2. The following described lands within the exterior boundaries of the Shasta National Forest are hereby transferred to the Klamath National Forest.

MOUNT DIABLO MERIDIAN

T. 42 N., R. 1 E.,
Sec. 8, those parts lying north of the Klamath River-McCloud River divide.
T. 44 N., R. 1 E.,
Sec. 6, SE¼SE¼.
T. 43 N., R. 3 E.,
Sec. 18, those parts lying north of the Klamath River-McCloud River divide (partially unsurveyed).
T. 42 N., R. 1 W.,
Sec. 29, those parts lying north of the Klamath River-McCloud River divide.
T. 43 N., R. 1 W.,
Sec. 10, E½NW¼.
T. 45 N., R. 2 W.,
Sec. 8, NE¼SE¼;
Sec. 16, W½NE¼;
Sec. 31, W½W½ (lots 1, 2, 3, and 4), SE¼SW¼, and SW¼SE¼.
T. 43 N., R. 3 W.,
Secs. 30 and 31, those parts lying north of the Weed-Klamath Falls Highway.
T. 45 N., R. 3 W.,
Sec. 23, W½;
Sec. 24, SE¼.
T. 46 N., R. 3 W.,
Sec. 32, SE¼NE¼.
T. 45 N., R. 4 W.,
Sec. 27, NW¼.
T. 46 N., R. 4 W.,
Sec. 12;
Sec. 13;
Sec. 26, S½N½.

3. The following listed lands within the exterior boundaries of the Klamath National Forest transferred from the Shasta National Forest by Public Land Order No. 1327 of August 21, 1956, are hereby transferred to the Shasta National Forest.

T. 43 N., R. 1 E.,
Sec. 25, those parts lying south and east of the Klamath River-McCloud River divide.
T. 43 N., R. 2 E.,
Secs. 16, 19, 20, 29, and 30, those portions lying south of Klamath River-McCloud River divide;
Sec. 28, those portions lying north of the Klamath River-McCloud River divide;
Secs. 31 and 32, those portions lying north of the Klamath River divide.
T. 42 N., R. 1 W.,
Sec. 13, any portion of NW¼NW¼ lying south of the Klamath River-McCloud River divide.

The exterior boundaries of the forests involved are hereby adjusted in accordance with the transfers made by this order, and any transferred land now having a national forest status shall become a part of the forest to which it is transferred.

The order shall not be construed as giving a national forest status to any lands which do not now have such status, or as changing the status of any lands which now have a national forest status.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8611; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4483]

[N–2171]

NEVADA

Addition to National Forest

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g–1), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Toiyabe National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 19 E.,
Sec. 16, SE¼NE¼, W½SE¼.

The area described contains 120 acres in Washoe County, Nev.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68–8612; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4484]

[Montana 072057]

MONTANA

Withdrawal for Protection of Civil Works Project

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands within the Kootenai National Forest, are hereby withdrawn from appropriation under the U.S. mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for the protection of facilities of the Libby Dam Project:

PRINCIPAL MERIDIAN MONTANA

T. 33 N., R. 25 W.,
Sec. 1, lots 1, 2, and 3, S½NE¼, SE¼NW¼, and SE¼;
Sec. 6, lots 3, 4, 5, 8, and 9, SE¼NW¼.

T. 34 N., R. 25 W.,
Sec. 20, E½SE¼SW¼, E½SW¼SE¼SW¼, NE¼SE¼, S½S½NW¼SE¼, and S½SE¼;
Sec. 21, S½;
Sec. 22, S½SW¼;
Sec. 25, W½SW¼SW¼ and E½SE¼SW¼;
Sec. 26, S½NW¼ and S½;
Sec. 27, N½ and N½SE¼;
Sec. 28, N½N½;
Sec. 29 NE¼, NE¼NE¼NW¼, NE¼NW¼NE¼NW¼, S½NW¼NE¼NW¼, S½NE¼NW¼, E½SW¼NW¼, SE¼NW¼, N½NE¼SW¼, NE¼NW¼SW¼, and S½NW¼NW¼SW¼;
Sec. 31, lots 1 and 2, E½NW¼, E½SE¼, and E½W½SE¼;
Sec. 32, SW¼NW¼;
Sec. 35, NE¼ and E½SE¼.

T. 33 N., R. 26 W.,
Sec. 1, SE¼NE¼, E½SE¼, NW¼SE¼, and NE¼SW¼;
Sec. 12, NE¼;
Sec. 13, SW¼NW¼;
Sec. 14, SE¼NE¼ and NE¼SE¼;
Sec. 21, W½SE¼ and SE¼SE¼;
Sec. 22, S½NW¼, S½SW¼, and N½SE¼;
Sec. 27, W½NW¼ and SW¼SW¼;
Sec. 28, NE¼, N½SE¼, and SW¼SE¼;
Sec. 33, NW¼NE¼ and SW¼SE¼;
Sec. 34, SW¼NW¼ and SW¼SW¼.

T. 32 N., R. 26 W.,
Sec. 5, W½E½ and W½;
Sec. 6, E½E½;
Sec. 7, E½E½;
Sec. 8, W½E½ and W½;
Sec. 17, W½E½ and W½;
Sec. 18, E½E½;
Sec. 19, E½E½;
Sec. 20, W½E½ and W½ less HES 802;
Sec. 29, W½E½ and W½ less HES 802;
Sec. 30, E½E½ less HES 802;
Sec. 31, E½E½;
Sec. 32, W½E½ and W½.

T. 31 N., R. 26 W.,
Sec. 5, lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 8, W½E½ and E½W½;
Sec. 16, W½SW¼;
Sec. 20, E½NE¼;
Sec. 27, W½NW¼ and NW¼SW¼;
Sec. 28, E½NW¼ and NE¼SE¼.

T. 30 N., R. 26 W.,
Sec. 3, lots 3 and 4;
Sec. 4, lots 1, 2, 3, 4, 5, and 6, S½NE¼, SE¼NW¼, and NE¼SW¼;
Sec. 8, lots 1, 2, 3, 4, 5, and 6, SE¼NW¼, and NE¼SW¼;
Sec. 18, lot 3.

T. 30 N., R. 27 W.,
Sec. 22, NW¼NE¼, N½NW¼, and SW¼NW¼.

T. 29 N., R. 27 W.,
Sec. 17, lot 2, NE¼NW¼.

T. 37 N., R. 27 W.,
Sec. 5, lot 5;
Sec. 30, lot 4.

T. 32 N., R 28 W.,
Sec. 5, lots 6, 7, and 9, SE¼SW¼, and SW¼SE¼;
Sec. 6, lots 3 and 4, S½NW¼, SW¼, E½SE¼, N½NW¼SE¼, and SW¼SE¼;
Sec. 7, lots 1 and 4, SW¼NE¼, NW¼NW¼, NW¼SW¼NW¼, S½S½NW¼, N½SW¼, N½NE¼SW¼SW¼, SW¼NE¼SW¼SW¼, NW¼SW¼SW¼, N½SW¼SW¼SW¼, and SW¼SW¼SW¼SW¼;
Sec. 8, lot 2, W½NE¼, and SE¼NW¼;
Sec. 18, lot 5, E½E½, SE¼SW¼, and SW¼SE¼ excluding HES 828 and 1217;
Sec. 19, lot 1.

T. 33 N., R. 28 W.,
Sec. 7, lots 7 and 8, NW¼;
Sec. 17, lots 1, 2, 3, 4, and 5, NE¼SW¼;
Sec. 18, lots 6, 7, 9, and 10, NW¼NE¼, S½N½NW¼SW¼, S½NW¼SW¼, and S½SW¼;
Sec. 19, W½W½SW¼NE¼, W½, NE¼SE¼, NW¼NE¼NW¼SE¼, S½NE¼NW¼SE¼, W½NW¼SE¼, SE¼NW¼SE¼, SW¼SE¼, W½SE¼SE¼, and SE¼SE¼SE¼;
Sec. 20, lots 7, 8, 9, and 10, N½NE¼NW¼, SE¼NE¼NW¼, SW¼SW¼NW¼SE¼, NE¼NW¼SE¼, and N½NW¼NW¼SE¼;
Sec. 21, lots 3, 4, and 5, NE¼SW¼;
Sec. 26, SE¼NE¼, N½NE¼SE¼, E½SW¼SE¼, and S½SE¼SE¼;
Sec. 27, lots 1, 2, 5, and 6, E½NW¼NE¼, SW¼NW¼NE¼, SE¼NW¼, and E½SW¼;
Sec. 28, SE¼NE¼ and E½SE¼;
Sec. 34, lots 2, 6, and 7, E½NW¼, SW¼NW¼, W½NW¼NW¼, E½E½NW¼NW¼, W½SW¼, and E½SE¼;
Sec. 35, E½.

T. 33 N., R. 29 W.,
Sec. 2, lots 1 and 2, E½ lot 3, S½NE¼, E½SE¼NW¼, E½SW¼SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 3, lots 4, 5, 6, and 7, W½E½, W½SE¼SE¼, SW¼NE¼SE¼SE¼, W½SE¼SE¼SE¼, and SE¼SE¼SE¼SE¼;
Sec. 10, lots 1 and 2, S½NE¼;
Sec. 11, SW¼NW¼, SW¼, S½SE¼ (lots 4, 5, and 7, NW¼SE¼, SE¼NW¼ less Patents 978134, 855379);
Sec. 12, lots 1, 2, 7, 8, and 9, SW¼NE¼, SW¼SW¼ (lots 12, 13, 14 less Patents 855379, 775404);
Sec. 13, lots 1, 2, 3, and 4, W½NE¼, NW¼, and W½SE¼ less Patent 775404;
Sec. 24, lots 1 and 2.

T. 34 N., R. 29 W.,
Sec. 1, lots 3 and 4, S½NW¼, and W½SW¼;
Sec. 2 (lots 2, 3, 4, 8, and 9, NW¼SW¼ less Patents 876899, 891576, 935413) and lots 13 and 14, SW¼SW¼, E½SE¼NE¼, E½W½SE¼NE¼, E½E½SE¼, and E½W½E½SE¼;
Sec. 3 (lot 1, SE¼NE¼, NE¼SE¼ less Patent 891576) lots 2, 3, and 4, S½NW¼, SW¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 4, lots 1 and 2, S½NE¼;
Sec. 10, E½E½;
Sec. 11 (lots 2 and 3, less Patent 935413) and lots 6, 7, and 8, W½W½, E½E½E½, and E½W½E½E½;
Sec. 12, W½W½;
Sec. 14, lots 2, 3, 4, 13, and 14, E½E½E½, E½W½NE¼NE¼, W½NW¼, NW¼SW¼, W½SW¼SW¼, W½E½SW¼SW¼, E½W½NE¼SE¼, E½E½SW¼SE¼, and W½SE¼SE¼;
Sec. 15, E½E½;
Sec. 22, NE¼, W½SE¼, W½E½SE¼, W½E½NE¼SE¼, and W½NE¼SE¼SE¼;
Sec. 23, lots 4, 10, 12, 13, 14, and 15, E½E½, E½E½NW¼NE¼, SW¼NE¼, W½NE¼NW¼NW¼, W½NW¼NW¼, W½NW¼SW¼NW¼, E½W½SW¼SW¼, E½NW¼SE¼, E½SW¼NW¼SE¼, and SW¼SE¼;
Sec. 26, lots 4 and 5, W½E½, and E½E½NE¼NW¼;
Sec. 27, W½NE¼NE¼, W½NE¼, W½W½SE¼NE¼, E½NW¼, SW¼, W½NW¼NE¼SE¼, NW¼SE¼, N½SW¼SE¼, SW¼SW¼SE¼, N½SE¼SW¼SE¼, and SW¼SE¼SW¼SE¼;
Sec. 34, N½NW¼NE¼, NW¼, W½SW¼, SE¼SW¼, SW¼NW¼SE¼, W½SE¼NW¼SE¼, W½SW¼SE¼, and W½E½SW¼SE¼;
Sec. 27, lots 1, 2, 3, 4, and 5, W½NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 28, N½NE¼, N½S½NE¼, E½SE¼SW¼NE¼, S½SE¼NE¼, N½NE¼SE¼, N½S½NE¼SE¼, SW¼SW¼NE¼SE¼, E½NE¼NW¼SE¼, SE¼NW¼SE¼, and lot 2;
Sec. 29, lot 6, N½NE¼NE¼NE¼, W½NW¼NW¼, SW¼NW¼, W½NW¼SE¼NW¼, SW¼SE¼NW¼, SW¼, and SW¼SE¼;
Sec. 30, N½N½ and S½NE¼;
Sec. 32, N½NE¼ and SE¼NE¼;
Sec. 33, lots 2, 3, and 7, SW¼NW¼, SW¼, and SW¼SE¼;
Sec. 34, W½E½, NE¼SW¼NW¼, SE¼NW¼, and E½SW¼.

T. 35 N., R. 28 W.,
Sec. 4, lots 1, 2, 3, 4, 5, and 6, S½NW¼, and that part HES 278 in NW¼;
Sec. 5, lots 1, 2, 3, 4, and 5, S½NE¼, SW¼, and that part HES 278 in NE¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, SE¼NW¼, and SE¼SE¼;
Sec. 7, lots 1, 2, 3, 4, and 5, N½NE¼, SE¼NW¼, and E½SW¼;
Sec. 30, lots 3 and 4, E½SW¼;
Sec. 31, lots 1 and 2, E½NW¼.

T. 36 N., R. 28 W.,
Sec. 2, lot 4;
Sec. 3, lots 2, 3, 4, 6, 7, and 8, S½NW¼, SW¼, and S½NW¼SE¼;
Sec. 9, N½, N½S½, S½SW¼, and SW¼SE¼;
Sec. 10, lots 3 and 11, NW¼NW¼;
Sec. 12, W½SW¼;
Sec. 15, lot 5;
Sec. 16, lots 1, 2, 3, 4, 6, 7, 8, and 9, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 17, E½;
Sec. 20, all;
Sec. 21, lot 3, NW¼NW¼;
Sec. 22, SE¼NE¼, SW¼NW¼, and S½;
Sec. 23, lots 1, 5, 6, and 7, SE¼NE¼, SE¼, and SE¼SW¼;
Sec. 29, lot 6, NW¼NE¼, and W½;
Sec. 31, lots 3, 4, and 5, E½SW¼, N½SE¼, and SW¼SE¼;
Sec. 32, lots 1 through 9, NW¼NW¼, E½SE¼, and SW¼SE¼;
Sec. 33, N½SE¼, SW¼SE¼, W½W½, and E½SW¼.

T. 37 N., R. 28 W.,
Sec. 12, lots 2, 3, 6, and 7, W½NW¼, SE¼NW¼, and SW¼;
Sec. 13, W½NE¼, NW¼, and E½SW¼;
Sec. 24, SW¼;
Sec. 25, lots 4 and 5, NW¼;
Sec. 26, E½SW¼ and E½SE¼;
Sec. 35, N½NE¼, SW¼NE¼, W½NW¼SE¼, SE¼NW¼SE¼, and SW¼SE¼.

T. 29 N., R. 29 W.,
Sec. 4, lot 2, SE¼SE¼;
Sec. 22, SW¼NE¼ and W½SE¼.

T. 30 N., R. 29 W.,
Sec. 4, lots 4, 5, and 6, SE¼NW¼, and SW¼;
Sec. 8, lots 2, 3, and 4, SW¼NE¼, S½SW¼, and SE¼;
Sec. 18, lot 9, NE¼SW¼, and N½SE¼;
Sec. 34, W½NW¼.

T. 31 N., R. 29 W.,
Sec. 1, lot 4, SW¼NW¼, and W½SW¼;
Sec. 2, N½SE¼ and SE¼SE¼;
Sec. 3, lots 1 and 2, SE¼NE¼, and E½SE¼;
Sec. 4, lots 1, 2, and 3, S½NE¼, SE¼NW¼, and S½;
Sec. 8, E½NE¼NE¼, SW¼SW¼NW¼NE¼, W½NE¼SW¼NE¼, W½SW¼NE¼, SE¼SW¼NE¼, E½SE¼NE¼, SW¼SE¼NE¼, and SE¼;
Sec. 10, NE¼NE¼, E½E½NW¼NE¼, and SW¼NE¼;
Sec. 11, NE¼ and W½;
Sec. 12, W½NW¼;
Sec. 15, all;
Sec. 16, lots 2, 3, 6, and 7, W½;
Sec. 22, S½NW¼ and W½SW¼;
Sec. 27, W½ and N½NE¼;
Sec. 28, lots 2, 3, 6, 7, and 8, NW¼, N½SW¼, and SW¼SW¼;
Sec. 32, E½E½, SE¼SW¼, and SW¼SE¼;
Sec. 34, N½NW¼.

T. 32 N., R. 29 W.,
Sec. 1, SE¼;
Sec. 10, N½SW¼ and SE¼;
Sec. 11, S½;
Sec. 12, NE¼ and S½;
Sec. 13, lots 1, 3, 4, 5, and 6, N½N½, and NE¼SW¼;
Sec. 14, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, N½SE¼SW¼, SW¼SE¼SW¼, and NW¼SE¼;
Sec. 15, N½;
Sec. 22, lot 1, E½NE¼, N½SE¼, and E½SW¼SE¼;
Sec. 23, lots 1, 2, 6, and 7, N½NW¼, and SW¼NW¼;
Sec. 24, lots 1 and 3, NE¼, and N½SE¼;
Sec. 25 (all except platted area of Worland Heights, except lots 40 and 44; less Patents 54116, 1224, 1273), NE¼, S½NW¼, N½N½SW¼, S½S½SW¼, S½N½SE¼SW¼, NE¼SE¼, N½NW¼SE¼, and S½SE¼;
Sec. 35, lot 6, W½E½, E½E½SW¼, E½W½NE¼SW¼, E½NW¼SE¼SW¼, and NE¼SW¼SE¼SW¼.

T. 35 N., R. 29 W.,
Sec. 1, lot 5, SW¼, N½SE¼, and SW¼SE¼;
Sec. 11, SE¼;
Sec. 12, lots 1 through 12 inclusive, N½NW¼, SW¼NW¼, and SE¼SE¼;
Sec. 13, lots 1, 2, 3, 4, and 5, NE¼, SE¼NW¼, E½SW¼, and SW¼SW¼;
Sec. 14, lots 1, 2, 3, 4, 5, and 6, NW¼NE¼, and E½W½;
Sec. 23, lots 1 to 9 inclusive, NE¼NW¼, and W½W½;
Sec. 24, lot 1, NW¼, N½SW¼, and SE¼SW¼;
Sec. 25, lots 1 to 7 inclusive, E½E½, and NW¼NE¼;
Sec. 26, lots 1 to 5 inclusive, SW¼NE¼, W½NW¼, SE¼NW¼, SW¼, and W½SE¼;
Sec. 33, lots 3 and 4, N½SE¼;
Sec. 34, lots 1 to 4 inclusive, N½S½;
Sec. 35, lots 1 to 4 inclusive, NE¼, N½SW¼, and NW¼SE¼;
Sec. 36, lots 1 to 9 inclusive, SE¼SW¼.

The areas described aggregate approximately 43,263.21 acres in Lincoln and Flathead Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, nor does it alter the jurisdiction of the Secretary of Agriculture over the lands for purposes other than construction, operation and maintenance of the Libby Dam Project. The terms and conditions for utilization of the lands for the construction and maintenance of the Libby Dam Project facilities by the Corps of Engineers will be governed by the Memorandum of Agreement entered into by the Department of Agriculture and the Department of the Army, dated August 13, 1964, as may be amended or supplemented.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8613; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4485]

[Sacramento 080021]

CALIFORNIA

Withdrawal for National Forest Roadside Zones

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, and to the provisions of existing withdrawals, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SIERRA NATIONAL FOREST

MOUNT DIABLO MERIDIAN

A strip of land 200 feet wide on each side of the centerline of the hereinafter identified highways through the following legal subdivisions:

Yosemite Highway, California State Highway No. 41

T. 5 S., R. 21 E.,
Sec. 13, lots 6 and 7;
Sec. 35, SW¼SW¼.

T. 6 S., R. 21 E.,
Sec. 2, lot 4 and SE¼NW¼;
Sec. 13, S½SW¼;
Sec. 23, E½SE¼.

Forest Highway No. 74

T. 7 S., R. 22 E.,
Sec. 5, lot 9;
Sec. 8, NW¼NE¼;
Sec. 9, S½SE¼NW¼, N½NE¼SW¼, SE¼NE¼SW¼, NW¼SE¼, E½SW¼SE¼, W½SE¼SE¼ and SE¼SE¼SE¼;
Sec. 10, SW¼SW¼SW¼;
Sec. 14, W½W½, S½SE¼SW¼, and SW¼SW¼SE¼;
Sec. 15, S½NE¼NE¼, SE¼NE¼, W½NW¼, and SE¼NW¼;
Sec. 16, NE¼NE¼;
Sec. 23, S½NE¼ and E½SE¼;
Sec 24, SW¼NW¼SW¼ and W½SW¼SW¼;
Sec. 25, NW¼NW¼ and E½SW¼;
Sec. 36, W½E½ and NE¼NE¼NW¼.

T. 8 S., R. 22 E.,
Sec. 1, lot 2 and E½SW¼NE¼.

T. 8 S., R. 23 E.,
Sec. 6, S½ of lot 6, and lot 7;
Sec. 18, lot 2, NE¼SW¼ and W½SE¼SW¼.

The Mammoth Road

T. 8 S., R. 23 E.,
Sec. 25, S½NW¼NE¼;
Sec. 33, E½NW¼SE¼;
Sec. 36, W½SW¼NW¼ and NW¼SW¼.

T. 9 S., R. 23 E.,
Sec. 2, lot 4;
Sec. 3, SE¼NE¼.

T. 6 S., R. 24 E.,
Sec. 1, lot 11 and N½NE¼SE¼;
Sec. 3, SE¼SE¼;
Sec. 9, SE¼NE¼.

T. 6 S., R. 24 E.,
Sec. 10, S½NE¼, SW¼NW¼, N½SW¼, and NW¼SE¼;
Sec. 11, N½N½;
Sec. 16, SE¼SE¼;
Sec. 29, SW¼NW¼;
Sec. 30, NE¼NE¼ and W½W½SE¼;
Sec. 31, W½NE¼, W½NE¼SE¼, NW¼SE¼, and SE¼SE¼.

T. 7 S., R. 24 E.,
Sec. 5, SW¼NW¼SW¼ and SE¼SW¼;
Sec. 8, W½NE¼NE¼, NW¼NE¼, and W½E½SE¼;
Sec. 16, SE¼NW¼;
Sec. 17, NE¼NE¼;
Sec. 20, SE¼;
Sec. 21, N½NE¼, SW¼NE¼, NW¼SW¼, and NE¼SE¼ partly unsurveyed;
Sec. 33, W½NE¼ and NE¼SW¼.

T. 8 S., R. 24 E.,
Sec. 4, lot 4 and SE¼SW¼;
Sec. 9, SW¼NW¼;
Sec. 17, NE¼SE¼;
Sec. 19, lot 4 and SE¼SW¼;
Sec. 20, SW¼SW¼;
Sec. 21, SE¼NW¼ and NE¼SE¼.

T. 5 S., R. 25 E.,
Sec. 19, E½SE¼ and SW¼SE¼;
Sec. 30, NE¼NE¼, W½NE¼, SE¼NW¼, and E½SW¼.

The areas described aggregate 848 acres in Mariposa and Madera Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of

their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8614; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4486]

[Washington 04492]

WASHINGTON

Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of September 12, 1905, December 22, 1905, January 28, 1910, and April 21, 1920, withdrawing lands for the Yakima Project, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 11 N., R. 22 E.,
Sec. 34, N½ and SE¼.
T. 8 N., R. 23 E.,
Sec. 9 (SE¼SE¼).
T. 10 N., R. 23 E.,
Sec. 4 (lot 2, SW¼NE¼), and S½SE¼.
T. 9 N., R. 27 E.,
Sec. 8 (lot 3).
T. 8 N., R. 29 E.,
Sec. 6, S½NE¼;
Sec. 14 (NW¼).

The areas described aggregate 921.83 acres in Benton and Yakima Counties, of which 201.83 acres are public lands, and 720 acres are patented lands. The public lands are designated by parentheses.

2. Until 10 a.m. on January 12, 1969, the State of Washington shall have a preferred right of application to select the public lands as porvided by R.S. 2276, as amended (43 U.S.C. 852). After that time, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 12, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the U.S. mining laws at 10 a.m. on January 12, 1969. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8615; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4487]

[Wyoming 2938]

WYOMING

Powersite Cancellation No. 259; Partial Cancellation of Powersite Classification No. 374

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, note), and in section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-158-Wyoming, it is ordered as follows:

1. The departmental order of March 23, 1945, creating Powersite Classification No. 374, is hereby canceled so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

MEDICINE BOW NATIONAL FOREST

T.12 N., R. 82 W.,
Sec. 10, SW¼SE¼;
Sec. 14, SE¼NW¼ and SW¼NE¼;
Sec. 15, NE¼NE¼ and SE¼NW¼.

The areas described aggregate approximately 200 acres in Carbon County.

2. At 10 a.m. August 20, 1968, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8616; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4488]

[N-2326]

NEVADA

Addition to National Forest

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Toiyabe National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 18 E.,
Sec. 32, N½SW¼.

The area described contains 80 acres in Washoe County, Nev.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8617; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4489]

[Sacramento 611]

CALIFORNIA

Revocation of Public Land Order No. 876

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 876 of December 10, 1952, which withdrew the following described public lands for use of the Department of the Navy in connection with a bombing target site, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 6 S., R. 5 E.,
Sec. 22, NE¼;
Sec. 24, NW¼SW¼, S½SW¼.

The areas described aggregate 280 acres in Stanislaus and Santa Clara Counties. The lands lie on the south slope of Adobe Canyon, in a generally steep and rocky area.

2. The State of California has waived the preference right of application granted certain States by R.S. 2276, as amended (43 U.S.C. 852).

3. At 10 a.m. on August 20, 1968, the lands shall be open to operation of the public land laws generally, including locations under the mining laws, and to applications and offers under the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 20, 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, Sacramento, Calif.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8618; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4490]

[Arizona 035768]

ARIZONA

Modification of Public Land Order No. 317 To Permit Grant of Right-of-Way

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 317 of April 15, 1946, as amended by Public Land Order No. 922 of October 20, 1953, reserving

lands for development under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), is hereby modified to the extent necessary to permit the granting of a right-of-way under section 2477, U.S. Revised Statutes (43 U.S.C. 932), to Pima County, Ariz., over the following described lands, as delineated on a map filed by the Pima County Highway Department, with the Bureau of Land Management in Arizona 035768, for construction of a public road:

GILA AND SALT RIVER MERIDIAN

T. 15 S., R. 13 E.,
Sec. 4, lots 13 to 32, inclusive

Containing approximately 8.04 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8619; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4491]

[Oregon 3048]

OREGON

Revocation of Public Land Order No. 238

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 238 of June 22, 1944, which withdrew the following described land for use of the Navy Department as part of a malaria recuperation camp for Marine Corps casualties, is hereby revoked:

WILLAMETTE MERIDIAN

T. 38 S., R. 9 E.,
Sec. 15, SE¼SE¼.
Containing 40 acres.

The public land has been declared to be "property" within the meaning of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471), as amended.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8620; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4492]

[Montana 1418]

MONTANA

Withdrawal for National Forest Administrative Site and Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands in the Kaniksu National Forest, are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

PRINCIPAL MERIDIAN

T. 24 N., R. 31 W.,
Sec. 6, lots 6 and 7 and NE¼SW¼.

The areas described aggregate 105.83 acres in Sanders County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8621; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4493]

[Nevada 656]

NEVADA

Addition to Forest Service Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

MOUNT DIABLO MERIDIAN

BAKER ADMINISTRATIVE SITE (ADDITION)

T. 13 N., R. 70 E.,
Sec. 9, N½NW¼SE¼NW¼, SE¼NW¼SE¼NW¼, SW¼SE¼NW¼, SW¼SE¼SE¼NW¼.

The areas described aggregate 20 acres in White Pine County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8622; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4494]

[Anchorage 599]

ALASKA

Partial Revocation of Public Land Order No. 1634 of May 9, 1958

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1634 of May 9, 1958, which established the Kodiak National Wildlife Refuge, is hereby revoked so far as it affects the following described lands:

OLD HARBOR

Beginning at meander Corner No. 6, U.S. Survey No. 4656; thence north 181 feet along a portion of line 6-7, U.S. Survey No. 4656; thence N. 0°55'30" E., 1,420.51 feet; thence N. 41°30' E., 2,399.33 feet; thence S. 48°30' E., 6,800 feet to the line of mean high tide of Sitkalidak Strait; thence with meanders along the northerly shore of Sitkalidak Strait to point of beginning.

The area described contains 302.65 acres.

2. The land is within the boundaries of the Trustee Townsite of Old Harbor, Alaska, as established under sections 2387, 2388, and 2389 of the Revised Statutes, as amended (43 U.S.C. 718, 719, 720).

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8623; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4495]

[Anchorage 655]

ALASKA

Partial Revocation of Executive Order No. 6039

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Executive Order No. 6039 of February 20, 1933, which reserved lands in Alaska for use of the War Department as a radio station, is hereby revoked so far as it affects the following described lands:

KODIAK

Commencing at corner No. 9 of the U.S. Military Reserve Survey, said corner being south 571.10 feet from corner No. 16 of U.S. Survey 562 (Erskine Subdivision), thence N. 55°17' E. along southerly boundary of U.S. Military Reserve Survey 621.27 feet to a point, said point being the true point of beginning for this description; thence continuing N. 55°17' E. along said boundary 600.30 feet to a point; thence N. 34°43' west 460 feet to a point on the boundary of a parcel of land previously returned to the jurisdiction of the Bureau of Land Management, on January 31, 1963; thence S. 43°39'27" west along said boundary 351.97 feet to a point; thence south 475 feet, more or less, to the point of beginning.

Containing approximately 4.44 acres in the Townsite of Kodiak.

The land has been declared to be "property" within the meaning of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471), as amended.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8624; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4496]

[Sacramento 730]

CALIFORNIA

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

MOUNT DIABLO MERIDIAN

PLUMAS NATIONAL FOREST

Lost Creek Recreation Area

T. 20 N., R. 8 E.,
Sec. 4, S½NW¼ (lot 5) and SW¼;
Sec. 5, S½N½ (lots 4 and 5) and S½S½;
Sec. 8, E½NE¼, SW¼NE¼, E½NW¼, N½SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 9, NE¼NW¼, S½NW¼, and SW¼;
Sec. 16, W½;
Sec. 18, NW¼NE¼ and SE¼SE¼;
Sec. 19, lots 5 to 9, inclusive;
Sec. 20, lots 1 to 5, inclusive, and SW¼NE¼;
Sec. 30, N½NE¼.

Frenchmen Recreation Area

T. 23 N., R. 16 E.,
Sec. 3, SW¼NW¼, N½SW¼, SE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 4, lots 1, 2, 3, S½NE¼, and NE¼SE¼;
Sec. 10, N½NE¼ and SE¼NE¼.
T. 24 N., R. 16 E.,
Sec. 29, S½SE¼;
Sec. 32, W½NE¼, NE¼NW¼, S½NW¼, and N½S½;
Sec. 33, N½S½, SE¼SW¼, and SW¼SE¼.

The areas described aggregate approximately 3,348 acres in Plumas, Yuba, and Butte Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8625; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4497]

[Fairbanks 384]

ALASKA

Withdrawal for School and Hospital Purposes; Partial Revocation of Executive Order of May 4, 1907

By virtue of the authority vested in the Secretary of the Interior by the act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

1. Subject to valid existing rights, the following described lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved as follows:

a. For school purposes, for the education of natives of Alaska:

U.S. Survey No. 2083, Alaska, Tract 4 and all of Tract 5 except that portion withdrawn by paragraph 1(b) of this order.

The areas described aggregate 19.58 acres.

b. For use of the Department of Health, Education, and Welfare for hospital purposes:

U.S. Survey No. 2083, Alaska, Tract 1, Tract 6, and that portion of Tract 5 described as follows:

Beginning at a point which is the intersection of the dividing line between Tracts 5 and 6 of the resurvey of U.S. Survey 2083 and the southerly boundary line of U.S. Survey 2083; thence N. 59°54'40" E., a distance of 150 feet; thence N. 30°05' W., a distance of 150 feet; thence S. 59°55' W., a distance of 194 feet, more or less to a point on the boundary line between Tracts 5 and 6 of said survey; thence along said boundary line approximately S. 45°54' E., a distance of 156 feet more or less, to the point of beginning.

The areas described aggregate 14.96 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

3. The Executive Order of May 4, 1907, which withdrew lands in Alaska for school purposes is hereby revoked so far as it affects the following described lands:

Tracts 2, 3, and 7 of U.S. Survey No. 2083, Kotzebue, Alaska, containing 4.87 acres.

4. The lands described in paragraph 3 hereof are occupied and claimed by settlers who have built valuable improvements thereon, and the lands shall be subject to disposal only under applicable townsite laws.

5. The State of Alaska has waived the preference right of application provided by sectoin 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8626; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4498]

[Idaho 939]

IDAHO

Withdrawal for National Forest Recreation Areas and Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

ST. JOE NATIONAL FOREST

BOISE MERIDIAN

Big Creek Campground

T. 46 N., R. 3 E.,
Sec. 30, SE¼SW¼SE¼NE¼, SW¼SE¼SE¼NE¼, W½NE¼NE¼SE¼, NW¼NE¼SE¼, N½SW¼NE¼SE¼, and NW¼SE¼NE¼SE¼.

Lookout Mountain Lookout

T. 43 N., R. 4 E.,
Sec. 9, SW¼SE¼NE¼SW¼.

Mastodon Mountain Lookout

T. 46 N., R. 4 E.,
Sec. 4, W½SW¼SW¼SW¼;
Sec. 5, E½SE¼SE¼SE¼.

Dunn Peak Lookout

T. 46 N., R. 4 E.,
Sec. 36, SW¼SW¼NE¼NW¼, and SE¼SE¼NW¼NW¼.

Arid Peak Lookout

T. 46 N., R. 5 E.,
Sec. 1, SE¼SW¼NW¼SE¼, and NE¼NW¼SW¼SE¼.

Middle Sister Lookout

T. 44 N., R. 6 E.,
Sec. 12, SE¼NE¼SW¼SW¼, NE¼SE¼SW¼SW¼, SW¼NW¼SE¼SW¼, and NW¼SW¼SE¼SW¼.

Surveyors Ridge Lookout

T. 42 N., R. 7 E.,
Sec. 11, E½NE¼SE¼SE¼.
Sec. 12, W½NW¼SW¼SW¼.

Snow Peak Lookout

T. 43 N., R. 7 E.,
Sec. 30, NW¼SE¼NW¼.

Conrad Peak Lookout

T. 44 N., R. 8 E.,
Sec. 16, E½SE¼SW¼SW¼.

Fly Flat Recreation Area Addition

T. 44 N., R. 8 E.,
Sec. 36, NW¼SE¼NE¼SE¼.

Simmons Lookout

T. 43 N., R. 9 E.,
Sec. 12, SE¼NE¼NW¼SW¼.

St. Joe Lake Campground

T. 42 N., R. 11 E.,
Sec. 4, lots 2 and 3.

Baldy Mountain Lookout

T. 43 N., R. 2 W.,
Sec. 34, E½NE¼SW¼NE¼.

Giant White Pine Campground

T. 42 N., R. 3 E.,
Sec. 2, S½NE¼SW¼SE¼, and SE¼SW¼SE¼;
Sec. 11, N½NE¼NW¼NE¼.

Willow Creek Vista Point

T. 43 N., R. 3 W.,
Sec. 13, NW¼SW¼SE¼, less approximately 1.3 acres occupied by U.S. Highway 95A right-of-way.

The areas described aggregate 207.7 acres in Benewah, Latah and Shoshone Counties, Idaho.

2. The withdrawal made by this order does not alter the applicability of those

public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8627; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4499]

[BLM 049408 (Miss.)]

MISSISSIPPI

Revocation of Public Land Order No. 2709

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 2709 of June 20, 1962, withdrawing the following described nonpublic lands as a part of the Davis Island National Wildlife Refuge, is hereby revoked:

WASHINGTON MERIDIAN

T. 14 N., R. 1 E.,
Prl. sec. 30 (Middle Palmyra Island).

Containing 69.92 acres in Warren County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8628; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4500]

[Arizona 2086]

ARIZONA

Partial Revocation of National Forest Administrative Site Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1195 of July 25, 1955, withdrawing lands for use of the Forest Service, Department of Agriculture, for administrative purposes in connection with the construction and maintenance of public roads is hereby revoked so far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 21 N., R. 7 E.,
Sec. 28, W½NW¼SE¼NW¼ and NW¼SW¼SE¼NW¼.

The areas described aggregate approximately 12.5 acres in Coconnio County.

2. Public Land Order No. 3152 of July 30, 1963, withdrawing lands for use of the Forest Service, Department of Agriculture, for protection of existing forest roads and highways and adjacent roadside zones as amended by Public Land Order No. 3584 of March 31, 1965, is hereby revoked so far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

A strip of land 300 feet on each side of the centerline of the roads through the subdivisions listed below:

T. 17 N., R. 6 E.,
Sec. 7, N½NE¼SE¼ and N½S½NE¼SE¼.

The areas described aggregate approximately 37.50 acres in Coconino County.

3. At 10 a.m. on August 20, 1968, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8629; Filed, July 19, 1968; 8:45 a.m.]

[Public Land Order 4501]

[Idaho 1675]

IDAHO

Revocation of Air Navigation Site Withdrawals, in Whole or in Part

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of January 30, 1942, so far as it withdrew the following described land as Air Navigation Site No. 175, is hereby revoked:

BOISE MERIDIAN

JEROME

T. 7 S., R. 17 E.,
Sec. 23, NE¼NW¼SE¼.

The area described contains 10 acres, located in Jerome County, about 8 miles south of Shoshone. The topography is undulating. The soils are beset with rock outcrops and float rock and are gravelly loam in texture.

2. The departmental order of May 20, 1932, so far as it withdrew the following described land as Air Navigation Withdrawal No. 79, is hereby revoked:

FREEZE OUT MOUNTAIN SITE

T. 6 N., R. 1 W.,
Sec. 29, SE¼NW¼.

The area described contains 40 acres in Gem County, Idaho, about 25 miles northwest of Boise. The topography is steeply undulating. The soils are stony, gravelly loam in texture.

3. Executive Order No. 4806 of February 11, 1928, so far as it withdrew the following described land as an air navigation site is hereby revoked:

HUNTINGTON BEACON SITE

T. 12 N., R. 7 W.,
Sec. 34, SW¼NE¼SE¼SE¼.

The area described contains 2.50 acres in Washington County, Idaho. It is on a bluff overlooking the Snake River about 12 miles northwest of Weiser. The elevation is about 3,575 feet. The shallow, gravelly soil supports a vegetative cover of native grasses and forbs.

4. The departmental order of November 14, 1935, so far as it withdrew the following described land as Air Navigation Site No. 101, is hereby revoked:

DAIRY CREEK BEACON SITE

T. 12 S., R. 34 E.,
Sec. 5, lot 3.

The area described contains 39.53 acres in Oneida County, Idaho, northwest of Malad. The topography is steeply rolling and the soils are a rocky, gravelly loam in texture.

5. At 10 a.m. on August 20, 1968, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 20, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The State of Idaho has waived the preference right of application granted to certain states by R.S. 2276, as amended (43 U.S.C. 852).

6. The lands will be open to location under the U.S. mining laws at 10 a.m. on August 20, 1968. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 15, 1968.

[F.R. Doc. 68-8630; Filed, July 19, 1968; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1000]

PART 1033—CAR SERVICE

Distribution of Refrigerator Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of July 1968.

It appearing, that an acute shortage of mechanical refrigerator cars exists in the areas served by the Southern Pacific Co. and the Union Pacific Railroad Co., and that shippers served by the Southern Pacific Co. and the Union Pacific Railroad Co. are being deprived of such cars required for loading highly perishable products, creating a great economic loss; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such mechanical refrigerator cars owned by the Pacific Fruit Express Co., a wholly owned subsidiary of the Southern Pacific Co. and

the Union Pacific Railroad Co., are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1000 Distribution of refrigerator cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Withdraw from distribution and return to owners empty, except as otherwise provided in subparagraphs (2) and (3) of this paragraph, all mechanical refrigerator cars owned by the Pacific Fruit Express Co. which are listed in the official Railway Equipment Register, ICC R.E.R. 368 issued by E. J. McFarland, or reissues thereof, as having mechanical designations RP or RPL, and numbered in series 100,000 through 456,999.

(2) Pacific Fruit Express Co. refrigerator cars, described in subparagraph (1) of this paragraph, available empty at a station other than a junction with the Southern Pacific Co. or Union Pacific Railroad Co. may be loaded with freight requiring protection from heat or cold if destined to any station on or routed via the Southern Pacific Co. or the Union Pacific Railroad Co.

(3) Pacific Fruit Express Co. refrigerator cars, described in subparagraph (1) of this paragraph, available empty at a junction with the Southern Pacific Co. or with the Union Pacific Railroad Co. must be delivered at that junction to either the Southern Pacific Co. or the Union Pacific Railroad Co., either empty or loaded with freight requiring protection from heat or cold.

(4) Pacific Fruit Express Co. refrigerator cars, described in subparagraph (1) of this paragraph, must not be backhauled empty, or held empty more than 24 hours awaiting placement for loading for the purpose of obtaining a load as authorized in subparagraphs (2) and (3) of this paragraph.

(b) Application: The provisions of this section shall apply to intrastate, interstate and foreign commerce.

(c) Effective date: This section shall become effective at 12:01 a.m., July 17, 1968.

(d) Expiration date: This section shall expire at 11:59 p.m., July 31, 1968, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–8666; Filed, July 19, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1001–1004, 1015, 1016]

[Docket Nos. AO–14–A45, AO–71–A57, AO–293–A20, AO–160–A38, AO–305–A22, AO–312–A17]

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

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

7 CFR part	Marketing areas	Docket No.
1001	Massachusetts-Rhode Island-New Hampshire.	AO–14–A45
1002	New York-New Jersey	AO–71–A57
1003	Washington, D.C.	AO–293–A20
1004	Delaware Valley	AO–160–A38
1015	Connecticut	AO–305–A22
1016	Upper Chesapeake Bay	AO–312–A17

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Conference Room of the Market Administrator's Office, 205 East 42d Street, New York, N.Y., beginning at 9:30 a.m., on July 25, 1968, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid marketing areas.

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

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

Proposed by the New York-New England Dairy Cooperative Coordinating Committee, Interstate Milk Producers Cooperative, Inc., Maryland Cooperative Milk Producers, Inc., and Maryland-Virginia Milk Producers Cooperative, Inc.:

Proposal No. 1. Restore Inter-Regional Class I price alignment by increasing the Class I price level in each of the six Northeastern markets by 26 cents.

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

Proposal No. 2. Increase Class I prices in the New York-New Jersey Order No. 2 marketing area by 8 percent above the levels now established for the period July 1, 1968–April 1, 1969, and raise Class I prices in the Delaware Valley, Connecticut, and Massachusetts-Rhode Island-New Hampshire order area by 5 percent above such levels.

Proposed by the Commissioner of Agriculture of the State of Vermont:

Proposal No. 3. Increase the Class I price in the Massachusetts-Rhode Island-New Hampshire Order No. 1 area at least 5 percent above present levels.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 4. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators of the respective orders at, 230 Congress Street, Boston, Mass. 02110; 205 East 42d Street, New York, N.Y. 10017; 1049 Asylum Avenue, Hartford, Conn. 06105; 1528 Walnut Street, Philadelphia, Pa. 19102; Post Office Box 6848, Townson Station, 20 East Susquehanna Avenue, Baltimore, Md. 21204; Post Office Box 306, 710 South Washington Street, Alexandria, Va. 22313; or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on July 17, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68–8702; Filed, July 19, 1968; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Office of Foreign Direct Investments

[15 CFR Part 1000]

FOREIGN DIRECT INVESTMENT REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that the Office of Foreign Direct Investments proposes to promulgate various amendments to the Foreign Direct Investment Regulations ("the regulations") (15 CFR Part 1000).

Proposed §§ 1000.302 (Foreign national), 1000.304 (Affiliated foreign national), 1000.305 (Direct investor), 1000.307 (Person; corporation), and 1000.322 (Person within the United States) will, when adopted in final form, supersede current §§ 1000.302 (Foreign national), 1000.304 (Direct investor), 1000.305 (Affiliated foreign national), 1000.307 (Person), and 1000.322 (Person within the United States).

Proposed § 1000.325 (Incorporated and unincorporated affiliated foreign nationals) published in proposed form in the FEDERAL REGISTER on April 30, 1968 (33 F.R. 6544), is hereby withdrawn. The substance of that proposed section is incorporated in proposed § 1000.304.

It is also proposed that § 1000.303 (Nationals of more than one country) (33 F.R. 50) be revoked.

Proposed Subpart I (Direct and Indirect Interest; Affiliated, Associated and Family Groups; Ownership of Direct Investors; Rules for Reporting), consisting of §§ 1000.901 through 1000.907, supersedes previously proposed Subpart I (Rules for Affiliated or Associated Groups and persons Indirectly Owning or Acquiring Affiliated Foreign Nationals) published in the FEDERAL REGISTER on April 30, 1968 (33 F.R. 6546–6552). Accordingly, the prior proposal is hereby withdrawn.

When the proposed amendments, including proposed Subpart I, are adopted in final form, they will become effective as of the effective date of the regulations.

Interested persons are invited to submit comments, suggestions, or objections, in writing, to the Chief Counsel, Office of Foreign Direct Investments, U.S. Department of Commerce, Washington, D.C. 20230. All such communications received within 15 days after the publication of this notice in the FEDERAL REGISTER will be considered. Subsequent to such time, the proposed amendments, if adopted, will be published in the FEDERAL REGISTER in final form either as proposed or as modified to give effect to comments received.

Any person who has timely filed Forms FDI–101 and FDI–102 and reported amounts on the basis of the instructions thereto and the provisions of previously proposed Subpart I, which amounts are materially changed because of the provisions of proposed Subpart I as set forth in this notice, shall file amended forms reflecting such changes within 30 days after proposed Subpart I is published in the FEDERAL REGISTER in final form either as proposed or as modified to give effect to comments received. Any amended forms shall clearly refer to prior forms superseded or affected.

The texts of the proposed amendments are as follows:

1. Section 1000.302 is revised to read as follows:

§ 1000.302 Foreign national.

(a) The term "foreign national" means a foreign country (as defined in § 1000.301 (a), (b), and (c)) and any person which is not a person within the United States (as defined in § 1000.322), including a corporation or partnership organized under the laws of a foreign country (as defined in § 1000.304(a)

(1)(i)), a business venture conducted within a foreign country (as defined in § 1000.304(a)(1) (ii) and (iii)), and a foreign bank (as defined in § 1000.317(b)).

(b) Notwithstanding the provisions of paragraph (a) of this section, the Secretary retains full power to determine that any person (or the operations of any person) is a foreign national.

2. Section 1000.304 is revised to read as follows:

§ 1000.304 Affiliated foreign national.

(a) (1) Except as provided in paragraphs (a)(4) and (b) of this section, the term "affiliated foreign national" of a person within the United States includes each of the following in which such person owns, directly or indirectly, a 10 percent interest:

(i) A corporation or partnership organized under the laws of a foreign country (including all business ventures conducted by employees or partners of such corporation or partnership on behalf of such corporation or partnership within any foreign countries assigned to the same Scheduled Area as the country of organization);

(ii) A business venture conducted within a foreign country on behalf of such person within the United States by employees or partners of such person; and

(iii) A business venture conducted on behalf of a corporation or partnership organized under the laws of a foreign country by employees or partners of such corporation or partnership if the business venture is not conducted within a foreign country assigned to the same Scheduled Area as the country of organization.

(2) The term "10 percent interest", when used with respect to any corporation, partnership or business venture referred to in paragraph (a)(1) of this section, means (i) 10 percent or more of the total combined voting power of all outstanding securities of such corporation or (ii) 10 percent or more of the profits interest in such partnership or business venture. Whether a person within the United States directly or indirectly owns a 10 percent interest in a corporation, partnership or business venture referred to in paragraph (a)(1) of this section shall be determined in accordance with the provisions of §§ 1000.901 and 1000.902.

(3) For purposes of this part, the term "incorporated affiliated foreign national" includes a corporation described in paragraph (a)(1)(i) of this section and the term "unincorporated affiliated foreign national" includes a partnership described in paragraph (a)(1)(i) of this section and a business venture described in paragraph (a)(1) (ii) and (iii) of this section.

(4) Notwithstanding the foregoing provisions of this paragraph (a), the Secretary retains full power, with respect to any person within the United States, to determine that any person or business venture is an affiliated foreign national of such person within the United States.

(b) Notwithstanding the provisions of paragraph (a) of this section, a business venture conducted within a foreign country shall not be considered an affiliated foreign national of a person within the United States during any year if (i) the operations of the business venture consist solely of charitable, educational, religious, scientific, literary, or other similar activities not engaged in for profit; (ii) the business venture does not have or involve, at any time during such year, gross assets of more than $50,000 (valued at the greatest of cost, book value, replacement value, or market value); or (iii) the business venture is not reasonably expected to be conducted within one or more foreign countries for more than 12 consecutive months.

(c) If a business venture which is an affiliated foreign national is conducted in one or more foreign countries during any year but is so conducted in more than one Scheduled Area, the Scheduled Area in which the business venture is conducted for the greatest period of time during such year shall, for purposes of this section, be deemed the only Scheduled Area in which the business venture is conducted during such year.

3. Section 1000.305 is revised to read as follows:

§ 1000.305 Direct investor.

The term "direct investor" means any person within the United States which directly or indirectly owns or acquires a 10 percent interest in a corporation or partnership organized under the laws of a foreign country or in a business venture conducted within a foreign country as described in § 1000.304.

4. Section 1000.307 is revised to read as follows:

§ 1000.307 Person; corporation.

(a) The term "person" means an individual, corporation, partnership, business venture, trust, or estate.

(b) The term "corporation" means an organization or entity incorporated under the laws of the United States or a foreign country and any other organization or entity not so incorporated but which is organized under the laws of the United States or a foreign country and has all or a substantial part of the legal characteristics commonly attributed to corporations under the laws of the United States.

5. Section 1000.322 is revised to read as follows:

§ 1000.322 Person within the United States.

(a) The term "person within the United States" means:

(1) An individual who is a resident of the United States;

(2) An individual, wherever residing, who is a citizen of the United States and the center of whose economic interests is located within the United States;

(3) A corporation or partnership organized under the laws of the United States (excluding a branch of such a corporation or partnership if the branch is a separate foreign national under § 1000.302);

(4) A trust (other than a trust which is deemed a corporation under § 1000.307(b)) governed by the laws of the United States if the grantor of the trust is a person within the United States;

(5) An estate, if the decedent was a person within the United States at the time of his death;

(6) A domestic bank (as defined in § 1000.317(a));

(7) An affiliated group (as defined in § 1000.904); and

(8) A family group (as defined in § 1000.904).

(b) Notwithstanding the provisions of paragraph (a) of this section, the Secretary retains full power to determine that any person (or the operations of any person) is a person within the United States.

6. Subpart I is revised to read as follows:

Subpart I—Direct and Indirect Interests; Affiliated, Associated and Family Groups; Ownership of Direct Investors; Rules for Reporting

§ 1000.901 Direct interests.

A direct interest in a person is an interest which is not owned through an intervening person or chain of persons. The amount of a direct interest owned by one person in another person is calculated according to the following rules:

(a) The amount of a direct interest owned by a person in a corporation is such person's percentage ownership of the total combined voting power of all outstanding securities of the corporation. Voting power means the power presently to vote in the election of the directors of the corporation or, if the corporation does not have directors, in the election of those persons performing similar functions.

(b) The amount of a direct interest owned by a person in a partnership, trust, or business venture which is not a corporation is such person's percentage share in the profits of such organization: *Provided*, That if an interest in any such organization shall entitle the owner to a fixed amount out of, rather than a percentage of, profits, or another arrangement is in effect which may cause the interest in profits to vary in accordance with future conditions or contingencies, the interest shall be calculated by reference to the proportion of the profits of the organization actually distributed or distributable to such person at the close of the most recent annual accounting period of the organization.

(c) If the rules set forth in paragraphs (a) or (b) of this section are not applicable to a particular corporation, partnership, trust, or business venture in which such person owns an interest, the amount of the interest shall be calculated by any reasonable method which fairly reflects the amount thereof.

§ 1000.902 Indirect interests.

An indirect interest in a person is an interest owned through ownership of an intervening person or chain of persons. The amount of an indirect interest owned

by one person in another person is calculated by multiplying together the direct interests of each person in the chain in each person in the chain (treating stock of a higher tier corporation held by a lower tier corporation as not outstanding).

§ 1000.903 Affiliated groups.

(a) For purposes of paragraph (b) of this section, an "affiliate" of a person within the United States means any other person (other than an individual) wheresoever located, in which the aggregate of direct interests owned by such person within the United States and any affiliate or affiliates (as herein defined) of such person exceeds 50 percent.

(b) An "affiliated group" means a person within the United States and all of its affiliates which are persons within the United States; such person and such affiliates are members of the affiliated group. Any person which owns a direct or indirect interest in a member of an affiliated group but which is not itself a member thereof shall be deemed to own a direct or indirect interest, as the case may be, in the affiliated group.

(c) For all purposes of this part, the members of an affiliated group shall be considered a single person within the United States.

(d) An affiliated group shall file reports under § 1000.602 in the manner provided in § 1000.907.

§ 1000.904 Family groups.

(a) For all purposes of this part, an individual within the United States, his spouse (unless legally separated), and all relatives of such individual or his spouse residing with such individual shall be considered a single person within the United States.

(b) A family group shall file reports under § 1000.602 in the manner provided in § 1000.907.

§ 1000.905 Associated groups.

(a) An "associated group" consists of two or more persons within the United States (one or all of which may be an affiliated or family group) which, pursuant to an express or implied agreement or understanding, act in concert to own or acquire interests in the same corporation or partnership organized under the laws of a foreign country or in the same business venture conducted within a foreign country: *Provided,* That, the interests are not owned or acquired through a corporation, partnership (other than a joint venture) or trust which is a person within the United States (without regard to whether the corporation, partnership, or trust is organized or created for the purpose of owning or acquiring such interests): *And provided further,* That the aggregate of such interests would, if owned or acquired by only one of such persons, cause such person to be a direct investor in the corporation, partnership, or business venture under § 1000.305.

(b) (1) Notwithstanding the provisions of § 1000.305, each member of an associated group shall be deemed a direct investor in the corporation, partnership, or business venture in which the interests are owned or acquired (hereinafter referred to as the "group affiliated foreign national") for all purposes of this part: *Provided,* That, a person which is a direct investor by virtue of this paragraph (b) (1) but not by virtue of the provisions of § 1000.305 shall not be subject to the provisions of § 1000.203.

(2) Notwithstanding the provisions of § 1000.503, no positive direct investment made during any year by any member of an associated group in a group affiliated foreign national of the associated group shall be authorized by § 1000.503 if the positive direct investments made during the year by all members of the associated group in all such group affiliated foreign national, when added together, exceeds $100,000.

(3) Unless the permission referred to in § 1000.907(c)(2) has been obtained, each member of an associated group shall file separate reports under § 1000.602 in the manner provided in § 1000.907.

§ 1000.906 Ownership of direct investors.

(a) (1) Unless the election provided for in paragraph (b)(1) of this section is made, no direct investment made or foreign balances held before or after the effective date by a direct investor shall be deemed to have been made or held by any other person within the United States because such other person owns or acquires a direct or indirect interest in such direct investor.

(2) A person within the United States which owns a direct or indirect interest in a direct investor may, depending on all the facts and circumstances of the particular case, be deemed to be acting for or on behalf of the direct investor if such person transfers funds or other property to affiliated foreign nationals of the direct investor.

(b) (1) Persons within the United States owning a direct interest in a direct investor may elect not to be governed by the rule set forth in paragraph (a)(1) of this section: *Provided,* That this election shall not be available if such direct investor is an affiliated group or if there are more than 10 persons (whether such persons are persons within the United States or foreign nationals) which own direct interests in such direct investor. An election pursuant to this paragraph (b)(1) as to any direct investor shall be made with the consent of those persons within the United States owning, in the aggregate, a majority in interest of such direct investor. The election shall be evidenced by a document executed by or on behalf of all persons consenting thereto (hereinafter referred to as the "consenting owners") and such document shall be filed promptly after its execution with the Program Reports Division, Office of Foreign Direct Investments, U.S. Department of Commerce, Washington, D.C. 20230.

(2) Notwithstanding the provisions of § 1000.305, if an election pursuant to paragraph (b)(1) is made as to any direct investor (hereinafter referred to in this subparagraph as the "principal direct investor"), each consenting owner shall be deemed a direct investor in every affiliated foreign national of the principal direct investor for all purposes of this part. The entire amount of direct investment made and foreign balances held by the principal direct investor before and after the effective date shall be deemed to have been made or held by the consenting owners. The portion of such foreign balances and direct investment allocable to each such consenting owner shall be a fraction thereof, the numerator of such fraction to be the direct interest in the principal direct investor owned by such consenting owner and the denominator of such fraction to be the aggregate of the direct interests in the principal direct investor owned by all consenting owners.

(3) Once an election is made pursuant to subparagraph (1) of this paragraph, it may not be changed without the permission of the Secretary.

§ 1000.907 Reporting.

(a) Except as provided in paragraph (b)(3) of this section (or unless a specific exemption from reporting is otherwise available) each person within the United States which is a direct investor by virtue of the provisions of §§ 1000.305, 1000.905(b)(1) or 1000.906(b)(2), other than a direct investor as to which an election has been made under § 1000.906 (b)(1), shall file separate reports (including Forms FDI–101 and FDI–102) under § 1000.602.

(b) (1) If a direct investor owns direct interests in one or more other direct investors as to which an election has been made under § 1000.906(b)(1) and such direct investor has consented to the election, the reports filed by the direct investor shall include, in addition to all other required information, the direct investor's fractional share (computed in accordance with § 1000.906(b)(2)) of the amount of foreign balances, direct investment and other items which such other direct investors would have been required to include in their reports if the elections had not been made.

(2) If a direct investor owns indirect interests in one or more other direct investors, or owns direct interests in one or more other direct investors as to which an election has not been made under § 1000.906(b)(1) or as to which such an election has been made but the direct investor has not consented thereto, reports filed by the direct investor shall not include any foreign balances held or direct investment made by such other direct investors during the relevant period before or after the effective date or any other items required to be included in the reports of such other direct investors for such period.

(3) If, by virtue of the provisions of paragraph (b)(2) of this section, a direct investor has no foreign balances or direct investment transactions which are reportable by it for any period before or after the effective date, the direct investor shall not be required to file a Form FDI–101 or FDI–102 for such period.

(c) (1) If a direct investor is a member of one or more associated groups, the reports filed by the direct investor shall include, in addition to all other required information, the net transfers of capital made by the direct investor to all group affiliated foreign nationals during the relevant period, and, if any of the group affiliated foreign nationals are incorporated affiliated foreign nationals as defined in § 1000.304, shall also include the direct investor's proportionate share in the reinvested earnings of such incorporated affiliated foreign nationals during such period. A member of an associated group which is a direct investor under § 1000.905(b)(1) but not under § 1000.305 is not subject to the provisions of § 1000.203, and such member shall not report its foreign balances on Forms FDI–101 or FDI–102.

(2) Notwithstanding the foregoing, one or more members of an associated group may apply to the Secretary for permission to have one member of the group file reports under § 1000.602. on behalf of all members, each such report to reflect the aggregate direct investment transactions of all members with all group affiliated foreign nationals during the relevant period before or after the effective date. The Secretary may make the grant of such application subject to any terms and conditions that he deems necessary.

(d) If a direct investor is an affiliated or family group, the reports filed by the direct investor shall aggregate all foreign balances, direct investment transactions and other reportable items attributable to each member of the group. The group's Forms FDI–101 and FDI–102 shall be filed on behalf of the group by one member thereof. Such member shall also file all other reports, certificates and other documents required to be filed by the group under the provisions of this part.

(Sec. 5, Act of Oct. 6, 1917, 40 Stat. 415 as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47)

CHARLES E. FIERO,
Director, Office of Foreign Direct Investments.

JULY 18, 1968.

[F.R. Doc. 68-8760; Filed, July 19, 1968; 10:31 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33-4914]

SEVERAL REGISTRATION STATEMENTS

Prospectus

Notice is hereby given that the Securities and Exchange Commission has under consideration the proposed amendment of Rule 429 (17 CFR 230.429) under the Securities Act of 1933 (pursuant to sections 10 and 19 of that Act; 48 Stat. 81 and 85, as amended; 15 U.S.C. 77j and 77s). This rule provides that where two or more registration statements are effective for different blocks of securities of the same class a combined prospectus may be used in connection with the offering and sale of the securities covered by all of such registration statements provided the prospectus contains the information with respect to the underwriting and distribution of the securities and the use of the proceeds therefrom which would be required in each prospectus if separate prospectuses were used.

It is proposed to amend the rule to provide that such a combined prospectus may be used even though the securities covered by the several registration statements are not all of the same class. Use of the combined prospectus would not be permitted, however, where the latest registration statement was filed on Form S–14 (17 CFR 239.23). The reason for this is that a prospectus for securities registered on Form S–14 consists of a proxy statement supplemented by certain additional information. Such a prospectus is not deemed suitable for securities other than those for which that form may be used.

Rule 429 would be further amended to provide that where the use of a combined prospectus is permitted, compliance with an undertaking in the latest registration statement to file up-dated prospectuses as posteffective amendments shall be deemed to constitute compliance with similar undertakings in the earlier registration statements. This would permit the filing of such amendments to the latest registration statement without the necessity of amending each of the earlier statements.

The text of § 230.429 of Chapter II of Title 17 of the Code of Federal Regulations as proposed to be amended is as follows:

§ 230.429 Prospectus relating to several registration statements.

(a) Where two or more registration statements have been filed by the same registrant, a prospectus which meets the requirements of the Act and the rules and regulations thereunder for use in connection with the securities covered by the latest registration statement shall be deemed to meet such requirements for use in connection with the securities covered by the earlier registration statements if such prospectus includes all of the information which would be required in a prospectus relating to the securities covered by the earlier statements: *Provided*, That this section shall not apply if the latest registration statement was filed on Form S–14 (§ 239.23 of this chapter).

(b) Where the use of a combined prospectus is permitted by paragraph (a) of this section, compliance with any undertaking contained in the latest registration statement to file as an amendment to such statement any prospectus which purports to meet the requirements of section 10(a)(3) of the Act shall be deemed to constitute compliance with any similar undertaking contained in the earlier registration statements. Any such amendment to the latest registration statement shall indicate the earlier registration statements to which it also relates but copies of the amendment need not be filed with such earlier statements.

All interested persons are invited to submit their views and comments on the proposed rule, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before August 10, 1968. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, July 11, 1968.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8671; Filed, July 19, 1968; 8:49 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 78]

DIRECTOR OF A.I.D. MISSION IN TURKEY

Delegation of Authority Regarding Certain Technical Activities

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1961 (26 F.R. 10608), I hereby delegate, for residual activities in the categories listed below, to the Director of the A.I.D. Mission in Turkey all the authorities held as of November 30, 1967 by the Director of the A.I.D. Mission in Iran:

1. U.S. dollar loans;
2. U.S. dollar grants;
3. Local currency loans (other than Cooley loans); and
4. Counterpart fund grant projects.

Mission Controller functions in connection with these matters are to be performed by the A.I.D. Area Controller/Athens.

This delegation of authority supersedes previous unpublished delegations and shall be deemed effective as of June 26, 1968.

Dated: July 15, 1968.

WILLIAM S. GAUD,
Administrator.

[F.R. Doc. 68-8647; Filed, July 19, 1968; 8:47 a.m.]

[Delegation of Authority 79]

PRINCIPAL U.S. DIPLOMATIC OFFICER IN IRAN

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

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

1. Unpublished Delegation of Authority of January 10, 1955;
2. Delegation of Authority of November 26, 1954, as amened (19 F.R. 8049);
3. Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927).

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

The authority delegated herein may be redelegated to the officer at post principally responsible for A.I.D. activities.

Mission Controller functions are to be performed by A.I.D. Area Controller/Athens.

This delegation of authority shall be deemed effective as of June 26, 1968.

Dated: July 15, 1968.

WILLIAM S. GAUD,
Administrator.

[F.R. Doc. 68-8648; Filed, July 19, 1968; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[443.58]

COMPOUND OPTICAL MICROSCOPES WITH AND WITHOUT MEANS FOR PHOTOGRAPHING IMAGE AND EQUIPMENT IMPORTED FOR USE WITH SUCH MICROSCOPES

Notice of Proposed Classification

JULY 12, 1968.

The Bureau has undertaken a review of the tariff classification of compound optical microscopes with and without means for photographing the image and equipment imported for use with such microscopes. It has tentatively concluded that compound optical microscopes which are specially constructed for microphotography, having built-in or permanently affixed means for photographing the image, are classifiable under the provision for Compound optical microscopes * * * with means for photographing * * * the image * * *: * * *: Other, in item 708.76, Tariff Schedules of the United States (TSUS), and dutiable at the rate of 13 percent ad valorem. It has further tentatively concluded that compound optical microscopes of types not specially constructed for microphotography, having no built-in or permanently affixed means for photographing the image, whether or not imported with an adaptor or extension tube and a camera for taking photographic pictures through the microscope, are not classifiable under item 708.76, TSUS, but rather under the provision for compound optical microscopes: Not provided with means for photographing or projecting the image in items 708.71 through 708.73, TSUS, and dutiable according to the value of the microscope in the following manner: Valued not over $25 each, at the rate of 24 percent ad valorem: Valued over $25 each but not over $50 each, at the rate of 30 percent ad valorem: Valued over $50 each, at the rate of 40 percent ad valorem. The phototaking attachments imported with such compound optical microscopes are classifiable as separate entities under the appropriate provisions for such articles.

Pursuant to § 16.10a(d), Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that there is under review in the Bureau of Customs the existing established and uniform practice of classifying certain compound optical microscopes with and without means for photographing the image and equipment imported for use with such microscopes under the provision for Compound optical microscopes * * * provided with means for photographing * * * the image * * *: * * *: Other, in item 708.76, TSUS, with duty at the rate of 13 percent ad valorem.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226. To assure consideration such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 68-8662; Filed, July 19, 1968; 8:48 a.m.]

[473.234]

WOOL REFERRED TO AS DIGESTED OR BOILED WOOL WHICH IS REMOVED FROM RAW SHEEPSKINS OR RAW SHEEPSKIN PIECES

Notice of Proposed Classification

JULY 11, 1968.

The Bureau has ruled that wool referred to as digested or boiled wool which is obtained from pieces of sheepskin scrap or trimmings which had been tanned or partially tanned or which were in the tanning process is classifiable as fibers of wool or hair, not spinnable, recovered from tanned skin scrap in item 307.30, Tariff Schedules of the United States (TSUS). By inadvertence that ruling was misunderstood to include similar treatment for wool removed from raw sheepskins or sheepskin pieces and a practice of classifying such wool on that basis developed. The Bureau was and is of the opinion that imported wool obtained from such raw skins or pieces is wool classifiable under the tariff schedules by grade.

Since a decision to this effect, however, will result in the imposition of a higher

rate of duty than that which has been applied by virtue of the misunderstanding notice is hereby given pursuant to § 16.10a(d), Customs Regulations (19 CFR 16.10a(d)), that the Bureau of Customs is reviewing the practice of classifying such digested or boiled wool as is obtained from raw sheepskin or sheepskin pieces under the provision for fibers recovered from tanned skin scrap, if under 1 inch in length, in item 307.30, TSUS, dutiable at 3.5 cents per pound, or under item 307.18 at 8 cents per pound, as other waste of wool or hair, if over 1 inch in length.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, not later than 15 days from the date of publication of this notice. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 68-8663; Filed, July 19, 1968; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-2291]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 15, 1968.

The Department of Agriculture has filed an application, Serial No. I-2291 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as a streamside zone and administrative site on the St. Joe National Forest.

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, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

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

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

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 lands involved in the application are:

BOISE MERIDIAN, IDAHO

ST. JOE NATIONAL FOREST

Upper St. Joe River Streamside Zone

T. 43 N., R. 9 E.,
Sec. 28, SW¼SW¼SW¼NW¼, W½W½NW¼SW¼;
Sec. 29, N½NE¼SE¼, SE¼NE¼SE¼, NE¼NW¼SE¼, SE¼SW¼SE¼, W½SW¼SE¼SE¼.

T. 42 N., R. 10 E.,
Sec. 1, Unpatented portion of NW¼, NW¼ of lot 2, W½NE¼NE¼SE¼, SE¼NE¼SE¼, unpatented portion of NE¼SE¼SE¼, unpatented portion of S½SE¼SE¼;
Sec. 12, NE¼NE¼NE¼, NE¼SE¼NE¼NE¼.

T. 43 N., R. 10 E.,
Sec. 20, SW¼NE¼NE¼, SE¼NW¼NE¼, S½SW¼SW¼NE¼, E½SW¼NE¼, W½NE¼SE¼NE¼, W½SE¼NE¼, NW¼SE¼SE¼NE¼, SE¼SE¼SW¼NW¼, S½S½SE¼NW¼, N½NE¼SW¼, N½S½NE¼SW¼, SW¼SW¼NE¼SW¼, E½NE¼NW¼SW¼, SW¼SE¼NW¼SW¼, E½SE¼NW¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼, W½NW¼NE¼SE¼, NW¼SW¼NE¼SE¼, N½NW¼SE¼, N½S½NW¼SE¼;
Sec. 29, NW¼NW¼NW¼;
Sec. 30, N½NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, N½SE¼NW¼NE¼, N½NW¼SW¼NE¼, S½S½NE¼NW¼, SE¼SE¼ of lot 1, SW¼ and N½ of lot 2, N½N½SE¼NW¼, NW¼ and E½SW¼ of lot 3, W½ of lot 4;
Sec. 36, W½NW¼NE¼, SE¼NE¼NW¼, unpatented portion of NE¼SW¼NW¼, unpatented portion of NE¼SE¼SW¼NW¼, N½SE¼NW¼, N½S½SE¼NW¼, unpatented portion of SE¼SE¼SW¼, unpatented portion of NE¼SW¼SE¼SW¼, W½SW¼SW¼SE¼.

T. 42 N., R. 11 E.,
Sec. 4, NW¼ of lot 3, N½ of lot 4;
Sec. 5, NE¼ of lot 1, S½NW¼ of lot 1, N½S½ of lot 1, S½NE¼ of lot 2, NE¼SW¼ of lot 2, W½SW¼ of lot 2, N½SE¼ of lot 2, S½SW¼ of lot 3, SE¼ of lot 3, NE¼NE¼SW¼NW¼, S½NE¼SW¼NW¼, SE¼SW¼NW¼, N½NW¼SE¼NW¼; SW¼NW¼SE¼NW¼, W½NE¼NW¼SW¼, NE¼NW¼NW¼SW¼, S½NW¼NW¼SW¼, NW¼SW¼NW¼SW¼;
Sec. 6, SW¼NW¼NE¼SW¼, NW¼SW¼NE¼SW¼, SE¼NE¼NW¼SW¼, S½NW¼SW¼, N½NW¼SW¼SW¼, SW¼NW¼SW¼SW¼, SE¼NE¼NE¼SE¼, SE¼SW¼NE¼SE¼, SE¼NE¼SE¼, SE¼NE¼SW¼SE¼, NE¼SW¼SW¼SE¼, S½SW¼SW¼SE¼, SE¼SW¼SE¼, NW¼NE¼SE¼SE¼, NW¼SE¼SE¼, NW¼SW¼SE¼SE¼;
Sec. 7, N½NW¼NW¼NE¼, SW¼NW¼NW¼NE¼, NW¼SW¼NW¼NE¼, SE¼NE¼NE¼NW¼, S½SW¼NE¼NW¼, SE¼NE¼NW¼, SW¼NW¼NW¼NW¼, SW¼NW¼NW¼, S½SE¼NW¼NW¼, N½NE¼SW¼NW¼, NW¼NE¼SE¼NW¼, N½NW¼SE¼NW¼.

Totaling approximately 829 acres.

Red Ives Administrative Site

T. 43 N., R. 9 E.,
Sec. 20, E½SE¼NW¼, NE¼SW¼NE¼, E½NE¼SW¼.

Totaling 50 acres.

The areas described aggregate approximately 879 acres in Shoshone County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 68-8651; Filed, July 19, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ENTIRE COMMONWEALTH OF PUERTO RICO

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named Commonwealth, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Entire Commonwealth of Puerto Rico.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Commonwealth after December 31, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of July 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-8701; Filed, July 19, 1968; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23-823 etc.]

MANFRED HARDT ET AL.

Order Temporarily Denying Export Privileges

In the matter of Manfred Hardt, Werner Hardt, Caramant Gesellschaft fur Technik und Industrie m.b.H. and Co., K.G., all of Adolfsallee 27/29, Wiesbaden 62 Federal Republic of Germany; Respondents; File Nos. 23-823, 23(65)-8, 23(67)-11.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, pursuant to the provisions of section 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner

for an order temporarily denying export privileges to the above named respondents. The Compliance Commissioner has reviewed the application and has considered the documents of record and has submitted his report and has recommended that the application be granted.

The record in the case shows that on July 27, 1966, the Director, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, issued an order revoking probation under a denial order dated July 12, 1965, 30 F.R. 9067, and denying to respondents Manfred Hardt and the above named Caramant firm all U.S. export privileges until July 20, 1968. The said order of July 27, 1966, was served on said parties and was published in the FEDERAL REGISTER on August 4, 1966, 31 F.R. 10480. The said order, among other things, prohibited respondents Manfred Hardt and Caramant, and their agents and employees, from participating, directly or indirectly, in any manner or capacity in any transaction involving commodities exported or to be exported from the United States. The respondent Werner Hardt was an employee of Caramant. The three respondents knew of the denial order of July 27, 1966.

By charging letter dated April 30, 1968, the Director, Investigations Division Office of Export Control, charged the above named respondents with several violations of the denial order of July 27, 1966. The respondents filed an answer to the charging letter on July 1, 1968 and a hearing has not yet been held in the case. It is apparent that compliance proceedings in said matter will not be completed prior to July 20, 1968 when the present denial order in effect against Manfred Hardt and Caramant expires.

The Compliance Commissioner has found, and I adopt and confirm his finding, that a temporary denial order against the above respondents is reasonably necessary to protect the public interest pending final disposition of the pending proceedings. The Compliance Commissioner has recommended that an order be issued temporarily denying export privileges to the above named respondents until the completion of the pending administrative compliance proceedings. I accept his recommendation.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses which heretofore have not been revoked in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States, and (e) in the financing, forwarding, transporting or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall take effect forthwith as to all respondents and with respect to the respondents Manfred Hardt and Caramant the terms and restrictions of the denial order of July 27, 1966, are continued in full force and effect. This order shall remain in effect until the pending administrative compliance proceedings against the respondents have been completed.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

Dated: July 16, 1968.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 68-8608; Filed, July 19, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MOBIL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0733) has been filed by the Mobil Chemical Co., 150 East 42d Street, New York, N.Y. 10017, proposing the establishment of tolerances for the combined residues of the insecticide 4-benzothienyl *N*-methyl carbamate and its metabolite 4-hydroxybenzothiophene, calculated as the insecticide, in or on the raw agricultural commodities corn in ear form, corn fodder and forage, and cottonseed at 0.1 part per million.

The analytical methods proposed in the petition for determining residues of the insecticide are: (1) Method based on hydrolysis to yield 4-hydroxybenzothiophene that is coupled with *p*-nitrobenzenediazonium fluoborate and determined spectrophotometrically at 530 millimicrons, and (2) a microcoulometric gas chromatographic technique with a sulfur titration cell.

Dated: July 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8697; Filed, July 19, 1968; 8:51 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2313) has been filed by Union Carbide Corp., Post Office Box 65, Tarrytown, N.Y. 10591, proposing an amendment to § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) to provide for the safe use of poly(1,2-dimethyl-5-vinyl pyridinium methyl sulfate) as an adjuvant in the

manufacture of paper and paperboard prior to the sheet-forming operation.

Dated: July 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8698; Filed, July 19, 1968; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Notice of Issuance of Order Extending Latest Completion Date of Provisional Construction Permit

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued an order extending to May 1, 1969, the latest completion date specified in Provisional Construction Permit No. CPPR-16 which authorizes Niagara Mohawk Power Corp. to construct a boiling water nuclear reactor on the applicant's site at Nine Mile Point in the town of Scriba, N.Y.

Copies of the Commission's order and the application for extension filed by Niagara Mohawk Power Corp. are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 15th day of July 1968.

For the Atomic Energy Commission.

F. SCHROEDER,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 68-8664; Filed, July 19, 1968; 8:48 a.m.]

[Docket No. 50-171]

PHILADELPHIA ELECTRIC CO.

Notice of Issuance of Order Extending Expiration Date of Provisional Operating License

The Atomic Energy Commission has issued an order extending to December 24, 1969, the expiration date specified in Provisional Operating License No. DPR-12 issued to Philadelphia Electric Co. authorizing operation of the Peach Bottom Atomic Power Station, Unit No. 1, located near Peach Bottom, Pa.

Copies of the Commission's order and the application dated June 17, 1968, filed by Philadelphia Electric Co. are available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 10th day of July 1968.

For the Atomic Energy Commission.

F. SCHROEDER,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 68-8665; Filed, July 19, 1968; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19997; Order 68-7-74]

EASTERN AVIATION CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 53.53 cents per great circle aircraft mile for the transportation of mail by aircraft between Baltimore, Md., and Charleston, W.Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail servicee with Beechcraft, Model 18 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Eastern Aviation Corp. in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Baltimore, Md., and Charleston, W. Va., shall be 53.55 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Eastern Aviation Corp., the Postmaster General, Eastern Air Lines, Inc., United Air Lines, Inc., Allegheny Airlines, Inc., Piedmont Aviation, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eastern Aviation Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after services of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer it not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Eastern Aviation Corp., the Postmaster General, Eastern Air Lines, Inc., United Air Lines, Inc., Allegheny Airlines, Inc., and Piedmont Aviation, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8676; Filed, July 19, 1968; 8:49 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 20003; Order 68-7-78]

EASTERN AVIATION CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 62.30 cents per great circle aircraft mile for the transportation of mail by aircraft between Baltimore, Md., and Richmond, Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft Model Queen Air-80 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Eastern Aviation Corp. in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Baltimore, Md., and Richmond, Va., shall be 62.30 cents per great circle aircraft mile;

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Eastern Aviation Corp., the Postmaster General, United Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Piedmont Aviation, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eastern Aviation Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Eastern Aviation Corp., the Postmaster General, United Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., and Piedmont Aviation, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8677; Filed, July 19, 1968; 8:49 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 20004; Order 68-7-77]

EASTERN AVIATION CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 52.78 cents per great circle aircraft mile for the transportation of mail by aircraft between Baltimore, Md., and Charlotte, N.C., via Richmond, Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model D-18 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Eastern Aviation Corp. in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Baltimore, Md., and Charlotte, N.C., via Richmond, Va., shall be 52.78 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Eastern Aviation Corp., the Postmaster General, United Air Lines, Inc., Eastern Air Lines, Inc., Piedmont Aviation, Inc., Delta Air Lines, Inc., National Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eastern Aviation Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Eastern Aviation Corp., the Postmaster General, United Air Lines, Inc., Eastern Air Lines, Inc., Piedmont Aviation, Inc., Delta Air Lines, Inc., and National Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8678; Filed, July 19, 1968; 8:49 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 20005; Order 68-7-76]

EASTERN AVIATION CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate

of 44 cents per great circle aircraft mile for the transportation of mail by aircraft between Richmond, Va., and Staunton, Va., via Charlottesville, Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft Model Queen Air-80 equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Eastern Aviation Corp. in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Richmond, Va., and Staunton, Va., via Charlottesville, shall be 44 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Eastern Aviation Corp., the Postmaster General, Piedmont Aviation, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eastern Aviation Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Eastern Aviation Corp., the Postmaster General, and Piedmont Aviation, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8679; Filed, July 19, 1968; 8:49 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 20008; Order 68-7-75]

EASTERN AVIATION CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent July 1, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 44 cents per great circle aircraft mile for the transportation of mail by aircraft between Roanoke, Va., and Richmond, Va., via Lynchburg, Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model Queen Air-80 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Eastern Aviation Corp. in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Roanoke, Va., and Richmond, Va., via Lynchburg, Va., shall be 44 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Eastern Aviation Corp., the Postmaster General, Piedmont Aviation, Inc., Eastern Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eastern Aviation Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Eastern Aviation Corp., the Postmaster General, Piedmont Aviation, Inc., and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8680; Filed, July 19, 1968; 8:49 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 19993; Order 68-7-82]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 27, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 35 cents per great circle aircraft mile for the transportation of mail by aircraft between Cheyenne and Rock Springs via Rawlins, Wyo.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper Aztec twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Ross Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Cheyenne and Rock Springs via Rawlins, Wyo., shall be 35 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8681; Filed, July 19, 1968; 8:49 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 19996; Order 68-7-83]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 35.03 cents per great circle aircraft mile for the transportation of mail by aircraft between Charleston, W. Va., and Martinsburg, W. Va., via Clarksburg, W. Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper Aztec twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Ross Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Charleston, W. Va., and Martinsburg, W. Va., via Clarksburg, W. Va., shall be 35.03 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Allegheny Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8682; Filed, July 19, 1968; 8:50 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 19880; Order 68-7-66]

UPPER VALLEY AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 15, 1968.

The Postmaster General filed a notice of intent May 13, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for Upper Valley Aviation, Inc. (Upper Valley), a final service mail rate of 39.77 cents per great circle aircraft mile for the transportation of mail by aircraft between McAllen, Corpus Christi, and San Antonio, Tex.

Upper Valley is currently engaged in business as an air taxi operator under Part 298 of the Board's economic regulations, and proposes to initiate service with Beechcraft D-18 type aircraft. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market.

By Order 68-7-64, July 12, 1968, in this docket, the Board determined to approve the notice of intent, thereby permitting it to become effective pursuant to 14 CFR 298.24(d). Therefore, Upper Valley may provide the proposed air transportation of mail for the period ending June 30, 1969. No mail rate is presently in effect for this carrier in this market.

Under the circumstances, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to Upper Valley by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Upper Valley Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between McAllen, Corpus Christi, and San Antonio, Tex., as prescribed in the notice of intent shall be 39.77 cents per great circle aircraft mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Upper Valley Aviation, Inc., Braniff Airways, Inc., Trans-Texas Airways, Inc., the Postmaster General and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rate specified above, as the fair and reasonable rate of compensation to be paid to Upper Valley.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Upper Valley Aviation, Inc., the Postmaster General, Braniff Airways, Inc., and Trans-Texas Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8683; Filed, July 19, 1968; 8:50 a.m.]

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

[Docket No. 19998; Order 68-7-72]

WASHINGTON-BALTIMORE HELICOPTER AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 46.43 cents per great circle aircraft mile for the transportation of mail by aircraft between Columbus, Ohio, and Bristol, Va./Tenn. via Charleston, W. Va., and Bluefield, W. Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper Aztec, Model C aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Washington-Baltimore Helicopter Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Columbus, Ohio, and Bristol, Va./Tenn. via Charleston, W. Va., and Bluefield, W. Va., shall be 46.43 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, United Air Lines, Inc., Piedmont Aviation, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Allegheny Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusion and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Washington-Baltimore Helicopter Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, United Air Lines, Inc., Piedmont Aviation, Inc., American Airlines, Inc., Eastern Air Lines, Inc., and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8684; Filed, July 19, 1968; 8:50 a.m.]

[Docket No. 19999; Order 68-7-73]

WASHINGTON-BALTIMORE HELICOPTER AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 59.37 cents per great circle aircraft mile for the transportation of mail by aircraft between Baltimore, Md., and Pittsburgh, Pa.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model Super 18 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Washington-Baltimore Helicopter Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Baltimore, Md., and Pittsburgh, Pa., shall be 59.37 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, Allegheny Airlines, Inc., United Air Lines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., American Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Washington-Baltimore Helicopter Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, Allegheny Airlines, Inc., United Air Lines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., and American Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8685; Filed, July 19, 1968; 8:50 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 20000; Order 68-7-81]

WASHINGTON-BALTIMORE HELICOPTER AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 42.59 cents per great circle aircraft mile for the transportation of mail by aircraft between Baltimore, Md., and Cumberland, Md., via Martinsburg, W. Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper Aztec, Model C aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Washington-Baltimore Helicopter Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Baltimore and Cumberland, Md., via Martinsburg, W. Va., shall be 42.59 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, Allegheny Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Washington-Baltimore Helicopter Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8686; Filed, July 19, 1968; 8:50 a.m.]

[Docket No. 20001; Order 68-7-80]

WASHINGTON-BALTIMORE HELICOPTER AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 46.64 cents per great circle aircraft mile for the transportation of mail by aircraft between Norfolk, Va., and Charleston, W. Va., via Richmond, Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model 18 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Washington-Baltimore Helicopter Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Norfolk, Va., and Charleston, W. Va., via Richmond, Va., shall be 46.64 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, National Airlines, Inc., Piedmont Aviation, Inc., United Air Lines, Inc., Eastern Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Washington-Baltimore Helicopter Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 300 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, National Airlines, Inc., Piedmont Aviation, Inc., United Air Lines, Inc., and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8687; Filed, July 19, 1968; 8:50 a.m.]

[Docket No. 20002; Order 68-7-79]

WASHINGTON-BALTIMORE HELICOPTER AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 16, 1968.

The Postmaster General filed a notice of intent June 28, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 58.31 cents per great circle aircraft mile for the transportation of mail by aircraft between Pittsburgh, Pa., and Charleston, W. Va.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model Super 18 aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

1. The fair and reasonable final service mail rate to be paid to Washington-Baltimore Helicopter Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Pittsburgh, Pa., and Charleston, W. Va., shall be 58.31 cents per great circle aircraft mile;

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302, 298, and § 385.14(f);

It is ordered, That:

1. Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, Allegheny Airlines, Inc., United Air Lines, Inc., Eastern Air Lines, Inc., American Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Washington-Baltimore Helicopter Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Washington-Baltimore Helicopter Airways, Inc., the Postmaster General, Allegheny Airlines, Inc., United Air Lines, Inc., Eastern Air Lines, Inc., and American Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8688; Filed, July 19, 1968; 8:50 a.m.]

CIVIL SERVICE COMMISSION

MEDICAL RADIOLOGY TECHNICIAN, SAN FRANCISCO AND 35-MILE RADIUS

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073 the Civil Service Commission has increased the minimum rates and rate ranges for positions of Medical Radiology Technician, GS-647-5/9 as follows:

GS-647 MEDICAL RADIOLOGY TECHNICIAN

Geographic coverage: San Francisco, Calif., and Federal installations within a 35-mile radius.
Effective date: First day of the first pay period beginning on or after July 28, 1968.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$6,690	$6,881	$7,073	$7,265	$7,456	$7,648	$7,840	$8,032	$8,224	$8,416
GS-6	7,166	7,377	7,588	7,799	8,010	8,221	8,433	8,645	8,857	9,069
GS-7	7,680	7,913	8,146	8,379	8,612	8,845	9,078	9,311	9,544	9,777
GS-8	8,213	8,470	8,727	8,984	9,241	9,498	9,755	10,012	10,269	10,526
GS-9	8,744	9,026	9,308	9,590	9,872	10,154	10,436	10,718	11,000	11,282

[1] Corresponding statutory rates: GS-5—sixth; GS-6—fifth; GS-7—fourth; GS-8—third; GS-9—second.

All new employees in the specified occupational levels will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

All outstanding certificates for positions for which rates are changed by this letter are hereby amended to require that any appointment from them which will become effective on or after the effective date indicated herein must be made at the new minimum rate. Agencies possessing current certificates must also notify applicants on a certificate of the new rates and the effective date. If a declination at the old rate has been received, a new inquiry of availability must be sent to determine the applicant's availability at the higher salary.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees to positions cited.

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

[F.R. Doc. 68-8703; Filed, July 19, 1968; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

MOORE-McCORMACK LINES, INC. (ROBIN LINE), AND SOUTHERN LINES, LTD.

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. J. D. Straton, Jr., Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.

Agreement No. 9733, between Robin Line, a service of Moore-McCormack Lines, Inc., and Southern Lines, Ltd., establishes a through billing arrangement for general cargo in the trade between U.S. Atlantic ports and ports in the Somalia Republic and the Seychelles Islands with transshipment at Durban, Lourenco Marques, Beira, Dar Es Salaam, and Mombasa, in accordance with the

terms and conditions set forth in the agreement.

Dated: July 17, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8689; Filed, July 19, 1968; 8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. F-18]

SECRETARY OF DEFENSE

Delegation of Authority With Respect to Electric Service Rate Proceedings

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in electric service rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the North Carolina Utilities Commission and the South Carolina Public Service Commission in proceedings to make changes in the rates and charges of Carolina Power & Light Co. for electric service.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

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

JULY 12, 1968.

[F.R. Doc. 68-8650; Filed, July 19, 1968; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ALCAR INSTRUMENTS, INC.

Order Suspending Trading

JULY 15, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alcar Instruments, Inc., 225 East 57th Street, 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 July 16, 1968, through July 25, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8634; Filed, July 19, 1968; 8:46 a.m.]

[811-1167]

BURKE-DIVIDE OIL CO., CONSOLIDATED, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be Investment Company

JULY 15, 1968.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), by Burke-Divide Oil Co., Consolidated, Inc. ("applicant"), 632 Cherry Street, Terre Haute, Ind., a Delaware corporation registered as a diversified closed-end investment company under the Act, for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant has ceased to do business and has been dissolved as provided in the General Corporation Law of Delaware on February 13, 1964, pursuant to vote of shareholders on January 20, 1964.

All liabilities of applicant have been paid and all of its assets have been distributed to its shareholders in accordance with their respective rights and interests, except that an aggregate of $4,564.03 in accrued dividends and an aggregate of $6,915.87 in final liquidating distributions at the rate of $17.84 per share are held for distribution to 222 shareholders. Provision has been made for the deposit with Arthur F. DiSabatino, Trustee, Bank of Delaware Building, Wilmington, Del. 19801, Court appointed trustee, of the amounts distributable to those shareholders.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions necessary for the protection of investors, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 12, 1968, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8635; Filed, July 19, 1968; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 15, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10-cent par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 16, 1968, through July 25, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-8636; Filed, July 19, 1968; 8:46 a.m.]

FASTLINE, INC.

Order Suspending Trading

JULY 15, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Fastline, Inc., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 16, 1968, through July 19, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8638; Filed, July 19, 1968; 8:46 a.m.]

[70-4644]

INTER-CITY GAS LIMITED, ET AL.

Notice of Proposed Intrasystem Merger; Intrasystem Transfers of Assets and Other Related Transactions; and Dissolution of Subsidiary Companies

JULY 12, 1968.

In the matter of Inter-City Gas Limited, Superior Gas Co., Iron Ranges Natural Gas Co., North Star Natural Gas Co., and North Star Natural Gas Company of Wisconsin, Inc.

Notice is hereby given that Inter-City Gas Limited ("Inter-City"), Winnipeg 2, Canada, a registered holding company, and its above-named subsidiary companies have filed a joint application-declaration and amendments thereto with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, and 12 thereof as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Inter-City, a Canadian corporation, is solely a holding company, and on October 2, 1967, registered as such under the Act (File No. 30-249). As of December 31, 1967, Inter-City and its subsidiary companies had total consolidated property, plant, and equipment, less depreciation, of $13,637,184, and for the year then ended consolidated revenues were $6,490,907. Its common stock is traded on the Toronto and Winnipeg Stock Exchanges and, according to the filing, 95 percent of its 1,800 stockholders owning 98 percent of the outstanding shares are Canadian residents. The Inter-City holding-company system consists of three Canadian corporations and four domestic corporations.

The Canadian subsidiary companies are Inter-City Gas Utilities, Ltd. ("Utilities"), and Inter-City Gas Transmission, Ltd. ("Transmission"), both organized under the laws of Manitoba, Canada.

Utilities conducts its retail gas utility business solely within the Province of Manitoba, Canada, and neither it nor its wholly owned subsidiary company, Transmission, is engaged in any business within the United States. As of December 31, 1967, Utilities and its subsidiary company had total consolidated property, plant, and equipment, less depreciation, of $6,418,673, and consolidated revenues were $2,399,731. Utilities' first mortgage bonds, then outstanding in the principal amount of $2,950,000, are held by a Canadian insurance company and its debentures, then outstanding in the principal amount of $615,000, are held substantially by Canadians. All of the outstanding equity securities of Utilities are held by Inter-City.

The subsidiary companies within the United States are Superior Gas Co. ("Superior"), North Star Natural Gas Co. ("North Star"), North Star Natural Gas Company of Wisconsin, Inc. ("North Star of Wisc."), and Iron Ranges Natural Gas Co. ("Iron Ranges"). Superior, North Star, and Iron Ranges are Minnesota corporations; North Star of Wisc. is a Wisconsin corporation.

Inter-City owns all of the capital stock of Superior which owns all of the capital stock of North Star which, in turn, owns all of the capital stock of North Star of Wisc. Inter-City also owns 47,647 shares or 98.7 percent of the 48,287 outstanding shares of capital stock of Iron Ranges. The remaining 640 shares are held by a small number of stockholders.

North Star and Iron Ranges are engaged in the retail sale of natural gas in Minnesota. North Star serves approximately 2,000 customers in Minnesota, and as of December 31, 1967, its consolidated property, plant, and equipment, less depreciation, amounted to $2,884,361. The operating revenues for the year ended December 31, 1967, amounted to $784,000, and net income was $35,515. Iron Ranges' customers totaled about 6,100 at December 31, 1967; as of the same date its property, plant, and equipment, less depreciation, was $3,800,607; and for the year then ended operating revenues amounted to $3,011,000.

As at December 31, 1967, long-term debt of Iron Ranges consisted of 6 percent first mortgage bonds, maturing January 1, 1982, in the principal amount of $665,000 and 6¼ percent senior notes maturing January 1, 1977, in the principal amount of $213,000; and subordinated notes, owned by Inter-City in the principal amount of $470,000. Iron Ranges also had outstanding short-term unsecured notes payable to banks in the face amount of $2,645,000. Common stockholder's equity, per books, then amounted to $742,574.

North Star of Wisc. is a gas utility company operating exclusively in Wisconsin. It is in the process of selling all of its utility assets for a net cash consideration of $920,000, after which it will be liquidated and dissolved. (See Holding Company Act Release No. 16102.)

It is proposed to merge Superior, North Star, and Iron Ranges into Inter-City. Inter-City, as the surviving corporation, will own all of the utility properties of these subsidiary companies. Utilities will remain a subsidiary company of Inter-City. After giving effect to the merger, Inter-City's corporate property, plant, and equipment, less depreciation, will amount to about $6,404,000. All of the capital stocks of Superior and North Star, and the capital stock of Iron Ranges owned by Inter-City, will be canceled. The 640 shares of Iron Ranges common stock held by the minority stockholders, may, at their option, be exchanged for Inter-City common stock on the basis of three shares of Inter-City for each share of Iron Ranges capital stock. Any shareholder who perfects his appraisal rights in accordance with the Business Corporation Act of Minnesota will be paid the fair cash value of his shares.

Net income of Iron Ranges for 1967, after adjustments for nonrecurrent items, totaled $54,250 or $1.12 per share; for 1966 reported earnings were $59,762, or $1.24 per share. There is no active market in the Iron Ranges stock. The market price of Inter-City common stock on the Toronto Stock Exchange, in 1967, ranged (in Canadian dollars) from a high of $19 to a low of $12⅞ per share. Giving effect to an 8 percent reduction to allow for currency adjustments, such market price would range (in U.S. dollars) from a high of about $17½ to a low of about $10⅞ per share. Dividends of $0.40 per share were paid on the Inter-City common stock in each of the years 1966 and 1967. No dividends were paid on the common stock of Iron Ranges in either 1966 or 1967.

Prior to or simultaneously with the merger outstanding bonds and notes of North Star and Iron Ranges in the aggregate principal amount of $1,767,000 will be retired pursuant to agreements with the holders thereof. It is expected that shortly thereafter, Inter-City, as the surviving company, will issue and sell first mortgage bonds in amounts approximately equal to the bonds and notes.

Giving effect to the sale of North Star of Wisc. the proposed merger and the sale of new bonds by Inter-City, the pro forma consolidated capitalization and surplus of Inter-City and its subsidiary companies, as of December 31, 1967, would have included funded debt of $6,537,150, notes payable to banks of $3,889,792, preference stock of $3,900,000 and common stock equity of $3,300,628.

There is pending before this Commission an application pursuant to section 3(b) of the Act seeking an order to exempt Utilities from all the provisions of the Act as a subsidiary company. (See Holding Company Act Release No. 16092). It is stated that upon the issuance of the Commission's order thereunder, and on consummation of the merger and of the sale of the Wisconsin utility properties, Inter-City will be an exempt holding company pursuant to Rule 10 promulgated under the Act.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at approximately $12,000. The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 29, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8639; Filed, July 19, 1968; 8:46 a.m.]

[File No. 7-2934]

INTERNATIONAL TELEPHONE AND TELEGRAPH CORP. (DELAWARE)

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 15, 1968.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

International Telephone & Telegraph Corp. (Delaware), File No. 7-2934.

Upon receipt of a request, on or before July 30, 1968 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8637; Filed, July 19, 1968; 8:46 a.m.]

[File No. 1-1740]

KENNEBEC CONSOLIDATED MINING CO.

Order Suspending Trading

JULY 15, 1968.

The common stock, 1 cent par value, of Kennebec Consolidated Mining Co., Salt Lake City, Utah, being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Kennebec Consolidated Mining Co., 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 Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 16, 1968, through July 25, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8641; Filed, July 19, 1968; 8:46 a.m.]

NATIONAL SWEEPSTAKES CORP.

Order Suspending Trading

JULY 16, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of National Sweepstakes Corp., 555 East Fourth South, Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 17, 1968, through July 26, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8672; Filed, July 19, 1968; 8:49 a.m.]

[811-1310]

OLD MILL ROAD CORP.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be Investment Company

JULY 15, 1968.

Notice is hereby given that Old Mill Road Corp. ("Applicant"), 37 Village Square, West Nyack, N.Y., a New York nondiversified management company under the Investment Company Act of 1940 ("Act"), has filed an application and amendments pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application and amendments on file with the Commission for a statement of Applicant's representations, which are summarized below.

On May 16, 1967, Applicant entered into an Agreement and Plan of Reorganization and Liquidation ("Agreement") with Madison Fund, Inc. ("Madison"), pursuant to which Applicant was to sell substantially all of its assets to Madison and to dissolve. On June 27, 1967, the holders of more than two-thirds of Applicant's outstanding shares approved the Agreement and voted that Applicant be dissolved. On that same date, Applicant transferred to Madison approximately 95 percent of its gross assets, valued as of June 23, 1967 at $6,243,973, and received in exchange therefor 278,128 shares of Madison common stock, all of which subsequently have been transferred as a liquidating dividend to Applicant's 255 shareholders of record as of June 27, 1967. The other approximately 5 percent has been retained to pay known and unknown creditors, and as a reserve for the expenses of winding up its affairs. On August 8, 1967, a Certificate of Dissolution was filed with the Secretary of State of the State of New York, whereupon Applicant was dissolved according to law and prohibited from conducting any business except that necessary to wind up its affairs.

As of January 11, 1968, Applicant held all of its remaining assets, other than

fixed assets, in cash or treasury bills and has represented that they will be held in this form until the amount remaining after payment of claims and expenses of dissolution can be distributed to its shareholders, such distribution estimated to be effected not later than November 1968.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 5, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations 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 DUBOIS,
Secretary.

[F.R. Doc. 68–8642; Filed, July 19, 1968; 8:46 a.m.]

PARAMOUNT GENERAL CORP.

Order Suspending Trading

JULY 16, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Paramount General Corp., Los Angeles, Calif., and all other securities of Paramount General Corp. 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 July 17, 1968, through July 26, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–8673; Filed, July 19, 1968; 8:49 a.m.]

[File Nos. 7–2935, 7–2936]

INTERNATIONAL TELEPHONE AND TELEGRAPH (DELAWARE) AND MERCK AND CO., INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 15, 1968.

In the matter of applications of the Pittsburgh Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
International Telephone and Telegraph Corp (Delaware)	7–2935
Merck and Co., Inc.	7–2936

Upon receipt of a request, on or before July 30, 1968, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–8640; Filed, July 19, 1968; 8:46 a.m.]

[812–1777]

RAMCO ENTERPRISES, INC.

Notice of Filing of Application for Order That Company is Not Investment Company

JULY 15, 1968.

Notice is hereby given that Ramco Enterprises, Inc. ("Applicant"), One Chase Manhattan Plaza, New York, N.Y. 10005, a New York corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940, 15 U.S.C. section 80a–1 et seq. ("Act"), for an order of the Commission declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

From December 11, 1922, the date of Applicant's incorporation, until December 1960, Applicant was primarily engaged in the manufacture and sale of textile products under the name S. Stroock & Co., Inc. ("Stroock"). In view of steadily declining earnings from 1956 to 1960, Applicant terminated its Stroock operations, entered into a new textile venture and adopted its present name. Because of financial difficulties, Applicant terminated its relationship with the textile business in 1962.

Since 1949, Applicant had also engaged in the real estate business through the acquisition and leasing of various commercial and industrial properties located in Newburgh, N.Y. After cessation of its textile operations, Applicant expanded its real estate activities by acquiring, in early 1962, a shopping center in Fort Lauderdale, Fla., in whose development and management officers and directors of Applicant have participated personally.

In addition to real estate, Applicant sought other business opportunities. In 1962, it acquired approximately 28 percent of the voting securities of Cartier, Inc. ("Cartier"), a quality retail jeweler. As of December 31, 1967, Applicant owned 33⅓ percent of such securities. Applicant is represented on Cartier's board of nine directors by three nominees, including Applicant's president and chairman. Applicant alleges that it exercises a controlling influence over Cartier and participates actively in its day-to-day management.

In 1965, Applicant began to acquire the voting securities of John B. Stetson Co. ("Stetson"), a manufacturer and retailer of men's hats and shoes. As of December 31, 1967, Applicant owned approximately 41 percent of such securities. Three members of Applicant's board of directors, including its president and chairman, are members of the 10-man board of Stetson. Applicant's president serves as chairman of Stetson's board. Applicant alleges that it has both secured and exercises control over Stetson and is engaged in its management.

Section 3(a)(3) of the Act defines an investment company as an issuer which

is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of the issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of section 3(a)(3), "investment securities" include all securities except Government securities, securities issued by employees' securities companies and securities issued by majority owned subsidiaries of the issuer which are not investment companies.

Applicant states that as of December 31, 1967, investment securities represented 53 percent of the value of its total assets (exclusive of cash items and Government securities). The approximate value of Applicant's "total assets" and "investment securities" within the meaning of the Act as of December 31, 1967, is as follows:

		Value
Investment securities:		
Cartier, Inc., common and preferred stock		$1,000,000
John B. Stetson Co., common and preferred stock		2,480,000
Cartier, Inc., note		160,000
		3,640,000
Other assets:		
Accounts receivable	$18,000	
Inventory (lower of cost or market)	90,000	
Land, buildings, and equipment	3,175,000	
Prepaid expenses, deferred charges and income	42,000	3,325,000
Total assets		6,965,000

Although Applicant concedes that it falls within the definition of an "investment company" contained in section 3(a)(3) of the Act, it contends that it is entitled to an exemption under section 3(b)(2) of the Act.

Applicant states that at all times since its incorporation it has represented itself to be an operating company and has never represented itself to be an investment company. It further states that it is now engaged in the real estate business directly and in the retail business through controlled companies, Cartier and Stetson, conducting similar businesses.

The Commission, pursuant to section 3(b)(2), may upon application, find and by order declare an issuer to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses.

Notice is further given that any interested person may, not later than August 5, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8644; Filed, July 19, 1968; 8:47 a.m.]

[812-2334]

TRAVELERS INSURANCE CO. AND TRAVELERS FUND B FOR VARIABLE CONTRACTS

Notice of Filing of Application for Exemption

JULY 15, 1968.

Notice is hereby given that The Travelers Insurance Co. ("Insurance Company"), and The Travelers Fund B for Variable Contracts ("Separate Account"), (hereinafter called "Applicants"), One Tower Square, Hartford, Conn., have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. sec. 80a-1 et seq. ("Act"), for an order exempting Applicants from the provisions of sections 17(f), 22(e), 27(c)(1), and 27(c)(2) of the Act and Rule 17f-2 thereunder. Separate Account is an open-end diversified management company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Insurance Company established Separate Account as the facility through which Insurance Company will set aside and invest assets attributable to variable annuity contracts not qualifying for Federal tax benefits under sections 401 or 403 of the Internal Revenue Code of 1954, as amended.

Section 17(f)(3) provides, in pertinent part, that a registered management investment company may maintain its securities and investments in its own custody in accordance with such rules, regulations and orders as may be adopted by the Commission in the interests of investors. Rule 17f-2 under the Act requires, among other things, that such assets be placed in a bank subject to the other requirements of the rule. One of such other requirements limits the persons who shall have access to such assets to only certain specified individuals. Applicants request an exemption from the provisions of section 17(f)(3) and Rule 17f-2 to the extent necessary to permit not more than five officers or responsible employees of Insurance Company as well as duly authorized representatives of the Connecticut Commissioner of Insurance to have access to the assets of Separate Account. Such assets will be deposited by Insurance Company with The Hartford National Bank and Trust Co., Hartford, Conn. Insurance Company is subject to supervision and inspection by the Connecticut Commissioner of Insurance.

Sections 22(e) and 27(c)(1) provide, in pertinent part, that (1) a registered investment company may not suspend the right of redemption or postpone the date of payment upon redemption of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption and (2) a registered investment company issuing periodic payment plan certificates may not sell such certificates unless such certificates are redeemable securities. Applicants represent that prior to their maturity dates the contracts are redeemable and satisfy the redemption provisions of the Act. However, on their respective maturity dates, the then value of the contracts is determined and applied to provide for lifetime annuity payments of variable amounts. Applicants state that because the amount of annuity payments under the variable option are calculated actuarially, based upon the life expectancies of the annuitants of the contracts, if an annuitant were permitted to redeem his contract after the maturity date, it would upset the actuarial computations made with respect to the remaining annuitants. Applicants request exemption from sections 22(e) and 27(c)(1) to the extent that once an annuitant begins to receive annuity payments he cannot redeem the value credited to his account. Such prohibitions shall only apply after annuity payments to the annuitant commence.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and

held under an indenture or agreement containing, in substance, the provisions required by sections 26(a) (2) and (3) for a unit investment trust. Section 26(a) (2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust and places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26 (a) (3) governs the circumstances under which the trustee or custodian may resign and is designed to prevent "orphanage" of the trust.

Applicants state that Insurance Company functions as a regulated insurance company and is subject to extensive and detailed supervision and inspection by the Connecticut Commissioner of Insurance in all of its dealings with the contract purchasers. Insurance Company states that such control provides ample assurance against misfeasance and adequately protects the interests of the purchasers and annuitants. Accordingly, Applicants state that such authority and jurisdiction affords the essential protection which the trusteeship or custodianship under section 26(a) (2) is designed to provide. Moreover, in addition to the supervision and inspection by the Commissioner of Insurance, Insurance Company states that it will undertake binding commitments to contract owners which it may not legally abrogate. Such supervision, inspection and undertakings will provide substantial protection against the hazards at which section 27 (c) (2) is designed to protect against.

Applicants have consented to the requested exemptions being subject to the condition that the charges under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 2, 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. 68–8645; Filed, July 19, 1968; 8:47 a.m.]

[File No. 1–4371]

WESTEC CORP.

Order Suspending Trading

JULY 15, 1968.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 16, 1968, through July 25, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–8643; Filed, July 19, 1968; 8:47 a.m.]

[File No. 70–4636]

YANKEE ATOMIC ELECTRIC CO.

Notice of Proposed Organization and Conduct of Business of Servicing Division Within Nuclear Generating Company

JULY 15, 1968.

Notice is hereby given that Yankee Atomic Electric Co. ("Yankee"), 441 Stuart Street, Boston, Mass. 02116, an electric-utility subsidiary company of two registered holding companies, Northeast Utilities ("Northeast") and New England Electric System ("NEES"), and an affiliate of three electric utility companies, Boston Edison Co. ("Boston"), Central Maine Power Co. ("Central Maine"), and Public Service Company of New Hampshire ("New Hampshire"), has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) (2), 7(e), 13 (b) and (e), and Rules 62(b) (1), 86, 87(a) (3), 95, and 100(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a statement of the proposed transactions.

All of the outstanding capital stock of Yankee was acquired by 11 electric-utility companies operating in New England ("Sponsors") pursuant to orders of the Commission (Holding Company Act Release Nos. 13048, 13900). In the course of its development, Yankee assembled a group of engineering, operating, and support personnel with knowledge and experience in nuclear power technology ("Yankee Group"), and it was the understanding among the Sponsors that such personnel would be available to assist them in any subsequent nuclear power projects in New England.

In 1963 Connecticut Yankee Atomic Power Co. ("Conn-Yankee") was organized by the Sponsors to build and operate a second jointly owned nuclear power plant (Holding Company Act Release No. 14968). At that time some employees of the Yankee Group were transferred to Conn-Yankee; others were transferred to New England Power Service Co. ("NEPSCO"), a wholly owned subsidiary service company of NEES; and the remainder were retained by Yankee.

In subsequent years additional jointly owned nuclear power projects have been undertaken by the Sponsors in Vermont and Maine (Holding Company Act Release Nos. 15958, 16006), and Northeast and Boston have commenced construction of nuclear power plants for their own use. It is anticipated that additional nuclear power projects will be undertaken in the New England area.

It is proposed that approximately 57 former employees of Yankee now on the payroll of NEPSCO be transferred to the payroll of a new Nuclear Services Division ("Division") to be established within Yankee, so that such personnel will be

under the common supervision of the Sponsors and be available to provide specialized services on nuclear power matters.

The total expenses of the Division for its first year of operation are estimated at $1,050,000, including payroll and related expenses of $840,000. Expenses for the succeeding 4 years are expected to range from $900,000 to $1,200,000 annually. Yankee will allocate to the Division initial working capital of about $200,000, equivalent approximately to 45 days' expenses plus investment in office equipment, and a return of 6 percent per annum on such capital will be included in the costs of services rendered by the Division. The Sponsors propose to enter into service contracts with Yankee which will provide, among other things, that the costs of services rendered upon requests from Sponsors will be charged directly to such Sponsors on the basis of employee time sheets and specific work orders. The other expenses of the Division will be allocated in accordance with procedures set forth in the said application-declaration and be limited to not more than $150,000 in any calendar year.

Yankee further proposes to modify its Indenture of Mortgage and Deed of Trust ("Indenture") dated as of June 1, 1959, to the Old Colony Trust Co., as trustee, so as to permit the Division to furnish services to one or more of the Sponsors or their nominees in connection with the construction or operation of nuclear power plants. Such modification requires the consent of the holders of at least two-thirds of the principal amount of all of Yankee's First Mortgage Sinking Fund Bonds, Series A 5 percent, due January 1, 1982. Since these Bonds are held by less than 25 holders, Yankee will solicit their consents pursuant to the terms of Rule 62(b)(1) under the Act.

The fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $4,000. The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The applicant-declarant has expressly consented to the following conditions:

1. No change in the organization of the Division, the type and character of companies to be serviced, the scope or character of services to be rendered, the method of allocating the costs of services among such companies, or its basic accounting principles shall be made unless and until Yankee shall first have given the Commission written notice of such proposed change not less than 60 days prior to the proposed effectiveness of any such change. If, upon the receipt of any such notice, the Commission within the 60-day period shall notify Yankee that a question exists as to whether the aforesaid proposed change is consistent with the provisions of section 13 of the Act, or of any rule, regulation, or order thereunder, the proposed change shall not become effective unless and until Yankee shall have filed with the Commission an appropriate declaration with respect to such proposed change, and the Commission shall have permitted such declaration to become effective.

2. All records of Yankee, which support any of its charges to companies serviced by the Division, shall be made available by Yankee in its offices for inspection by authorized representatives of any public body which is empowered by law to regulate the accounts of, or rates charged for utility service by any such company.

3. Jurisdiction will be reserved by the Commission to reconsider the servicing activities of the Division at an appropriate future time or times, and, after notice and opportunity for hearing, to revoke, suspend, or modify the approval now requested of the Commission with respect to the organization and conduct of business of the Division.

4. Yankee will file a report annually with the Commission covering the operations of the Division and other information concerning its servicing activities.

5. Yankee will continue to maintain its accounts in accordance with the Uniform System of Accounts for Public Utilities and Licensees (Class A and Class B) under the Federal Power Act and will maintain subaccounts in sufficient detail to provide adequate support for all service charges made by the Division.

The applicant-declarant further requests that, in view of the foregoing terms and conditions, it be exempted from the requirements of Rules 93, 94, and 95 under the Act pursuant to the provisions of Rule 100(a) under such Act.

Notice is further given that any interested person may, not later than August 6, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-8646; Filed, July 19, 1968; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 4.1-1 (Rev. 2), Amdt. 1]

DEPUTY ASSOCIATE ADMINISTRATOR FOR FINANCIAL ASSISTANCE

Delegation of Authority Regarding Financial Assistance

Delegation of Authority 4.1-1 (Revision 2) (33 F.R. 9855), is hereby amended by revising item I to read as follows:

I. Pursuant to the authority delegated by the Associate Administrator for Financial Assistance to the Deputy Associate Administrator for Financial Assistance in Delegation of Authority No. 4.1 (Revision 1) 32 F.R. 938, as amended (33 F.R. 8624) (33 F.R. 9317), the following authority, which does not include the authority to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2 (e) of SBA Loan Policy Regulations, is hereby redelegated to the specific positions as indicated herein:

* * * * *

Effective date: April 1, 1968.

HOWARD W. ROGERSON, *Deputy Associate Administrator for Financial Assistance.*

[F.R. Doc. 68-8674; Filed, July 19, 1968; 8:49 a.m.]

STRUTHERS CAPITAL CORP.

Notice of Application for License as Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR Part 107; 33 F.R. 326) by Struthers Capital Corp. (the Applicant), 630 Fifth Avenue, New York, N.Y. 10020, for a license to operate in the States of New York and New Jersey, as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

The Applicant was incorporated pursuant to the laws of the State of New York and qualified to do business as a foreign corporation in the State of New Jersey. The business of the Applicant will be principally carried on in the States of New York and New Jersey and restricted to the activities under the Small Business Investment Act of 1958, as amended. The only class of shares of the Applicant authorized or outstanding consists of 1,000 shares of $1 par value common stock issued to Struthers Wells

Corp. (Struthers Wells), a Maryland corporation, for a consideration of $1,000 and additional consideration as discussed below.

Pursuant to an Agreement and Plan of Reorganization (the Agreement) dated March 11, 1968, between Struthers Wells and Developers Small Business Investment Corp. (Developers), a New Jersey corporation and a licensee under the Act, the Applicant will, at the closing now scheduled for July 25, 1968, acquire the business and substantially all of the assets of Developers in exchange for 120,238 shares of common stock, par value $1 per share, of Struthers Wells, which shares will be treated as additional consideration for issuance to Struthers Wells of the 1,000 shares of common stock of the Applicant. The Applicant will assume substantially all of Developers' liabilities and obligations outstanding on the date of the closing. Developers will liquidate and dissolve and distribute the Struthers Wells common stock to its shareholders on the basis of one share of Struthers Wells common stock for each five shares of Developers.

The following individuals include the proposed officers and directors as well as the transferee who will own 100 percent of the stock:

Robert P. Brown, 199 Weaver Street, Scarsdale, N.Y., President, Manager, and Director.
Victor Harz, 630 Fifth Avenue, New York, N.Y., Vice President and Director.
W. Clark Root, 630 Fifth Avenue, New York, N.Y., Vice President and Director.
Albert Rohrbaugh, 630 Fifth Avenue, New York, N.Y., Treasurer and Director.
Burton M. Abrams, 630 Fifth Avenue, New York, N.Y., Secretary and Director.
Jerry Finkelstein, 630 Fifth Avenue, New York, N.Y., Director.
Stanley Hope, 630 Fifth Avenue, New York, N.Y., Director.
Struthers Wells Corp., 630 Fifth Avenue, New York, N.Y., 100 percent stockholder.

Matters involved in SBA's consideration of the application include the general business reputation and character of the foregoing individuals and the probability of successful operation of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested person may, no later than 10 days from the publication of this notice, submit to SBA, in writing, relevant comments on the proposed SBIC. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed transferee in a newspaper of general circulation in New York and New Jersey.

For SBA (pursuant to delegated authority).

Dated: July 15, 1968.

GLENN R. BROWN,
Associate Administrator for Investment.

[F.R. Doc. 68-8675; Filed, July 19, 1968; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 650]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 16, 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 61955 (Sub-No. 8 TA), filed July 12, 1968. Applicant: CENTROPOLIS TRANSFER CO., INC., 6700 Wilson Avenue, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed grade urea*, from Kansas City, Mo., to points in Iowa, Nebraska, Kansas, and Missouri, for 150 days. Supporting shipper: American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 64932 (Sub-No. 452 TA), filed July 11, 1968. Applicant: ROGERS CARTAGE CO., 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 and liquified petroleum*, in bulk, in tank vehicles, from Frankfort, Ill., to points in Georgia, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin, and Tennessee (except Kingsport), for 180 days. Supporting shipper: Diversified Chemicals & Propellants Co., Suite 415, Oak Brook Executive Plaza, Oak Brook, Ill. 60521. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 119778 (Sub-No. 115 TA), filed July 11, 1968. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. 35221. Applicant's representative: J. V. McCoy, Redwing Carriers, Inc., Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends of liquid sugar*, in bulk, in tank vehicles, from Birmingham, Ala., to points in Georgia on and west of U.S. Highway 129, and points in that part of Tennessee on and west of a line beginning at the Georgia-Tennessee State line and extending along U.S. Highway 11 to Knoxville, Tenn., thence along U.S. Highway 25W to the Tennessee-Kentucky State line, and east of Tennessee Highway 13, for 180 days. Supporting shipper: American Sugar Co., 120 Wall Street, New York, N.Y. 10005. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 128909 (Sub-No. 5 TA), filed July 11, 1968. Applicant: COMMODORE CONTRACT CARRIERS, INC., 2410 Dodge Street, Omaha, Nebr. 68131. Applicant's representative: Don Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unrelated parts, appliances, furniture, and accessories* (when moving in mobile homes, house trailers designed to be drawn by passenger autos, and buildings, in sections mounted on wheeled undercarriages with hitch-ball connector); (1) between Fall City and North Bend, Nebr., Arlington (Shelby County), Tenn., Hamilton, Haleyville and Red Bay, Ala., Danville, Va., and Roseberg, Oreg.; (2) from Falls City, Nebr., to points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, 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) from North Bend, Nebr., to 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) from Hamilton, Haleyville, and Red Bay, Ala., and Arlington (Shelby County), Tenn., to 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) from Danville, Va., to 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) from Roseberg, Oreg., to points in Washington, California, Nevada, Arizona, New Mexico, Colorado, Utah, Idaho, Montana, Wyoming, and ports of entry on the international boundary line between the United States and Canada located in Washington and Montana; and (7) from Red Bay, Ala., to points in Connecticut, Delaware, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; 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 above; for 180 days. Supporting shipper: The Commodore Corp., 2410 Dodge Street, Omaha, Nebr. 68131. Send protests to: K. P. Kohrs, District Supervisor, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133022 TA, filed July 12, 1968. Applicant: JOHN EDWARD BEACH, doing business as BEACH TRUCKING, 2769 61st Avenue North, St. Petersburg, Fla. Applicant's representative: M. Craig Massey, 223 South Florida Avenue, Lakeland, Fla. 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting, underlay, paddings, adhesives, and allied products*, from Chattanooga, Tenn., Cape Girardeau, Mo., Indianola, Miss., Phenix City, Ala., and Resaca, Dalton, Columbus, La Grange, La Fayette, Ringgold, Cartersville, Rome, and Atlanta, Ga., to points in Pinellas, Hillsborough, Polk, Sarasota, Manatee, Lee, Charlotte, Pasco and Citrus Counties, Fla., and *returned shipments*, on return for 180 days. Supporting shippers: West Coast Carpet Service, Inc., 3251 46th Avenue North, Post Office Box 11117, St. Petersburg, Fla. 33733; and Hotpoint Home Center, 4650 28th Street North, St. Petersburg, Fla. 33714. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

MOTOR CARRIER OF PASSENGERS

No. MC 96001 (Sub-No. 25 TA), filed July 12, 1968. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, 70 Union Street, Medford, Mass. Applicant's representative: James H. Sullivan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, from Quincy and Milton, Mass., to Rockingham Park, Salem, N.H., and return, for 180 days. Supported by: Ten individuals wishing to obtain service to the race track located at Rockingham Park, and whose statements may be examined here at the Interstate Commerce Commission, Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

By the Commission.

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

[F.R. Doc. 68-8667; Filed, July 19, 1968; 8:48 a.m.]

[Notice 651]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 17, 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 59640 (Sub-No. 14 TA), filed July 15, 1968. Applicant: PAULS TRUCKING CORPORATION, 833 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*, for the account of Supermarkets General Corp., from Suffield, Conn., to Woodbridge Township, N.J., for 150 days. Supporting shipper: Supermarkets General Corp., Executive Offices, 3 Commerce Drive, Cranford, N.J. 07016. Send protests to: District Supervisor W. J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 110525 (Sub-No. 871 TA), filed July 12, 1968. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicone fluid*, in bulk, in tank vehicles, from Carrollton, Ky., to Waxdale, Wis., for 180 days. Supporting shipper: Dow Corning Corp., Carrollton, Ky. 41008. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 111740 (Sub-No. 24 TA), filed July 15, 1968. Applicant: OIL TRANSPORT COMPANY, a corporation, Post Office Box Drawer 2679, East Highway 80, Abilene, Tex. 79604. Applicant's representative: Jerry E. Matthews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, except that sulphur derived from petroleum or petroleum products, in bulk, from the plantsite of Sinclair Oil & Gas located approximately 13½ miles northeast of Fort Stockton, Tex., to the plantsite of Climax Chemical Co. located approximately 3 miles west of Monument, N. Mex., for 180 days. Supporting shipper: Sinclair Oil & Gas Co., Sinclair Oil Building, Tulsa, Okla. 74102. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 126477 (Sub-No. 1 TA), filed July 15, 1968. Applicant: JET AIR FREIGHT & PARCEL DELIVERY, INC., Rural Route 4, Baer Field Terminal, Fort Wayne, Ind. 46809. Applicant's representative: Richard D. Logan, 1435 Lincoln Bank Tower, Fort Wayne, Ind. 46802. 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, commodities requiring special equipment, and those injurious or contaminating to other lading), having an immediately prior or subsequent movement by air, between points in Allen County, Ind., on the one hand, and O'Hare International Airport, Chicago, Ill., on the other, for 180 days. Supporting shippers: Rea Magnet Wire Co., Inc., 3600 East Pontiac Street, Fort Wayne, Ind. 46806; The Magnavox Co., Bueter Road, Fort Wayne, Ind. 46803. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 129942 (Sub-No. 1 TA), filed July 15, 1968. Applicant: KEITH WILLIAMS TRANSPORT, INC., Post Office Box 45, Vicksburg, Miss. 39180. Applicant's representatives: Butler, Snow, O'Mara, Stevens and Cannada, Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cement*, in bulk, in tank or hopper-type vehicles, from Vicksburg, Miss., to points in Louisiana, Arkansas, Tennessee, and Alabama, for 180 days. Supporting shipper: Dundee Cement Co., Dundee, Mich. 48131. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, Room 212,

145 East Amite Building, 145 East Amite Street, Jackson, Miss. 39201.

No. MC 133023 TA, filed July 12, 1968. Applicant: GREAT NORTHERN INTERSTATE HAULING, INC., 683 Pine Street, Burlington, Vt. 05401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wet cheese curds, whey, and other cheese products*, from Alburg, Milton, and Richmond, Vt., to New York, N.Y., for 180 days. Supporting shipper: Falcone Brothers Dairy Products, Inc., 2518 West Third Avenue, Brooklyn, N.Y. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

By the Commission.

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

[F.R. Doc. 68-8668; Filed, July 19, 1968; 8:48 a.m.]

[Notice 174]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 17, 1968.

Application filed for temporary authority under section 210(a) (b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC-70659. By application filed July 16, 1968, PRATT'S DRAY & STORAGE, INC., 222 West Illinois Street, Spearfish, S. Dak. 57783, seeks temporary authority to lease the operating rights of IRION TRUCKING COMPANY, Rural Route, Broadus, Mont. 59317, under section 210a(b). The transfer to PRATT'S DRAY & STORAGE, INC., of the operating rights of IRION TRUCKING COMPANY, is presently pending.

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

[F.R. Doc. 68-8669; Filed, July 19, 1968; 8:48 a.m.]

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PART II

DEPARTMENT OF LABOR

Office of the Secretary

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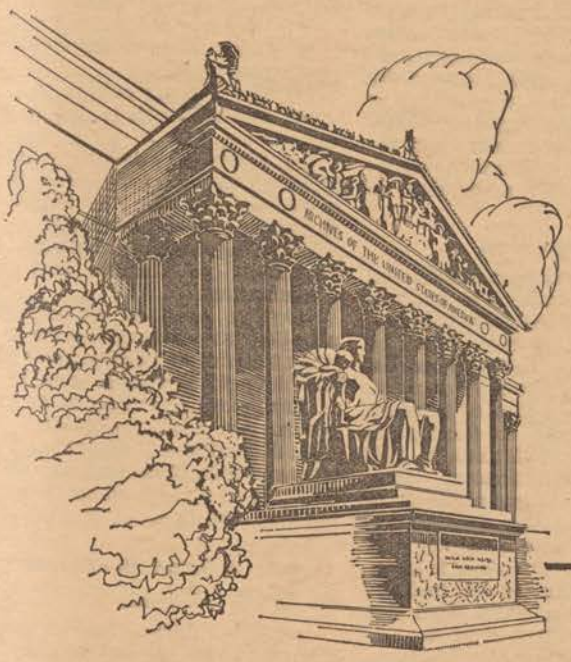
Ethics and Conduct of Department of Labor Employees



Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 0—ETHICS AND CONDUCT OF DEPARTMENT OF LABOR EMPLOYEES

Pursuant to and in accordance with sections 201 through 209 of title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Part 0 of Subtitle A of Title 29 of the Code of Federal Regulations (31 F.R. 8036) is hereby revised to read as follows:

Subpart A—General

Subpart B—Conduct

Subpart C—Outside Interests, Employment, Business and Professional Activities

Subpart D—Gifts, Fees, Entertainment, and Favors

Subpart E—Statements of Employment and Financial Interests

AUTHORITY: The provisions of this Part 0 issued under E.O. of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104; 18 U.S.C. secs. 201 through 209.

Subpart A—General

§ 0.735–1 Purpose and scope.

(a) This part is designed to implement provisions of Executive Order 11222 of May 8, 1965, "Prescribing Standards of Ethical Conduct for Government Officers and Employees," and 5 CFR 735.101 et seq. It prescribes standards of conduct for employees of the Department of Labor relating to conflicts of interest arising out of outside employment, private business and professional activities, and financial interests. It sets forth requirements for the disclosure of such interests by Department employees. In addition, it states basic principles regarding employees' conduct on the job and the ethics of their relationship to the Department as their employer. The head of an administration, bureau, or office may with the approval of the Solicitor, adopt additional standards and procedures, not inconsistent with this part. Any such additional standards and procedures shall be furnished in writing to the employees affected. This part applies to all regular and special Government employees except to the extent otherwise indicated herein. For the purpose of this part:

(1) "Regular employee" means an officer or employee of the Department of Labor, but does not include a special Government employee.

(2) "Special Government employee" means an officer or employee of the Department of Labor who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

(3) "Employee" means a regular and a special Government employee.

(4) The terms "bureau" and "office", except where otherwise indicated, mean a bureau or office which is not a part of a larger administrative subdivision within the Department of Labor.

(b) This part, among other things, reflects prohibitions and requirements imposed by the criminal and civil laws of the United States. However, the paraphrased restatements of criminal and civil statutes in no way constitute an interpretation or construction thereof that is binding upon the Federal Government. Moreover, this part does not purport to paraphrase or enumerate all restrictions or requirements imposed by statutes, Executive orders, regulations or otherwise upon Federal employees. The omission of a reference to any such restriction or requirement in no way alters the legal effect of that restriction or requirement.

§ 0.735–2 Counseling service.

(a) The Solicitor has been designated counselor to the Department in matters within the scope of the regulations in this part. Deputy counselors designated by the Solicitor will be available to consult with employees on questions relating to ethics, conduct, and conflict of interest. Employees are expected to familiarize themselves with the regulations in this part, the laws and regulations on which they are based, and the supplementary instructions issued by the administrations, bureaus, and offices in which they work. Attention of all employees is hereby directed to the statutes set forth in 5 CFR 735.210 (see Appendix A to this part). Attention of employees of the Office of Labor-Management and Welfare-Pension Reports is hereby directed to section 15(b) of the Welfare and Pension Plans Disclosure Act, which prohibits any Department employee from administering or enforcing the Act with respect to any employee organization in which he is a member or employer organization in which he has an interest. Employees who need clarification of the standards of conduct, and related laws, rules, and regulations should consult a deputy counselor.

(b) Each head of an administration, bureau, or office is responsible for application of the standards of conduct to employees under his jurisdiction. He is responsible for assuring that his employees are furnished copies of the regulations in this part not later than 90 days after their approval by the Civil Service Commission. Each new employee shall be furnished such a copy no later than the time of his entrance on duty. The heads of administrations, bureaus, and offices shall assure that employees are advised of the times and places where counseling services are available and the names of the deputy counselors. They shall assure that the regulations in this part are brought to the attention of each employee at least annually and at such other times as circumstances warrant. The heads of administrative subdivisions within the Office of the Secretary which are not a part of larger administrative subdivisions within such Office are responsible for application of the standards of conduct to employees under their jurisdiction and for carrying out the other functions set forth in this section.

§ 0.735–3 General.

(a) Failure of an employee to comply with any of the standards of conduct set forth in this part shall be a basis for such disciplinary or other remedial action as may be appropriate to the particular case. Such remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee of his conflicting interest;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment.

(b) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, regulations, and applicable agreements between the Department of Labor and employee organizations.

(c) The head of an administration may delegate authority under the regulations in this part. Delegations shall be at the highest practicable level. Delegations of final authority shall be in writing, in accordance with § 0.735–1(a), and any such delegations to employing bureaus or offices within such administrations shall be made to no individual lower than the head or acting head of such bureau or office.

Subpart B—Conduct

§ 0.735–4 General.

(a) The effectiveness of the Department of Labor in serving the public interest depends upon the extent to which the Department and its employees hold

the public confidence. Employees are therefore required not only to observe the requirements of Federal laws, policies, orders, and regulations governing official conduct, they must also avoid any apparent conflict with these requirements. Each employee shall avoid situations in which his private interests conflict or raise a reasonable question of conflict with his public duties and responsibility. An employee shall avoid any action, whether or not specifically prohibited, which might result in or create the appearance of using public office for private gain, giving preferential treatment to any person, impeding Government efficiency or economy, losing complete independence or impartiality, making a Government decision outside of official channels, or affecting adversely the confidence of the public in the integrity of the Government.

(b) Employees must conduct themselves in such manner that the work of the Department is effectively accomplished. They must observe the requirements of courtesy, consideration and promptness in dealing with or serving the public and the clientele of the Department. Although it is the policy of the Department of Labor not to restrict or interfere with the private lives of its employees, each employee is expected to conduct himself at all times so that his actions will not bring discredit on the Department or the Federal service. Employees shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or other conduct prejudicial to the Government.

§ 0.735–5 Nondiscrimination.

No employee in this Department while in the performance of his duty may discriminate against any other employee or applicant for employment because of race, color, religion, national origin, sex, or age.

§ 0.735–6 Indebtedness.

The Department of Labor considers the indebtedness of its employees to be essentially a matter of their own concern. The Department of Labor will not be placed in the position of acting as a collection agency or of determining the validity or amount of contested debts. Nevertheless, failure on the part of an employee without good reason and in a proper and timely manner to honor his just financial obligations; that is, debts acknowledged by him to be valid or reduced to judgment by a court or to make or to adhere to satisfactory arrangements for the settlement thereof may be the cause for disciplinary action. In this connection each employee has a special obligation to meet his responsibilities for payment of Federal, State, and local taxes. For the purpose of this section, "in a proper and timely manner" means in a manner which the Department determines does not, under the circumstances, reflect adversely on the Government as his employer.

§ 0.735–7 Gambling, betting, and lotteries.

An employee shall not participate, while on Government owned or leased property or while on duty for the Government, in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

(a) Necessitated by an employee's law enforcement duties; or

(b) Under section 3 of Executive Order 10927 and similar agency-approved activities.

§ 0.735–8 Misuse of official information.

Employees may not, except with specific permission or as provided in § 0.735–11 in regard to teaching, lecturing, or writing, directly or indirectly use or allow the use of official information for private purposes or to further a private interest when such information is not available to the general public; nor may employees disclose official information in violation of any applicable law, Executive order, or regulation.

§ 0.735–9 Misuse of Federal property.

An employee shall not directly or indirectly use or allow the use of Government property, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve such property and shall obey all rules and regulations applicable to its use.

§ 0.735–10 Partisan political activities.

Employees are expected to observe the prohibitions on political activities set forth in subchapter III of chapter 73 of title 5, United States Code; 18 U.S.C. 602, 603, 607, and 608; and Civil Service Rule IV, Title 5 Code of Federal Regulations section 4.1. Explanations of the restrictions are set forth in the Employee Handbook, U.S. Civil Service Commission Pamphlet No. 20, and in the Federal Personnel Manual.

Subpart C—Outside Interests, Employment, Business and Professional Activities

§ 0.735–11 General.

(a) In the absence of restrictions made necessary by a Department employee's public responsibilities, he is entitled to the same rights and privileges as all other citizens. There is therefore no general prohibition against Department employees holding jobs, financial interests, or engaging in outside business or professional activities. Indeed, such outside activities as teaching, lecturing, and writing are generally to be encouraged since they frequently serve to enhance an employee's value to the Government as well as to increase the spread of knowledge in our society. The employing administration, bureau, or office, may, however, impose reasonable restrictions upon such activities where appropriate and in accordance with § 0.735–1. In addition, an employee may not, whether for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request or when the head of his employing administration, bureau, or office gives written authorization for the use of nonpublic information on the basis that its use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401 of Executive Order 11222 of May 8, 1965, shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his agency, or which draws substantially on official data or ideas which have not become a part of the body of public information.

(b) No employee of the Department of Labor may accept any outside employment, engage in any outside business, professional, or other activity, or have financial interests if such employment, activity, or interests would be or appear to be in substantial conflict with the interests of the Department or the Government, would interfere with the performance of official duties, would prevent a regular employee from rendering full-time service to the Department or require so much time that his efficiency is impaired, or if such employment, activity, or interests would bring discredit on the Department or the Government. In addition, no employee may engage, directly or indirectly, in a financial transaction as a result of, or relying primarily on, information obtained through his Government employment.

(c) No employee may use or appear to use his Government employment to coerce any person, enterprise, company, association, partnership, society, or other organization or instrumentality to provide financial benefit to himself or another person.

§ 0.735–12 Conflict-of-interest laws.

Sections 201 through 209 of title 18, United States Code, prohibit and provide criminal penalties for certain acts by Government employees involving conflict-of-interest situations, including limited exceptions for special Government employees. These provisions include the following prohibitions:

(a) Section 203, in general, prohibits a Federal employee from soliciting, receiving, or agreeing to receive compensation for services rendered on behalf of another before a Government department or agency in relation to any particular matter in which the United States is a party or has a direct and substantial interest.

(b) Section 205, in general, prohibits a Federal employee from acting as agent or attorney for prosecuting any claim against the United States or acting as agent or attorney for anyone before any Federal courts or agencies in connection

with any particular matters in which the United States is a party or has a direct and substantial interest. It also prohibits him from receiving any gratuity, or any share of or interest in any claim against the United States in consideration of assistance in the prosecution of such claim.

(c) Section 208, in general, prohibits a Government employee in his official capacity from participating personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, or otherwise in any particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment has a financial interest. In accordance with the provisions of section 208(b)(2), the financial interests described below are hereby exempted from the prohibition of 18 U.S.C. 208 as being too remote or too inconsequential to affect the integrity of an employee's services in a matter: the policy holdings in an insurance company and the stock or bond holdings in a mutual fund, investment company, or bank which owns an interest in an entity involved in the matter: *Provided*, that in the case of a mutual fund, investment company, or bank the fair value of such stock or bond holding does not exceed 1 percent of the value of the reported assets of the mutual fund, investment company, or bank. In addition, the prohibitions of section 208(a) shall not apply if the employee obtains advance clearance in accordance with the requirements of section 208.

(d) Section 209, in general, prohibits regular Government employees from receiving salary or supplementation of salary as compensation for their Government service from any source other than the United States. The statutory provisions described in this section are intended to call each employee's attention to problem areas and are not intended as a comprehensive description or interpretation of statutory prohibitions or the exceptions thereto. Employees who need guidance concerning the scope and application of the conflict-of-interest laws and their exceptions should consult a deputy counselor.

§ 0.735–13 Clearance.

(a) Any employee who is engaged or is planning to engage in outside employment, business, professional, or other such activities has a positive obligation to inform himself fully concerning the requirements of this subpart and any laws, orders, regulations, or standards applicable to such activities. An employee shall request clearance from the head of his administration, bureau, or office as to whether such planned or current activities are prohibited:

(1) When such activities raise a substantial question of conflict with this subpart or any applicable laws, orders, regulations, or standards;

(2) When applicable laws, orders, regulations, or standards require clearance of such activities; or

(3) When the employee is specifically so required by the individual responsible for clearance in order to avoid possible conflict with applicable laws, orders, regulations, or standards.

The clearance request shall be in writing and shall include, at a minimum, the identity of the employee, a statement of the nature of the employment or activity, and the amount of time to be devoted to the employment or activity. The head of the employing administration, bureau, or office may require the employee to furnish such other information as may be appropriate in considering the clearance request. He may grant clearance only when he believes such activities would be consistent with applicable laws, orders, regulations, and standards. He shall consult fully with the Solicitor where appropriate. If clearance is not granted, the employee shall not commence or continue the outside employment or activity.

(b) The Secretary or his designee will handle requests for clearance by the heads of administrations, bureaus, offices, Presidential appointees, members of boards or commissions appointed by the Secretary, employees in the immediate Office of the Secretary. Clearance matters involving other employees in the Office of the Secretary will be handled by the head of the employing subdivision within such office which is not a part of a larger subdivision.

(c) The requirements set forth in this subpart are separate from and in addition to any provision under Subpart E of this part requiring an employee to submit a statement of employment and financial interests or any other requirements of that subpart.

Subpart D—Gifts, Fees, Entertainment, and Favors

§ 0.735–14 Acceptance of gratuities generally.

No employee shall solicit, accept, or agree to accept any direct or indirect favor, gift, loan, free service, gratuity, entertainment, or other item of economic value if the donor has or is seeking to obtain contractual or other business or financial relations with the Department, has interests that may be substantially affected by the performance or nonperformance of official duties, is attempting to reward or influence the employee's official actions, or if acceptance of such item could affect the employee's impartiality, or give that appearance. An employee shall not accept a gift, present, decoration, or other thing from a foreign Government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342. No regular Government employee may receive any salary or supplementation of salary from a private source as compensation for services to the Government.

§ 0.735–15 Payments, expenses, reimbursements, entertainment, etc., from non-Government sources.

(a) In general, Decision B–128527 of the Comptroller General dated March 7, 1967, restricts receipt of reimbursement for travel, subsistence, or other expenses from private sources by an employee on official business under agency orders. This decision or other regulations in this part do not restrict acceptance of contributions, awards, travel, subsistence, and other expenses from nonprofit organizations authorized by 5 U.S.C. 4111 and regulations issued thereunder; *Provided*, That an employee may not, without the written permission of the head of his employing administration, bureau, or office, or other person responsible for clearance of outside activities under § 0.735–13 (except as allowed by § 0.735–17(a)(6)), accept from nongovernmental sources any payments, expenses, reimbursements, entertainment, or other item of economic value incident to training, attendance at meetings of any kind, or other activities, if such training, meetings, or activities are attended or performed wholly or partially within periods when he is on duty or at such times as the Department pays any expenses incident thereto in whole or in part. Such authorization may not be granted where prohibited by law or Decision B–128527 of the Comptroller General and may only be granted if acceptance of the contribution, award, or payment: (1) Would not reflect unfavorably on the ability of the employee to carry out his official duties in a fair and objective manner; (2) would not compromise the honesty and integrity of the Government programs or of Government employees and their official actions or decisions; (3) would be compatible with the Code of Ethics for Government Service expressed in House Concurrent Resolution 175, 85th Congress, second session; (4) would otherwise be proper and ethical for the employee concerned under the circumstances in his particular case; and (5) if the contribution, award, or payment is not a reward for services to the organization prior to the training or meeting. Authorization shall be limited to receipt of bona fide reimbursement for actual expenses of travel and other necessary subsistence for which no Government payment or reimbursement is made. However, an employee may not be reimbursed and payment may not be made on his behalf for excessive personal living expenses, gifts, entertainment, or other personal benefits.

§ 0.735–16 Contributions and gifts to superiors.

No employee may solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position. This section

does not prohibit voluntary gifts of nominal value or donations in a nominal amount made on a special occasion such as marriage, illness, etc.

§ 0.735–17 Permissible gifts.

(a) The prohibitions in this subpart do not preclude:

(1) Acceptance of unsolicited advertising or promotional material of nominal intrinsic value;

(2) Acceptance of an award for meritorious public contribution given by a charitable, religious, professional, social, fraternal, nonprofit educational, recreational, public service, or civic organization;

(3) Acceptance of gifts resulting from obvious family or personal relationships when the circumstances make clear that it is those relationships rather than the business of the persons concerned which are the motivating factor;

(4) Acceptance of loans from banks, or other financial institutions on customary terms to finance proper and usual activities;

(5) Acceptance of scholarships, fellowships, and similar forms of assistance which are incident to education or training pursued by an employee on his own time and his own initiative;

(6) Acceptance, without permission, of food, entertainment, and refreshments of nominal value on infrequent occasions in the ordinary course of a meeting, inspection tour, or training situation in which the employee is properly in attendance.

(b) Notwithstanding any reference to generally permissible gifts in this subpart, employees are expected to avoid any conflict or apparent conflict between their private interests and those of the Department and to observe the other standards of conduct set forth in Subpart B of this part.

Subpart E—Statements of Employment and Financial Interests

§ 0.735–18 Regular employees required to submit statements.

The following regular employees are required to submit to the head of the employing administration, bureau, or office statements of employment and financial interests on forms approved by the Solicitor and furnished to the employees. Such forms must be completed in accordance with instructions applicable thereto. Forms shall be submitted not later than 90 days after the effective date of the regulations in this part, if employed on or before that effective date or 30 days after his entrance on duty, but not earlier than 90 days after the effective date if appointed after the effective date.

(a) Employees paid at a level of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code; except the Secretary of Labor who is subject to separate reporting requirements under section 401 of Executive Order 11222;

(b) The Deputy Under Secretary, Deputy Assistant Secretaries, Deputy Solicitor, and all Assistants and all grades GS–13 and above executive or special assistants to the Secretary, Under Secretary, Assistant Secretaries, or the Solicitor;

(c) The heads of all administrations, bureaus, and offices, as defined in § 0.735–1. The heads of all bureaus and offices within an administration which are not a part of a larger administrative subdivision within such administration;

(d) The heads of all subdivisions within the Office of the Secretary which are not a part of a larger administrative subdivision within that Office;

(e) Employees in hearing examiner positions as defined by § 930.202(c) of the Civil Service Commission regulations (5 CFR 930.202(c));

(f) Employees, grade GS–13 and above occupying the following positions:

OFFICE OF THE SECRETARY

Immediate Office of the Secretary

Executive Secretary, Intra-Departmental Economic Advisory Committee.
Secretary's Regional Representative.

Office of the Assistant Secretary for Administration

Office of Financial Management and Administration:
  Director.
  Chief, Division of Audit.
  Auditors.
Office of Administrative Services:
  Director.
  Procurement Officer.
Office of Employee Utilization and Development:
  Director.
  Executive Development Officer.
  Employee Development Officer.
Office of Program and Budget Review:
  Director.
  Assistant Director for Budget Review.
  Assistant Director for Program Review.
Office of Federal Contract Compliance:
  Director.
  Assistant Director for Compliance Operations.
  Assistant Director for Program Policy.

Office of Information, Publications, and Reports

Deputy Director.

OFFICE OF THE SOLICITOR

Associate Solicitors.
Deputy Associate Solicitors.
Regional Attorneys.
Division of Litigation:
  Chief Trial Attorney.
  Counsel for Regional Litigation.
Division of Interpretations and Opinions:
  Counsel for Construction Wage Standards.
Division of Wage Determinations:
  Associate Administrator.
  Deputy Associate Administrator.

BUREAU OF LABOR STATISTICS

Deputy Commissioner.
Director, Office of Administrative Management.
Deputy Director, Office of Administrative Management.
Chief, Division of Fiscal Management and Services.

WAGE AND LABOR STANDARDS ADMINISTRATION

Office of the Wage and Labor Standards Administration

Deputy Administrator.
Director, Office of Planning.

Bureau of Labor Standards

Deputy Director.
Director, Office of Occupational Safety.
Regional Directors, Office of Occupational Safety.

Bureau of Employees' Compensation

Deputy Director.
Assistant Director for Administrative Management.
Assistant Director for Longshoremen's and Harbor Workers' Compensation.
Deputy Commissioners, District Offices.

BUREAU OF INTERNATIONAL LABOR AFFAIRS

Deputy Administrator.
Director, Division of Administration and Management.
Chief, Division of Trade Union Exchange Programs.
Division of International Exhibitions:
  Chief.
  Deputy Chief.
Division of Foreign Economic Policy:
  Chief.
  International Economists.

WAGE AND HOUR AND PUBLIC CONTRACTS DIVISIONS

Deputy Administrator.
Assistant Administrator for Compliance and Enforcement.
Assistant Administrator for Research and Legislative Analysis.
Assistant Administrator for Planning and Management.
Assistant to the Administrator.
Chief, Division of Regulations and Exemptions.
Chief, Division of Wage Determinations.
Regional Directors.
Deputy Regional Directors.
Assistant Regional Directors.
Assistants to the Regional Directors.
Directors of District Offices.
Field Office Supervisors.
Director of the Puerto Rico Area Office.
Assistant Director of the Puerto Rico Area Office.

LABOR MANAGEMENT SERVICES ADMINISTRATION

Deputy Administrator.
Director, Office of Labor-Management Relations Services.
Director, Office of Labor-Management Policy Development.
Director, Office of Administration and Management.
Director, Office of Veterans Reemployment Rights.

Office of Labor-Management and Welfare-Pension Reports

Professionals, Office of the Director.
Professionals, Division of Compliance Operations.
Division of Reports and Analysis:
  Director.
  Deputy Director.
  Branch Chiefs.
  Supervisory Staff Accountants, Branch of Financial Analysis.
Director, Division of Technical Assistance.
Division of Regulations and Administrative Rulings:
  Director.
  Branch Chiefs.
  Chief, Section of Bonding.
  Chief, Section of Rulings (Welfare and Pension Plans).
Field:
  Regional Directors.
  Assistant Regional Directors.
  Area Directors.

MANPOWER ADMINISTRATION

Office of the Manpower Administrator

Deputy Manpower Administrator.
Assistant Manpower Administrator for Manpower Development and Training.

Assistant Manpower Administrator for Intergovernmental Relations.
Special Assistant to the Manpower Administrator (Equal Employment Opportunities).
Regional Manpower Administrators.
Manpower Administrator's Regional Representatives.
Executive Secretary, President's Committee on Manpower.
Associate Manpower Administrator.
Deputy Associate Manpower Administrator.
Office of Evaluation and Reports:
Director.
Chief, Division of Program Evaluation.
Office of Special Manpower Programs:
Director.
Division of Program Experimentation:
Chief.
Professionals.
Division of Program Demonstration:
Chief.
Professionals.
Office of Manpower Research:
Director.
Special Assistant to the Director.
Division of Manpower Research Contracts:
Chief.
All Professionals, grades GS–14 and above.
Division of Manpower Research Grants:
Chief.
Professionals, grades GS-14 and above.

Office of Financial and Management Services

Assistant Manpower Administrator for Administration.
Deputy Assistant Manpower Administrator for Administration.
Division of Contracting Services:
Chief.
Chief, Branch of Payments Administration.
Chief, Branch of MDTA Contracts and Grants.
Chief, Branch of Bureau of Work Training Programs Contract Review.

Bureau of Apprenticeship and Training

Deputy Administrator.
Director, Office of Administration.
Regional Directors.
Deputy Regional Directors.

Bureau of Employment Security

Assistant to the Administrator.
Deputy Administrator.
Executive Assistant to the Adminisrator.
Special Assistant to the Administrator (Program Policy and Planning).
Special Assistant to the Administrator (Federal-State Relationships).
Special Assistant to the Administrator (Relations with Cooperating Groups).
Assistant to the Administrator for Training Program Coordination.
Chief, Office of Information.
Chief, Office of Field Administration.
Administration and Management Service:
Director.
Director, Office of Management and Appraisal.
Chief, Division of Automatic Data Processing.
Digital Computer Analysts.
Chief, Division of Federal Management and Administration.
Director, Office of Fiscal Policy and Management.
Chief, Division of State Budgets and Fiscal Standards.
Unemployment Insurance Service:
Director.
Deputy Director.
Assistant Director.
Director, Office of Program Development and Legislation.
Director, Office of Federal Unemployment Insurance Programs and Training Allowances.
Office of State Operations:
Director.
Assistant Director.
Systems Development Staff.
Chief, Division of Organization and Management.
U.S. Employment Service:
Office of the Director:
Director.
Deputy Director.
Special Assistants.
Assistant for Program Planning and Development.
Chief, Division of State Employment Service Administration.
Chief, Branch of Program Budget Requirements.
Employment Service Advisors (automatic data processing).
Office of Employment Service Activities:
Director.
Chief, Division of Youth Employment and Guidance Services.
Office of Manpower Analysis and Utilization:
Director.
Chief, Division of Research and Publications.
Office of Manpower Training Operations.
Director.
Chief, Division of Training Program Development and Approval.
Veterans Employment Service:
Chief.
Assistant Chief.
U.S. Employment Service, D.C.:
Director.
Deputy Director.
Assistant Directors.
Office of Farm Labor Service:
Director.
Deputy Director.
Chief, Division of Farm Labor Operations.
Chief, Branch of Recruitment and Compliance.
Chief, Division of Research and Wage Activities.
Chief, Division of Labor Contractor Activities.
Field Offices:
Regional Administrators.
Assistant Regional Administrators.

Bureau of Work Training Programs

Office of Planning and Evaluation:
Director.
Deputy Director.
Program Evaluators.
Office of Operations:
Director.
Deputy Director.
Regional Offices:
Directors.
Deputy Directors.
Field Representatives.
Contract Specialists.

(g) Additions to, deletions from, and other amendments of the list of positions in paragraph (f) of this section may be made from time to time as necessary to carry out the purpose of the law, Executive Order 11222, and Part 735 of the Civil Service Commission regulations (5 CFR Part 735). Such amendments are effective upon clearance by the Solicitor and actual notification to the incumbents. The amended list shall be submitted annually for publication in the FEDERAL REGISTER.

(h) Any employee who believes that his position has been improperly included under this subpart as one requiring the submission of a statement of employment and financial interests shall have the opportunity for review of such inclusion under the grievance procedures of the Department of Labor.

§ 0.735–19 Supplementary statements, regular employees.

Changes in, or additions to the information contained in the regular employee's statement of employment and financial interests shall be reported in a supplementary statement as of September 30 each year. If there are no changes or additions, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflict-of-interest laws or Supart C of this part.

§ 0.735–20 Special Government employees required to submit statements.

(a) Before an individual enters on duty as a special Government employee expert or consultant he is required to submit a statement of employment and financial interests to the head of the employing administration, bureau, or office, on forms approved by the Solicitor and furnished to the individual. Such forms must be completed in accordance with the instructions applicable thereto. This requirement applies to all other special Government employee positions unless the head of the employing administration, bureau, or office determines prior to appointment that the duties of the position are of such a nature and at such a level of responsibility that the submission of the statement is not necessary to protect the integrity of the Government. For the purpose of this section, "consultant" and "expert" shall be given the meanings given those terms by Chapter 304 of the Federal Personnel Manual.

(b) Each special Government employee shall keep his statement of employment and financial interests current throughout his employment with the Department by the submission of supplementary statements.

§ 0.735–21 Review procedures.

(a) Except as provided in 0.735–22, the head of each administration, bureau, or office, shall promptly review each initial and supplementary statement of employment and financial interests required by this part. No individual may enter on duty as a special Government employee if the head of the employing administration, bureau, or office determines that employment would be in conflict with the standards set forth in this part, or other applicable regulations, laws, or orders.

(b) Before the head of an administration, bureau, or office disapproves a statement of employment and financial interests submitted by a regular or special Government employee, such employee must be given an opportunity to explain the possible or apparent conflict of interest. The head of the employing

administration, bureau, or office may require the employee to furnish such additional information as may be appropriate in considering the statement of employment and financial interests. If, after adequate investigation, he disapproves an employee's statement of employment and financial interests, he shall promptly notify the employee of the disapproval and recommend appropriate remedial action pursuant to § 0.735–3. If the employee is unwilling or unable to take such action, the head of the employing administration, bureau, or office shall forthwith transmit the employee's statement of employment and financial interests and other pertinent information to the Solicitor. The Solicitor shall review all such forms and recommend appropriate action on such statements of employment and financial interests to the Under Secretary. If the Under Secretary disapproves the form, the head of the employing administration, bureau, or office shall initiate appropriate remedial action under § 0.735–3 and other applicable laws, orders, and regulations. Pending any final determination with regard to an employee's statement of employment and financial interests, the head of the employing administration, bureau, or office shall relieve the employee of any duties which appear to conflict with a private interest or activity and assign him other duties.

§ 0.735–22 Statements of top staff and certain other employees.

Statements of employment and financial interests submitted by the heads of administrations, bureaus, offices, Presidential appointees, members of boards or commissions appointed by the Secretary, the heads of subdivisions within the Office of the Secretary which are not a part of larger administrative subdivisions within such Office, and employees in the immediate Office of the Secretary will be reviewed by the Secretary or the individual designated by him. Statements of employment and financial interests submitted by employees in the Office of the Secretary other than those specified above, will be reviewed by the head of the employing subdivision within such office which is not a part of a larger subdivision in accordance with § 0.735–21.

§ 0.735–23 Confidentiality.

The Department shall hold each statement of employment and financial interests and supplementary statements in confidence. Statements shall be kept in a special file maintained by the head of the administration, bureau, office or other official responsible for review in such administrative subdivision of the Department where the individual is employed. No statement or copy thereof may be placed in an employee's personnel file. The official responsible for review of a statement is also responsible for maintaining the statement in confidence and shall not allow an individual to examine any statement or copy thereof without the approval of the Solicitor for good cause shown, except in fulfillment of his responsibilities under the regulations in this part. No information from a statement of employment and financial interests may be disclosed outside of the Department of Labor except as the Secretary, or the Civil Service Commission may determine for good cause shown.

§ 0.735–24 Review of files.

The Solicitor or his designee may from time to time examine the files containing statements of employment and financial interests and supplementary statements, including those approved by the heads of administrations, bureaus, or offices. He shall report any conflict discovered thereby to the appropriate Department official.

§ 0.735–25 Interests of employees' relatives.

For the purpose of the statements of employment and financial interests required by this subpart, the interest of a spouse, minor child, or other member of the employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

§ 0.735–26 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

§ 0.735–27 Information not required.

This subpart does not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the policy holdings in an insurance company and the stock or bond holdings in a mutual fund, investment company, or bank: *Provided*, That in the case of a mutual fund, investment company, or bank, the fair value of such stock or bond holding does not exceed one percent of the value of the reported assets of the mutual fund, investment company, or bank. In addition, this subpart does not require submission of information relating to the employee's connection with, or interest in, a professional society or charitable, religious, social, fraternal, recreational, public service, civic, or political organization, or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 0.735–28 Effect of employees' statements on other requirements.

The statement of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirements imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

Effective date. These amendments to Part 0 shall become effective upon publication in the FEDERAL REGISTER.

This revised Part 0 was approved by the Civil Service Commission on July 1, 1968.

Signed at Washington, D.C., this 27th day of March 1968.

WILLARD WIRTZ,
Secretary of Labor.

APPENDIX A

Attention of the employees of the Department of Labor is hereby directed to the following statutory provisions:

(a) House Concurrent Resolution 175, 85th Congress, second session, 72A Stat, B12, the "Code of Ethics for Government Service."

(b) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibition against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against political activities in subchapter III of chapter 73 of title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

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