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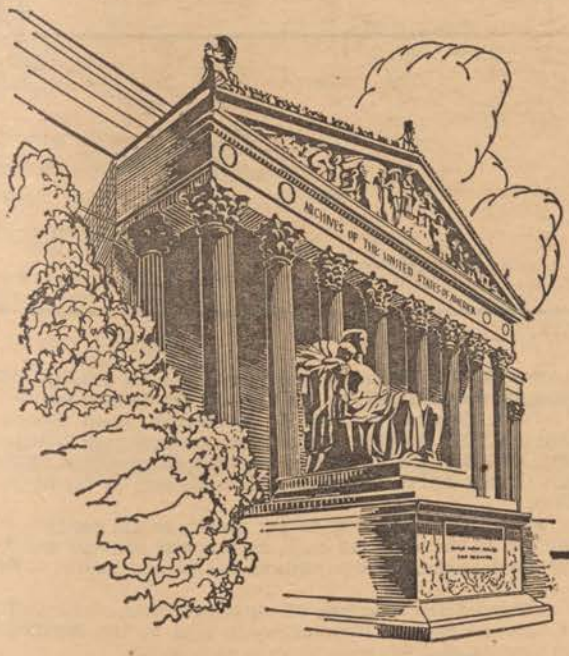

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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306(a)(53) is amended to show that the position of Special Assistant for Manpower Affairs (OASD—Manpower) is no longer excepted under Schedule C. Effective upon publication in the FEDERAL REGISTER, this paragraph is revoked.

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

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

[F.R. Doc. 68–11332; Filed, Sept. 17, 1968; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Private Secretary to the Chairman, National Commission on the Causes and Prevention of Violence and one position of Private Secretary to the Principal Legal Adviser, National Commission on the Causes and Prevention of Violence are in Schedule C.

Effective on publication in the FEDERAL REGISTER, § 213.3310 is amended by adding subparagraph (10) to paragraph (d) and subparagraph (8) to paragraph (h) as set out below.

§ 213.3310 **Department of Justice.**

* * * * *

(d) *Antitrust Division.* * * *

(10) One Private Secretary to the Chairman, National Commission on the Causes and Prevention of Violence.

* * * * *

(h) *Land and Natural Resources Division.* * * *

(8) One Private Secretary to the Principal Legal Adviser, National Commission on the Causes and Prevention of Violence.

* * * * *

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

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

[F.R. Doc. 68–11333; Filed, Sept. 17, 1968; 8:49 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Subpart I—Pay for Irregular or Intermittent Duty Involving Physical Hardship or Hazard

Schedule 1 of Appendix A to Subpart I of Part 550 is revised to correct certain effective dates and to reflect an amendment by adding new references for the duty described as "Exposure to hazardous weather or terrain" and to delete the word "Government" from the duty described in that schedule as "Firefighting". In addition the duty described as "High work" is deleted from schedule 1 and has been placed in schedule 2 of Appendix A to Subpart I of Part 550; schedule 2 has also been amended by adding a duty described as "Collection of aircraft approach and landing environmental data."

APPENDIX A

SCHEDULE 1 OF PAY DIFFERENTIALS AUTHORIZED FOR IRREGULAR OR INTERMITTENT HAZARDOUS DUTY UNDER SUBPART I

HAZARD PAY DIFFERENTIAL OF PART 550 PAY ADMINISTRATION (GENERAL)

Irregular or intermittent duty	Rate of hazard pay differential	Duration payable	Effective date
Flying. Participating in (1) test flights of a new or repaired aircraft or modified aircraft when the modification may affect the flight characteristics of the aircraft.	25%	Indefinite	First pay period beginning after Jan. 15, 1967.
(2) Flights to test performance of aircraft under adverse conditions (such as in low altitude or severe weather conditions, maximum load limits or overload).	25%	do	Do.
(3) Flights deliberately undertaken in extreme weather conditions (such as flying into a hurricane to secure weather data).	25%	do	Do.
(4) Flights to deliver aircraft which has been prepared for one time flight without being test flown prior to delivery flight.	25%	do	Do.
(5) Flights for pilot proficiency training in aircraft new to the pilot under simulated emergency conditions which parallel conditions encountered in performing flight tests.	25%	do	Do.
(6) Low level flights in small aircraft at altitude of 500 feet and under in daylight and 1000 feet and under at night when the flights are over mountainous terrain.	25%	do	Do.
(7) Reduced gravity flight testing in an aircraft flying a parabolic flight path and providing a testing environment ranging from weightlessness up through 2 gravity conditions.	25%	do	First pay period beginning after Dec. 30, 1967.
Exposure to hazardous weather or terrain. (1) When working on cliffs, narrow ledges, or near vertical mountainous slopes where a loss of footing would result in serious injury or death, or when working in areas where there is danger of rock falls or avalanches.	25%	do	First pay period beginning after June 20, 1967.
(2) When travel over secondary or unimproved roads to isolated mountain top installations is required at night, or under adverse weather conditions (such as snow, rain, or fog) which limits visibility to less than 100 feet, when there is danger of rock, mud, or snow slides.	25%	do	Do.
(3) When travel in the wintertime, either on foot or by means of vehicle, over secondary or unimproved roads or snow trails, in sparsely settled or isolated areas to isolated installations is required when there is danger of avalanches, or during "whiteout" phenomenon which limits visibility to less than 10 feet.	25%	do	Do.
(4) When work or travel in sparsely settled or isolated areas results in exposure to temperatures and/or wind velocity shown to be of considerable danger, or very great danger, on the windchill chart (Appendix A-1), and shelter (other than temporary shelter) or assistance is not readily available.	25%	do	Do.
(5) When embarking, disembarking or traveling in small craft (boat) on Lake Pontchartrain when wind direction is from north, northeast, or northwest, and wind velocity is over 15 knots.	25%	do	First pay period beginning after Sept. 18, 1968.
(6) When traveling in small craft, where craft is not radar equipped, on Lake Pontchartrain is necessary due to emergency or unavoidable conditions and the trip is made in a dense fog under fog run procedures.	25%	do	Do.
Work in fuel storage tanks. When inspecting, cleaning or repairing fuel storage tanks where there is no ready access to an exit, under conditions requiring a breathing apparatus because all or part of the oxygen in the atmosphere has been displaced by toxic vapors or gas, and failure of the breathing apparatus would result in serious injury or death within the time required to leave the tank.	25%	do	First pay period beginning after June 20, 1967.
Underwater duty. (1) Duty aboard a submarine when it submerges.	25%	do	Do.
(2) Participating in exploratory trip under the polar ice caps when the submarine is submerged beneath the ice.	25%	do	First pay period beginning after Jan. 15, 1967.
(3) Official duty aboard a Deep Research Vehicle when it submerges.	25%	do	Do.
(4) [Reserved]			
(5) Participating as a test subject underwater in a mock-up component undergoing an underwater space simulation study, as a technician assembling underwater mock-up components, or as an underwater observer to an underwater space simulation study.	25%	do	Do.
Firefighting. Participating as emergency member of a firefighting crew in fighting fires of equipment, installations, or buildings.	25%	do	First pay period beginning after Sept. 18, 1968.
Work in open trenches. Work in an open trench 15 feet or more deep until proper shoring has been installed.	25%	do	First pay period beginning after Jan. 15, 1967.
Exposure to hazardous agents. Work with, or in close proximity to, (1) explosive or incendiary materials which are unstable and highly sensitive.	25%	do	Do.

APPENDIX A—SCHEDULE 1—Continued

Irregular or intermittent duty	Rate of hazard pay differential	Duration payable	Effective date
(2) Toxic chemical materials when there is a possibility of leakage or spillage.	25%	Indefinite...	First pay period beginning after Jan. 15, 1967.
(3) Materials of micro-organic nature which when introduced into the body are likely to cause serious disease or fatality and for which protective devices do not afford complete protection.	25%	....do.....	Do.
Land impact or pad abort of space vehicle. Actual participation in de-arming and safing explosive ordnance, toxic propellant and high pressure vessels on vehicles that have land impacted or on vehicles on the launch pad that have reached a point in the countdown where no remote means are available for returning the vehicle to a safe condition.	25%	....do.....	Do.
Simulated altitude chamber subjects/observers. Participating in simulated altitude studies ranging from 18,000 to 150,000 feet either as subject or as observer exposed to the same conditions as the subject.	25%	....do.....	Do.
Centrifuge Subjects. Actually participating as subject in centrifuge studies involving a combination of reduced atmospheric pressure and elevated G forces above the level of 5 G's.	25%	....do.....	Do.
Experimental landing recovery equipment tests. Participating in tests of experimental or prototype landing and recovery equipment where personnel are required to serve as test subjects in spacecraft being dropped into the sea or laboratory tanks.	25%	....do.....	Do.

SCHEDULE 2 OF PAY DIFFERENTIALS AUTHORIZED UNDER AUTHORITY OF 550.904 (a) and (b)

Duty	Rate of hazard pay differential	Duration payable	Effective date
* * * * * * *			
High work. Working on any structure of at least 50 feet above the base level, ground, deck, floor, roof, etc., under open conditions, if the structure is unstable or if scaffolding guards or other suitable protective facilities are not used, or if performing under adverse conditions such as darkness, lightning, steady rain, or high wind velocity.	25%	Indefinite...	First pay period beginning after Sept. 18, 1968.
Collection of aircraft approach and landing environmental data. When operating or monitoring camera equipment adjacent to flight deck in the area of maximum hazard during landing sequence while conducting photographic surveys aboard aircraft carriers during periods of heavy aircraft operations.	25%	....do.....	Do.

(5 U.S.C. 5545(d))

[SEAL]

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

[F.R. Doc. 68-11331; Filed, Sept. 17, 1968; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER A—GENERAL REGULATIONS OF THE FEDERAL HOME LOAN BANK BOARD

[No. 22,109]

PART 501—OPERATIONS

Collection of Claims

SEPTEMBER 12, 1968.

Resolved that, notice and public procedure having been duly afforded (33 F.R. 11717) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Part 501 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 501) for the purpose of prescribing procedure and delegating authority for the collection and compromise of claims, and for the suspension or termination of collection action on claims, of the Board and the Federal Savings and Loan Insurance Corporation, and, for such purpose, said Part 501 is hereby amended by adding at the beginning of said Part a new § 501.1 to read as follows, effective October 18, 1968:

§ 501.1 Claims of the Board and the Federal Savings and Loan Insurance Corporation.

(a) *General.* The Board and the Federal Savings and Loan Insurance Corporation shall attempt collection of all claims for money or property arising out of their respective activities in conformity with the Federal Claims Collection Act of 1966 (31 U.S.C. 951), and the Joint Regulations of the Attorney General and the Comptroller General thereunder (4 CFR Ch. II). This section does not apply to the Federal Savings and Loan Insurance Corporation in its capacity as conservator, receiver, or other legal custodian of a financial institution.

(b) *Compromise and termination of collection action.* The Board may compromise, or suspend or terminate collection action on, any claims arising out of its activities, other than claims arising under section 5 of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464), not exceeding $20,000, exclusive of interest, in conformity with the Federal Claims Collection Act of 1966 and the Joint Regulations of the Attorney General and the Comptroller General thereunder. Claims of the Board arising under section 5 of the Home Owners' Loan Act of 1933, as amended, and claims of the Federal Savings and Loan Insurance Corporation, may be compromised and collection action may be suspended or terminated without regard to the amount of the claim.

(c) *Referral to General Accounting Office or for litigation.* The Board and the Federal Savings and Loan Insurance Corporation may refer claims to the General Accounting Office, or to the Department of Justice for litigation, pursuant to the Federal Claims Collection Act of 1966 and the Joint Regulations of the Attorney General and the Comptroller General thereunder.

(d) *Delegation of authority; referral to Board.* (1) The Comptroller of the Board is delegated the authority to collect all claims of the Board, and claims of the Federal Savings and Loan Insurance Corporation for insurance premiums and for the cost of examinations and audits, and as to the uncollected balance of any such claim not in excess of $5,000, exclusive of interest, said Comptroller is delegated the authority to compromise, suspends or terminate collection action, or refer the claim to the General Accounting Office, except that:

(i) The advice of the General Counsel shall be obtained before any action, other than collection action, is taken by the Comptroller under this section, and

(ii) The concurrence of the Director or Deputy Director of the Office of Examinations and Supervision shall be obtained before any action, other than collection action, is taken by the Comptroller under this section concerning claims for the cost of examinations and audits.

(2) The Director, Office of the Federal Savings and Loan Insurance Corporation, is delegated the authority to collect all claims of the Federal Savings and Loan Insurance Corporation other than for insurance premiums and for the cost of examinations and audits. As to the uncollected balance of any claim arising out of, pursuant to or in connection with action taken by the Federal Savings and Loan Insurance Corporation under section 406(f) of the National Housing Act (12 U.S.C. 1729(f)), or any other claim (except claims for insurance premiums and claims for the cost of examinations and audits) not in excess of $5,000, exclusive of interest, said Director is delegated the authority to compromise, suspend or terminate collection action on, or refer the claim to the General Accounting Office, except that the advice of the General Counsel of the Board shall be obtained before any action, other than collection action, is taken by the Director, Office of the Federal Savings and Loan Insurance Corporation, under this section.

(3) The authority to refer claims of the Board and of the Federal Savings and Loan Insurance Corporation which do not exceed $5,000, exclusive of interest to the Department of Justice for litigation is delegated to the General Counsel.

(4) Claims of the Board and the Federal Savings and Loan Insurance Corporation, other than claims arising out of, pursuant to or in connection with action taken by said Corporation under section 406(f) of the National Housing

Act, as amended (12 U.S.C. 1729(f)), which exceed $5,000, exclusive of interest, and which are determined by the Director, Office of the Federal Savings and Loan Insurance Corporation, the Comptroller, or the General Counsel to be uncollectible in full, shall be referred to the Board with a recommendation as to whether the claim should be compromised, collection action suspended or terminated, or other action taken thereon.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Sec. 402, 48 Stat. 1256, as amended; 12 U.S.C. 1725. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 68–11344; Filed, Sept. 17, 1968; 8:50 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 22,108]

PART 563—OPERATIONS

Accounting Requirements

SEPTEMBER 12, 1968.

Resolved that the Federal Home Loan Bank Board determines that it is advisable to amend § 563.23–1 of the rules and regulations for Insurance of Accounts (12 CFR 563.23–1) for the following purpose:

(1) Notice and public procedure were duly afforded (33 F.R. 580) in connection with an amendment of said section and on August 8, 1968, following such notice and public procedure, the Board adopted a final amendment of such section (33 F.R. 11744).

(2) The Board has reconsidered paragraph (e) of § 563.23–1 as it was included in its action of August 8, 1968, and has concluded that the adoption of the rules specified in said paragraph (e) may indirectly inhibit the availability of funds in some areas for home mortgage loans.

Resolved further that, upon the basis of reconsideration, the Federal Home Loan Bank Board hereby amends its action of August 8, 1968, by amending paragraph (e) of § 563.23–1 of the rules and regulations for Insurance of Accounts (12 CFR 563.23–1) as contained therein, to read as follows, effective September 30, 1968:

§ 563.23–1 **Premiums, charges, and credits with respect to mortgage loans; sale of real estate owned; and related items.**

* * * * *

(e) *Sale or payoff of loans.* If a loan is paid off or sold at par, the balance of any capitalized premium or deferred credit shall continue to be treated as prescribed in paragraph (a), (b), or (d) of this section. If a mortgage loan owned by an insured institution is sold at a premium, such premium shall be offset against any remaining premium capitalized when such loan was acquired and any net premium on the sale remaining after such offset shall be credited to such institution's income for the accounting period in which the loan is sold. If a mortgage loan owned by an insured institution is sold at a loss or at a discount, such loss or discount shall be charged to the balance of any acquisition credits or purchase discount applicable to such loan that remains deferred at the time of such sale, and any balance of acquisition credits or purchase discount in excess of such loss or discount shall continue to be deferred as provided in paragraphs (b) and (d) of this section; any loss or discount in excess of such balance shall be charged to such institution's expense for the accounting period in which the loan is sold or to surplus, undivided profits, or reserves.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since notice and public procedure were recently afforded on the amendment of said § 563.23–1, the Board hereby finds that additional notice and public procedure on the amendment herein adopted are unnecessary, and, since the amendment relieves restriction, publication of said amendment for not less than 30 days prior to the effective date is unnecessary, and said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 68–11345; Filed, Sept. 17, 1968; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Reg. Docket No. 9135; Special Federal Aviation Reg. No. 21]

SOUTHERN RHODESIA

Aviation Sanctions

The purpose of this special regulation is to prohibit: (1) The carriage on aircraft registered under U.S. laws, or under charter to any person subject to U.S. jurisdiction, of certain commodities or products either originating in Southern Rhodesia, except for licensed items, or any commodity or product, consigned to anyone for business carried on in or operated from that country, except for licensed items; and (2) the operation of any aircraft by a U.S. air carrier, or operation by any person of any aircraft owned or chartered by any person subject to U.S. jurisdiction, to or from Southern Rhodesia or in coordination with an airline company constituted, or aircraft registered, in that country.

This regulation implements Executive Order 11419, dated July 29, 1968 (33 F.R. 10837), that delegated to the Secretary of Transportation the function and responsibility of enforcement relating to the operation of air carriers and aircraft and the carriage on aircraft of any commodities or products the carriage of which is prohibited by section 1 of Executive Order No. 11322 of January 5, 1967. The Secretary of Transportation has redelegated that function and rsponsibility to the Administrator (33 F.R. 12963).

Because of the emergency nature of this matter, I find that notice and public procedure on this special regulation would be impracticable and that it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Federal Aviation Regulation is hereby adopted to become effective September 18, 1968.

Sec.
1 Definitions.
2 Prohibited carriage.
3 Application for adjustment or exceptions.
4 Records.
5 Reports.
6 Violations.

1. *Definitions.* For the purposes of this special regulation—

(a) "Person subject to the jurisdiction of the United States" includes—

(1) Any person, wherever located, who is a citizen or resident of the United States;

(2) Any person actually within the United States;

(3) Any corporation organized under the laws of the United States or any State or possession, Puerto Rico, the District of Columbia, the Virgin Islands, or the Canal Zone; and

(4) Any partnership, association corporation, or other organization organized under the laws of, or having its principal place of business in, Southern Rhodesia, which is owned or controlled by any persons described in subparagraph (1), (2), or (3) of this paragraph.

(b) "Person" includes an individual, partnership, association, corporation, or other organization.

(c) "Administrator" means the Federal Aviation Administrator or any person to whom he has delegated his authority in the matter concerned.

(d) "United States air carrier" means a citizen of the United States who undertakes directly, by lease, or other arrangement, to engage in air transportation.

2. *Prohibited carriage.* (a) No person may carry on any aircraft registered under the laws of the United States, or under charter to any person subject to the jurisdiction of the United States, any of the following commodities or products unless there is in effect a license for the shipment or importation of that commodity or product under the Rhodesian Sanctions Regulations issued by the Secretary of the Treasury (33 F.R. 11524):

(1) Any commodity or product originating in Southern Rhodesia and exported therefrom after May 29, 1968;

(2) Ferrochrome produced in any country from chromium ore or concentrates originating in Southern Rhodesia and exported therefrom after December 16, 1966; or

(3) Any of the following commodities or products originating in Southern Rhodesia and exported therefrom after December 16, 1966: Asbestos, crudes, fibers, stucco, sand and refuse; chromium ore and concentrates thereof; ferrochromium and ferro-silicochromium; copper ore and concentrates

thereof; copper products; iron ore and concentrates thereof; pig iron, cast iron and spiegeleisen; hides, skins and leather; meat and meat products; sugar, syrups, and molasses, confectionery; and tobacco and tobacco products.

(b) No person may carry on any aircraft registered under the laws of the United States, or under charter to any person subject to the jurisdiction of the United States, any commodity or product consigned to any person or body in Southern Rhodesia, or to any person or body for the purposes of any business carried on in or operated from Southern Rhodesia, unless there is in effect a license for the shipment of that commodity or product under the Export Control Act of 1949, as amended, under section 414 of the Mutual Security Act of 1954, as amended, or under a license under the Rhodesian Sanctions Regulations issued by the Secretary of the Treasury.

(c) No U.S. air carrier may operate any aircraft, and no person may operate any aircraft owned or chartered by any person subject to the jurisdiction of the United States or registered under the laws of the United States—

(1) To or from Southern Rhodesia; or

(2) In coordination with any airline company constituted or operating, or aircraft registered, in Southern Rhodesia, whether by connecting flight, interline agreement, block booking, ticketing, or any other method of linking up.

(d) The prohibitions in this section apply to the owner, lessee, operator, or charterer of the aircraft, and any other officer, employee, or agent of any of them who participates in the prohibited carriage or operation.

(e) Any carriage or operation the purpose or effect of which is to evade any prohibition of this section is also prohibited.

3. *Application for adjustment or exception.* Any person affected by section 2(c) of this special regulation may file an application for an adjustment or exception upon the ground that the provision works an exceptional hardship upon him, arising from lawful transactions commenced before the issuance of Executive Order No. 11419 (July 29, 1968). The application may be made by letter or telegram addressed to the Administrator, Federal Aviation Administration, Washington, D.C. 20590. If authorization is requested, the application should specify any persons or materials to be carried, the places from which and to which the aircraft is to be operated, and, as to any materials to be carried, the name and address of the shipper and of the recipient, and the use to which the materials will be put. The application should also specify in detail the facts that support the applicant's claim for an exception. The Administrator, after such coordination with other agencies as he considers necessary, may grant or deny the application.

4. *Records.* (a) Each person engaging in any carriage or operation subject to this special regulation shall make a full and accurate record of each carriage or operation of this kind in which he engages, regardless of whether it is effected pursuant to license or otherwise, and shall keep the record available for examination for at least two years after the date of the carriage or operation.

(b) This section does not require any particular method of record keeping and does not require any change in the system of records customarily kept by the person concerned, so long as the records supply an adequate basis for examination. Records may be kept in the form of microfilm or other photographic copies.

5. *Reports.* Each person participating in any carriage or operation covered by this special regulation shall submit such reports of his activities under this special regulation as the Administrator may require.

6. *Penalties.* (a) Attention is directed to section 5(b) of the United Nations Participation Act of 1945 (22 U.S.C. sec. 287c), which provides in part:

Any person who willfully violates or evades or attempts to violate or evade any order, rule, or regulation issued by the President pursuant to subsection (a) of this section shall, upon conviction be fined not more than $10,000, or, if a natural person, be imprisoned for not more than 10 years, or both, and the officer, director, or agent of any corporation who knowingly participates in such violation or evasion shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, or vehicle, or aircraft, concerned in such violation shall be forfeited to the United States. (Dec. 20, 1945, ch. 583, sec. 5, 59 Stat. 620; Oct. 10, 1949, ch. 660, sec. 3, 63 Stat. 735).

This section of the United Nations Participation Act of 1945 is applicable to violations of any provisions of this special regulation and to violations of the provisions of any ruling, regulation, order, direction, or instruction issued pursuant to this special regulation under section 5 of the United Nations Participation Act, E.O. 11322, and E.O. 11419.

(b) Attention is also directed to 18 U.S.C. 1001 which provides:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

(E.O. 11322, Jan. 5, 1967; E.O. 11419, July 29, 1968; sec. 5, 59 Stat. 620, sec. 3, 63 Stat. 735, 22 U.S.C. sec. 287c)

Issued in Washington, D.C., on September 10, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68-11359; Filed, Sept. 17, 1968; 8:51 a.m.]

[Docket No. 8444; Amdt. Nos. 21-23; 27-3; 29-4; 43-9; 45-6; 91-61; 127-9]

CRITICAL ROTORCRAFT COMPONENTS

The purpose of these amendments to Parts 21, 27, 29, 43, 45, 91, and 127 of the Federal Aviation Regulations is to (1) permit rotorcraft manufacturers to adopt failsafe fatigue design practices for certain portions of the flight structure on condition that related fatigue crack detection procedures and inspection intervals are approved under the required fatigue evaluation as part of the type design and placed in a separate section of the rotorcraft maintenance manual, (2) require that the replacement times of certain critical components be similarly approved and placed in the separate section of the maintenance manual, (3) require that this section of the manual be referenced by placard in the rotorcraft, and (4) specifically require operators and maintenance personnel to comply with this section of the maintenance manual. The amendments will also require manufacturers to make certain revisions of the rotorcraft maintenance manual available to operators and require identification of certain critical components.

These amendments are based on a notice of proposed rule making (Notice No. 67-44) published in the FEDERAL REGISTER on October 11, 1967 (32 F.R. 14106).

A number of comments were received in response to Notice No. 67-44, most of which were in agreement with the proposal. The more pertinent of the comments that raised questions together with the changes in the proposal resulting therefrom are discussed hereinafter.

In view of the new sections that were proposed, one commentator suggested that existing §§ 27.307(a) and 29.307(a) be clarified by indicating that the structural analysis used in connection with proof of structure, be permitted to be either static or fatigue. The FAA agrees that such a change would more fully express the intent of the rule yet not imply a change in past practice in which fatigue evaluation has generally involved testing. The sections have been amended accordingly.

As previously stated in the preamble of the notice, the standards of new §§ 27.571, 29.571, 27.1529, and 25.1529 are intended to preserve the design objectives stated in Notice 65-42, Airframe Proposal 8, except for clarifying changes.

One commentator stated that use of the word "component" in the proposed §§ 27.571(a) and 29.571(a) could be interpreted as meaning that the entire fuselage, for example, and most of its elements are critical so that a formal fatigue evaluation would be required to be performed on each frame, stringer, panel, or combination. However, since not all parts of a flight structure, such as the fuselage, are likely to be critical in fatigue, it was suggested that the requirement be clarified to call for evaluation only of those considered critical. The FAA is in substantial agreement for it was not intended to require detailed evaluation of a portion of the structure for which no significant fatigue loading exists. The paragraph has been amended, therefore, to delete the word "component" and indicate that it is the critical portion of the flight structure that must be identified and evaluated. A further recommendation that the paragraph be amended to be applicable to failures which "would" be catastrophic rather than those which "could" be catastrophic has been rejected since this would imply that doubtful areas need not be included in the fatigue evaluation. In connection with the requirement for fatigue evaluation of flight structure, it was suggested that the intent be clarified so as not to extend the fatigue evaluation to noncritical parts. While the FAA agrees with the objective of this comment, it is believed that the revisions to §§ 27.571(a) and 29.571(a) discussed above sufficiently delineate the applicability without introducing the new term "noncritical."

As they were proposed, §§ 27.571(a)(3)(i) and 29.571(a)(3)(i) indicated that loads and stresses need be subjected to inflight measurement only throughout the range expected in operation where such range is less than the range of design limitations stated in §§ 27.309 and 29.309. It is apparent that such a generally stated alternative is at variance with other requirements inasmuch as design weight, rpm, airspeeds, and c.g. limits are attainable without extreme maneuvers and are, in general, explored in other phases of the flight test program. With maneuvering load factors, the situation is otherwise, however, and since it would be unrealistic in connection with fatigue evaluation to require measurement of loads and stresses at the limit maneuvering load factors, the alternative of using operational rather than design limits would there be applicable. To remove any ambiguity with reference to weight, rpm, airspeed, and c.g. limits, §§ 27.571(a)(3)(i) and 29.571(a)(3)(i) have been reworded to make it clear that it is for only maneuvering load factors that inflight measurements may be made with reference to values expected in operation.

The FAA agrees with a comment that the intent of §§ 27.571(d)(2) and 29.571(d)(2) is to distinguish the lesser of the limit and maximum attainable loads rather than designate one as being applicable. The parenthetical expression in the two sections has been amended to state "whichever is less".

Pointing out that some procedures are so simple and well known that actual demonstration should not be required, one commentator objected to the requirement that all procedures in the "Airworthiness Limitations" section of the Rotorcraft Maintenance Manual be shown to be practicable. Since the need for an actual demonstration should be determined on an individual basis, the requirement for a showing has been eliminated in §§ 27.1529(a)(2)(ii) and 29.1529(a)(2)(ii).

One of the comments received in response to the notice requested that the FAA specifically countermand the "administrative procedures" specified in the preamble. In this connection, the commentator referred to the preamble discussions in which the FAA indicated that if safety requires that the airworthiness limitations in the Rotorcraft Maintenance Manual must be made more severe, appropriate changes to the manual would be made by airworthiness directives. While the comment objected to the general use of airworthiness directives, it did indicate acceptance of telegraphic airworthiness directives for use in this regard.

As pointed out in the preamble to Notice 67-44, the inspection intervals, replacement times and related procedures set forth in the "Airworthiness Limitations" section of the Rotorcraft Maintenance Manual are limitations on the original approval of the type design. Thus, any changes to these limitations are, in effect, changes to the type design. In recognition of this fact, airworthiness directives have long been used by the FAA to prescribe changes to the service life limits for a product. However, it should be made clear that since the replacement times, inspection intervals, etc., would now be placed in a maintenance manual, the manufacturer's changes to the manual and subsequent dissemination to all operators would serve the purpose originally served by airworthiness directives. However, as the FAA pointed out in the preamble discussions, in those instances where a safety necessity exists, the airworthiness directive is the means by which FAA can assure that the operators have the revised limitations. Moreover, an airworthiness directive would also be required in those instances in which a manufacturer failed to issue revisions to the limitations which the FAA considered necessary in the interest of safety. Only in the latter instance would the FAA make changes to the manual by airworthiness directive. As the commentator correctly noted, approved revisions to the airworthiness limitations section of the maintenance manual have had the same legal effect as the original limitations and the issuance of airworthiness directives with respect to such limitations would not be inconsistent with that fact.

The FAA agrees with one final suggestion that service experience may be used in certain instances in a resubstantiation of the flight structure, as, for example, for a relaxation of a replacement time or inspection interval in the "Airworthiness Limitations" section of a Rotorcraft Maintenance Manual. It must be recognized, of course, that time extensions for parts, the failure of which would be catastrophic, cannot be based solely on failure rates or absence of failures in service. However, it is intended to permit appropriate use of service experience in reevaluating flight structure in accordance with §§ 27.571 and 29.571. In this connection, laboratory tests might be made on parts that have been used in service to determine whether the original assumptions were overly conservative.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all matter presented.

In consideration of the foregoing, Parts 21, 27, 29, 43, 45, 91, and 127 of the Federal Aviation Regulations are amended effective October 17, 1968, as follows:

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

A. Part 21 is amended by adding a new § 21.50, following § 21.49, to read as follows:

§ 21.50 Rotorcraft Maintenance Manual: changes to the "Airworthiness Limitations" section.

The holder of a type certificate for a rotorcraft for which a Rotorcraft Maintenance Manual containing an "Airworthiness Limitations" section has been issued under § 27.1529(a)(2) or § 29.1529(a)(2) of this chapter, and who obtains approval of changes to any replacement time, inspection interval, or related procedure in that section of the manual, shall make those changes available upon request to any operator of the same type of rotorcraft.

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

B. Part 27 is amended as follows:

1. Section 27.307(a) is amended to read as follows:

§ 27.307 Proof of structure.

(a) Compliance with the strength and deformation requirements of this subpart must be shown for each critical loading condition. Structural analysis (static or fatigue) may be used only if the structure conforms to those, for which experience has shown this method to be reliable. In other cases, substantiating load tests must be made.

* * * * *

§ 27.401 [Amended]

2. Section 27.401(c) is deleted.

§ 27.547 [Amended]

3. Section 27.547(b) is deleted.

§ 27.549 [Amended]

4. Section 27.549(e) is deleted.

5. A new heading "Fatigue Evaluation" is added following § 27.561, and a new § 27.571 is added under that heading to read as follows:

FATIGUE EVALUATION

§ 27.571 Fatigue evaluation of flight structure.

(a) *General.* Each portion of the flight structure (including rotors, controls, fuselage, and their related primary attachments) the failure of which could be catastrophic, must be identified and must be evaluated under paragraph (b), (c), (d), or (e) of this section. The following apply to each fatigue evaluation:

(1) The procedure for the evaluation must be approved.

(2) The locations of probable failure must be determined.

(3) Inflight measurement must be included in determining the following:

(i) Loads or stresses in all critical conditions throughout the range of limitations in § 27.309, except that maneuvering load factors need not exceed the maximum values expected in operation.

(ii) The effect of altitude upon these loads or stresses.

(4) The loading spectra must be as severe as those expected in operation and must be based on loads or stresses determined under subparagraph (3) of this paragraph.

(b) *Fatigue tolerance evaluation.* It must be shown that the fatigue tolerance of the structure ensures that the probability of catastrophic fatigue failure is extremely remote without establishing replacement times, inspection intervals

or other procedures under § 27.1529(a)(2).

(c) *Replacement time evaluation.* It must be shown that the probability of catastrophic fatigue failure is extremely remote within a replacement time furnished under § 27.1529(a)(2).

(d) *Fail-safe evaluation.* The following apply to fail-safe evaluations:

(1) It must be shown that all partial failures will become readily detectable under inspection procedures furnished under § 27.1529(a)(2).

(2) The interval between the time when any partial failure becomes readily detectable under subparagraph (1) of this paragraph, and the time when any such failure is expected to reduce the remaining strength of the structure to limit or maximum attainable loads (whichever is less), must be determined.

(3) It must be shown that the interval determined under subparagraph (2) of this paragraph is long enough, in relation to the inspection intervals and related procedures furnished under § 27.1529(a)(2), to provide a probability of detection great enough to ensure that the probability of catastrophic failure is extremely remote.

(e) *Combination of replacement time and failsafe evaluations.* A component may be evaluated under a combination of paragraphs (c) and (d) of this section. For such component it must be shown that the probability of catastrophic failure is extremely remote with an approved combination of replacement time, inspection intervals, and related procedures furnished under § 27.1529(a)(2).

6. Section 27.1529 is amended to read as follows:

§ 27.1529 Rotorcraft Maintenance Manual.

(a) Each rotorcraft must be furnished with a Rotorcraft Maintenance Manual containing the following:

(1) All information that the applicant considers essential for proper maintenance, including replacement times for major components, if replacement is anticipated. Part numbers (or equivalent) must be furnished for major components for which a replacement time is furnished.

(2) The replacement times, inspection intervals, and related procedures approved under § 27.571, and the part number (or equivalent) of each component to which they apply. This section of the manual must be identified by the title "Airworthiness Limitations." The information and procedures in this section of the manual—

(i) Must be consistent with the information in the rest of the manual;

(ii) Must be practicable; and

(iii) Must indicate where "equivalent" procedures are to be permitted.

(b) The information in the "Airworthiness Limitations" section of the manual must be segregated and clearly distinguished from the rest of the manual.

7. Section 27.1559 is amended to read as follows:

§ 27.1559 Limitations placard.

There must be a placard in clear view of the pilot stating: "This (helicopter, gyrodyne, etc.) must be operated in compliance with the operating limitations specified in the FAA approved Rotorcraft Flight Manual." If the Rotorcraft Maintenance Manual contains an "Airworthiness Limitations" section issued under § 27.1529(a)(2), the placard must contain the following additional statement: "The 'Airworthiness Limitations' section of the Rotorcraft Maintenance Manual must be complied with."

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

C. Part 29 is amended as follows:

1. Section 29.307(a) is amended to read as follows:

§ 29.307 Proof of structure.

(a) Compliance with the strength and deformation requirements of this subpart must be shown for each critical loading condition. Structural analysis (static or fatigue) may be used only if the structure conforms to those for which experience has shown this method to be reliable. In other cases, substantiating load tests must be made.

* * * * *

§ 29.401 [Amended]

2. Section 29.401(c) is deleted.

§ 29.547 [Amended]

3. Section 29.547(b) is deleted.

§ 29.549 [Amended]

4. Section 29.549(d) is deleted.

5. A new heading "Fatigue Evaluation" is added following § 29.561 and a new § 29.571 is added under that heading to read as follows:

FATIGUE EVALUATION

§ 29.571 Fatigue evaluation of flight structure.

(a) *General.* Each portion of the flight structure (the flight structure includes rotors, controls, fuselage, and their related primary attachments) the failure of which could be catastrophic, must be identified and must be evaluated under paragraph (b), (c), (d), or (e) of this section. The following apply to each fatigue evaluation:

(1) The procedure for the evaluation must be approved.

(2) The locations of probable failure must be determined.

(3) Inflight measurement must be included in determining the following:

(i) Loads or stresses in all critical conditions throughout the range of limitations in § 29.309, except that maneuvering load factors need not exceed the maximum values expected in operation.

(ii) The effect of altitude upon these loads or stresses.

(4) The loading spectra must be as severe as those expected in operation and must be based on loads or stresses determined under subparagraph (3) of this paragraph.

(b) *Fatigue tolerance evaluation.* It must be shown that the fatigue tolerance of the structure ensures that the probability of catastrophic fatigue failure is extremely remote without establishing replacement times, inspection intervals, or other procedures under § 29.1529(a)(2).

(c) *Replacement time evaluation.* It must be shown that the probability of catastrophic fatigue failure is extremely remote within a replacement time furnished under § 29.1529(a)(2).

(d) *Failsafe evaluation.* The following apply to failsafe evaluations:

(1) It must be shown that all partial failures will become readily detectable under inspection procedures furnished under § 29.1529(a)(2).

(2) The interval between the time when any partial failure becomes readily detectable under subparagraph (1) of this paragraph, and the time when any such failure is expected to reduce the remaining strength of the structure to limit or maximum attainable loads (whichever is less), must be determined.

(3) It must be shown that the interval determined under subparagraph (2) of this paragraph is long enough, in relation to the inspection intervals and related procedures furnished under § 29.1529(a)(2), to provide a probability of detection great enough to ensure that the probability of catastrophic failure is extremely remote.

(e) *Combination of replacement time and failsafe evaluations.* A component may be evaluated under a combination of paragraphs (c) and (d) of this section. For such component it must be shown that the probability of catastrophic failure is extremely remote with an approved combination of replacement time, inspection intervals, and related procedures furnished under § 29.1529(a)(2).

6. Section 29.1529 is amended to read as follows:

§ 29.1529 Rotorcraft Maintenance Manual.

(a) Each rotocraft must be furnished with a Rotocraft Maintenance Manual containing the following:

(1) All information that the applicant considers essential for proper maintenance, including replacement times for major components, if replacement is anticipated. Part numbers (or equivalent) must be furnished for major components for which a replacement time is furnished.

(2) The replacement times, inspection intervals, and related procedures approved under § 29.571 and the part number (or equivalent) of each component to which they apply. This section of the manual must be identified by the title "Airworthiness Limitations." The information and procedures in this section of the manual—

(i) Must be consistent with the information in the rest of the manual;

(ii) Must be practicable; and

(iii) Must indicate where "equivalent" procedures are to be permitted.

(b) The information in the "Airworthiness Limitations" section of the manual must be segregated and clearly distinguished from the rest of the manual.

7. Section 29.1559 is amended to read as follows:

§ 29.1559 **Limitations placard.**

There must be a placard in clear view of the pilot stating: "This (helicopter, gyrodyne, etc.) must be operated in compliance with the operating limitations specified in the FAA approved Rotorcraft Flight Manual." If the Rotorcraft Maintenance Manual contains an "Airworthiness Limitations" section issued under § 29.1529(a)(2), the placard must contain the following additional statement: "The 'Airworthiness Limitations' section of the Rotorcraft Maintenance Manual must be complied with."

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

D. Part 43 is amended by adding a new § 43.16, following § 43.15, to read as follows:

§ 43.16 **Rotorcraft Maintenance Manual: "Airworthiness Limitations" section.**

For rotorcraft for which a Rotorcraft Maintenance Manual containing an "Airworthiness Limitations" section has been issued, each person performing an inspection or other work specified in that section of the manual shall perform the inspection or work in accordance with that section of the manual.

PART 45—IDENTIFICATION AND REGISTRATION MARKING

E. Part 45 is amended by adding a new § 45.14, following § 45.13, to read as follows:

§ 45.14 **Identification of critical components.**

Each person who produces a part for which a replacement time, inspection interval or related procedure is specified in the "Airworthiness Limitations" section of a Rotorcraft Maintenance Manual shall mark that component with a part number (or equivalent) and with a serial number (or equivalent).

PART 91—GENERAL OPERATING AND FLIGHT RULES

F. Part 91 is amended by adding a new paragraph (c) to § 91.163 to read as follows:

§ 91.163 **General.**

* * * * *

(c) No person may operate a rotorcraft for which a Rotorcraft Maintenance Manual containing an "Airworthiness Limitations" section has been issued, unless the replacement times, inspection intervals, and related procedures specified in that section of the manual are complied with.

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

6. Part 127 is amended by adding a new paragraph (b)(10) to § 127.134 to read as follows:

§ 127.134 **Manual requirements.**

(b) * * *

(10) For rotorcraft for which a Rotorcraft Maintenance Manual containing an "Airworthiness Limitations" section has been issued, procedures to ensure that the replacement times, inspection intervals, and related procedures specified in that section of the manual are complied with, including applicable changes to that section of the manual.

(Secs. 313(a), 601, 603, 604, 605, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 1424, 1425))

Issued in Washington, D.C., on September 10, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68-11297; Filed, Sept. 17, 1968; 8:46 a.m.]

[Docket No. 8728; Amdt. 153-3]

PART 153—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS

Covenants and Reverter Clause in Conveyances

The purpose of this amendment to Part 153 of the Federal Aviation Regulations is to add a new covenant and to revise existing covenants to be used in future conveyances of property interests in U.S. land for airport purposes; to revise the reverter clause to be used in those conveyances; and to adopt a definition of the term "airport purposes" that will ensure greater certainty in the operation of the covenants and reverter clause in these conveyances.

This amendment was proposed in Notice 68-2 that was issued on February 8, 1968, and published in the FEDERAL REGISTER on February 16, 1968 (33 F.R. 3078). The comments received in response to the notice expressed no views on the proposed new and revised covenants, or on the proposed definition of "airport purposes." However, the comments received supported the proposal to revise the reverter clause to make it operate 5 years, instead of 3 years, after the date of the conveyance. The FAA is adopting the amendments proposed for the reasons stated in the notice, but with some changes that are discussed below.

In Notice 68-2, the FAA stated that the covenants and the reverter clause now in § 153.13 "do not in terms deal with the contingencies of partial or delayed development which occur for excusable reasons." To remedy this situation, the FAA proposed to revise the reverter clause in § 153.13(b), to revise the covenants in § 153.13(a) (1), (6), and (7), and to add a new covenant. These changes are adopted as proposed in the notice with only minor changes in language that are not substantive in nature.

Section 16(b) of the Federal Airport Act requires that, when land is conveyed under that section, "each such conveyance shall be made on the condition that the property interest conveyed shall automatically revert to the United States in the event that the lands in question are not developed, or cease to be used, for airport purposes." Implementing this language, the reverter clause now in § 153.13(b) provides: "The property interest hereby conveyed shall automatically revert to the United States in the event that the lands in question are not developed for airport purposes within a period of 3 years from the date of conveyance * * *." As revised and adopted in new § 153.15, the reverter clause provides: "Any part of the property interest hereby conveyed that has not been developed for airport purposes within 5 years after the date of conveyance * * * shall automatically revert to the United States * * *." The new reverter clause deals with partial development by providing that the reverter operates only on the undeveloped part of the property interest conveyed. It also deals with delayed development by providing that the reverter operates 5 years, instead of 3 years, after the date of the conveyance.

To complement the reverter clause in new § 153.15, and as stated in the notice, the amended covenants "introduce a right of the Administrator, exercisable 1 year after conveyance, to enter upon and repossess any portion of the property interest conveyed that was not developed for airport purposes." The proposed covenants are adopted as new paragraphs (a) and (f) through (h) of revised § 153.13, that now contains only the covenants for Part 153 conveyances. Under new § 153.13(a), the grantee covenants, not only to use the property interest for airport purposes, but also to "develop that interest for airport purposes within 1 year after the date of this conveyance." If the grantee does not develop the interest within 1 year, under the covenant in new § 153.13(f), the Administrator may give notice requiring specific action toward development within a fixed time, and he may repeat, amend, or supplement these notices. If the grantee fails to complete action within the time fixed, the Administrator may exercise a right of entry as to all of the property interest conveyed, or in his discretion, as to the part of the property interest to which the breach relates. Under new § 153.13(g), if the grantee breaches a covenant other than that in § 153.13(a), the Administrator may exercise, without prior notice to the grantee, a similar right of entry as to all of the property interest, or in his discretion, as to the part of the property interest to which the breach relates. Under new § 153.13(h), the grantee covenants that, if the Administrator determines that the grantee has breached any covenant in the conveyance, his determination is conclusive of the facts. As in the past, the grantee also covenants to take any action that may be necessary to evidence transfer of title to the United States.

The term "airport purposes" is used in section 16 of the Federal Airport Act (quoted above) and in several sections

of Part 153. Since that term is not defined in either section 16 or Part 153, a definition was proposed in Notice 68–2 to "make the operation of the proposed [covenants and reverter clause] more certain." As proposed, " 'airport purposes' includes the following uses of land in connection with the actual operation of a public airport," and the uses described were operational use, future developmental use, essential support services, and use for nonaeronautical complemental purposes. With the exception of future developmental use, each use described is related to actual airport operation. This use was described as "Reservation of land for foreseeable aeronautical development." While this is a "use of land," it does not clearly relate to "actual operation of a public airport." To carry out the intent of the notice, the FAA is adopting a definition of "airport purposes" that differs from the definition proposed. As adopted in new § 153.1(b), the definition of "airport purposes" contemplates uses of land that are directly related to both actual operation and foreseeable aeronautical development of a public airport, and it clearly indicates the use of examples in the kinds of uses described.

Several clarifying amendments to Part 153 are also adopted. For easier use and identification, the covenants and the reverter clause, as amended, are republished in separate §§ 153.13 and 153.15. Except for the addition of a statutory citation in new §§ 153.13(c), the covenants now in § 153.13(a) (2) through (5) are republished without change as new § 153.13 (b) through (e). The introductory paragraph of new § 153.15 conforms to the introductory paragraph of § 153.13. A reference to "Guam" is added to the introductory paragraph of § 153.3 to reflect the definition of "public agency" in section 1(7) of the Federal Airport Act. In § 153.3(b), the reference is corrected to cite § 151.35 that describes the kinds of airport development, rather than § 151.25. Section 153.5 is amended to reflect the fact that the FAA Area Manager is now the official within the FAA who is responsible for receiving requests for conveyances. Finally, cross-references in § 153.7 to present § 153.13 are changed to refer to new §§ 153.13 and 153.15.

In consideration of the foregoing, effective October 17, 1968, Part 153 of the Federal Aviation Regulations is amended as follows:

1. Section 153.1 is amended by inserting the paragraph designation and catch word "(a) *General.*" before the first sentence thereof, and by adding the following new paragraph (b) at the end thereof:

§ 153.1 Applicability and purpose.

* * * * *

(b) *Definition of "airport purposes".* For the purposes of this part, "airport purposes" means uses of property interests in land that are directly related to the actual operation or the foreseeable aeronautical development of a public airport. It includes—

(1) *Operational use.* Use of property interests for aerial approaches, navaids, runways, taxiways, aprons, or other aircraft movement areas;

(2) *Future developmental use.* Reservation of property interests for foreseeable aeronautical development (for example, a planned runway extension or a planned terminal building development);

(3) *Essential support services use.* Use of property interests for activities directly supporting flight operations (for example, aircraft maintenance, fueling, and servicing; mail, passenger, and cargo processing facilities; communications, and air traffic control; crash rescue, fire fighting, and airport maintenance); and

(4) *Complementary activities use.* Use of property interests for facilities or services that enhance the utility or convenience of the aeronautical services (for example, facilities to provide food, shelter, surface transportation, or vehicular parking).

§ 153.3 [Amended]

2. The introductory paragraph of § 153.3 is amended by inserting the word "Guam", immediately after the words "the Virgin Islands,"; and paragraph (b) of § 153.3 is amended by striking out the reference "§ 151.25", and by inserting the reference "§ 151.35" in place thereof.

§ 153.5 [Amended]

3. Section 153.5 is amended by striking out the words "District Airport Engineer," and by inserting the words "Area Manager" in place thereof.

§ 153.7 [Amended]

4. Paragraph (b)(13), and the second and third sentences of paragraph (c), of § 153.7 are amended by striking out the reference "§ 153.13", and by inserting the references "§§ 153.13 and 153.15" in place thereof.

5. Section 153.13 is amended to read as follows:

§ 153.13 Covenants in conveyances.

Whenever the Administrator requests a department or agency to make a conveyance under this part, he also requests that the instrument of conveyance contain, as a covenant binding on the grantee, its successors and assigns, a provision—

(a) That the grantee will use the property interest for airport purposes, and will develop that interest for airport purposes within one year after the date of this conveyance;

(b) That the airport, and its appurtenant areas and its buildings and facilities, whether or not on the land conveyed, will be operated as a public airport on fair and reasonable terms, without discrimination on the basis of race, color, creed, or national origin, as to airport employment practices, and as to accommodations, services, facilities and other public uses of the airport;

(c) That the grantee will not grant or permit any exclusive right forbidden by section 308(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1349(a)) at the airport, or at any other airport now or hereafter owned or controlled by it;

(d) That in furtherance of the policy of the Federal Aviation Administration under the foregoing convenant the grantee agrees that, unless authorized by the Federal Aviation Administrator, it will not, either directly or indirectly, grant or permit any person, firm, or corporation the exclusive right at the airport, or at any other airport now or hereafter owned or controlled by it, to conduct any aeronautical activities, including, but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity; and that the grantee further agrees that it will terminate any such exclusive right (including any exclusive right to engage in the sale of gasoline or oil, or both) now existing at the airport or at any other airport now or hereafter owned or controlled by the grantee, at the earliest renewal, cancellation, or expiration date applicable to the agreement that established the exclusive right, and covenants that there is no exclusive right not subject to termination under this provision;

(e) That any later transfer of the property interest conveyed will be subject to the covenants and conditions in the instrument of conveyance;

(f) That, if the covenant to develop the property interest for airport purposes within 1 year after the date of this conveyance is breached, the Federal Aviation Administrator may give notice to the grantee requiring him to take specified action towards development within a fixed period. These notices may be issued repeatedly, and outstanding notices may be amended or supplemented. Upon expiration of a period so fixed without completion by the grantee of the required action, the Federal Aviation Administrator may, on behalf of the United States, enter, and take title to, the property interest conveyed or, in his discretion, that part of that interest to which the breach relates;

(g) That, if any covenant or condition in the instrument of conveyance, other than the foregoing covenant, is breached, the Federal Aviation Administrator may, on behalf of the United States, immediately enter, and take title to, the property interest conveyed or, in his discretion, that part of that interest to which the breach relates; and

(h) That a determination by the Federal Aviation Administrator that one of the foregoing covenants has been breached is conclusive of the facts; and that, if the right of entry and possession of title stipulated in the foregoing covenants is exercised, the grantee will, upon demand of the Federal Aviation

Administrator, take any action (including prosecution of suit or executing of instruments) that may be necessary to evidence transfer to the United States of title to the property interest conveyed, or, in the Administrator's discretion, to that part of that interest to which the breach relates.

6. A new § 153.15 is added to read as follows:

§ 153.15 **Reverter clause in conveyances.**

Whenever the Administrator requests a department or agency to make a conveyance under this part, he also requests that the granting clause of the instrument of conveyance contain a reverter clause, reading as follows:

Any part of the property interest hereby conveyed that has not been developed for airport purposes within 5 years after the date of conveyance, or that ceases to be used for airport purposes for a period of 6 months, shall automatically revert to the United States, the grantee agreeing by the acceptance of this conveyance or the rights granted herein that a determination by the Federal Aviation Administrator that all or a part of the property interest has not been so developed, or has ceased to be so used, is conclusive of the facts.

(Federal Airport Act, as amended (49 U.S.C. 1101–1120))

Issued in Washington, D.C., on September 10, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68–11298; Filed, Sept. 17, 1968; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34–8392]

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

Acquisitions, Tender Offers, and Solicitations

On July 30, 1968 the Commission announced, in Securities Exchange Act Release No. 8370 (33 F.R. 11015, Aug. 2, 1968; as corrected 33 F.R. 11207, Aug. 8, 1968), the adoption of temporary rules and regulations to implement the recent amendments to sections 13 and 14 of the Securities Exchange Act of 1934, effected by Public Law 90–439. The Commission has amended these rules and regulations by adding certain new rules thereto and amending some of the previously adopted rules and regulations. A brief description of the changes involved in the amendments follows.

Rule 13d–1 (17 CFR 240.13d–1) has been amended by deleting therefrom the reference to July 29, 1968, the effective date of the statutory amendments. The reference to that date has led some persons to construe the rule as being applicable only if more than 10 percent of a class of equity securities is acquired after such date. The rule is intended to apply, in accordance with the statute, whenever any person acquires after that date any equity securities if after such acquisition the person is then the beneficial owner of more than 10 percent of the class.

A new Rule 13d–3 (17 CFR 240.13d–3) has been added to Regulation 13D. This rule provides that for the purpose of determining whether a person is the beneficial owner of a specified percentage of a class of equity securities, he shall be deemed to be the beneficial owner of securities of that class which he has the right to acquire through the exercise of presently exercisable options, warrants or rights or through the conversion of presently convertible securities, or otherwise.

Rule 13e–1 (17 CFR 240.13e–1) provides that no issuer which is subject to section 13(e) of the Act shall purchase any of its equity securities when a tender offer is being made unless a statement with respect to the proposed purchase has been filed with the Commission and the substance of the information contained therein has been sent to its equity security holders within the preceding 6 months. The rule has been construed by some persons to mean that an issuer may either file the information with the Commission or transmit it to its security holders. The intent of the rule is that the issuer must comply with both conditions prior to any such purchase and the rule has been amended to make this clear.

Rule 14d–1 (17 CFR 240.14d–1) of Regulation 14D specified the information to be filed with the Commission and furnished to the issuer and security holders in connection with tender offers for equity securities of an issuer. The amendment provides that all tender offers for, or requests or invitations for tender of, securities published or sent to security holders shall include, in addition to the information previously required, information with respect to the rights of security holders to withdraw their securities and with respect to the pro rata acceptance of tenders where all of the securities tendered are not accepted.

A new Rule 14d–2 (17 CFR 240.14d–2) has been adopted which provides that Regulation 14D does not apply to certain communications which in the absence of such a rule would be deemed to constitute tender offers, or solicitations in favor of or in opposition to such offers. The exclusions relate to matters such as offers to no more than ten security holders during any period of twelve months, the call or redemption of any security in accordance with the terms and conditions of the governing instruments and the furnishing of information or advice to customers or clients by attorneys, banks, brokers, fiduciaries or investment advisers.

Item 4 of Schedule 13D (17 CFR 240.13d–101) has been amended to require a statement of the purpose for which securities of an issuer have been or are to be purchased. Under the existing item this information is not specifically required. The amended item would also require, where the issuer is a registered closed-end investment company, information with respect to any plans or proposals to change its fundamental investment policy.

Item 5 of Schedule 13D (17 CFR 240.13d–101) has been amended to require information with respect to recent transactions in the securities of the issuer. Under the existing item this information is not required.

Schedule 14D (17 CFR 240.14d–101) has been amended by adding thereto a new Item 5 which would require information with respect to recent transactions by insiders in securities of the issuer.

It is suggested that the applicable sections of the statute be read in connection with the temporary rules. The Commission's staff will endeavor to be as helpful as possible in connection with interpretive or other problems which may arise under the new legislation or the rules thereunder. The Commission will be glad to receive any comments or suggestions which interested persons may wish to make in regard to the temporary rules or these amendments thereto.

It should be noted that a "special bid" to purchase equity securities through the facilities of a national securities exchange ordinarily, under the regulations of such exchange, would constitute a "tender offer" or "request or invitation for offers" within the meaning of sections 14 (d) and (e) of the Act. Any such bid, therefore, can be lawfully made only in accordance with the provisions of those sections, including paragraph (5), withdrawal provisions, and paragraph (6), pro-rata provisions, of section 14(d), and the rules and regulations thereunder.

Commission action. Sections 240.13d–1, 240.13d–101, 240.13e–1, 240.14d–1, and 240.14d–101 of Chapter II of Title 17 of the Code of Federal Regulations are amended as set forth below. Section 240.13d–3 and 240.14d–2 Chapter II of Title 17 of the Code of Federal Regulations are adopted to read as set forth below. The Commission finds that it is necessary in the public interest and for the protection of investors that additional temporary rules and regulations be adopted immediately to implement the recent amendments to sections 13 and 14 of the Securities Exchange Act of 1934 and that notice and procedure pursuant to the Administrative Procedure Act (5 U.S.C. 552) is impracticable. Accordingly, the foregoing action which is taken pursuant to the Securities Exchange Act of 1934, particularly sections 13 (d) and (e), 14 (d) and (e), and 23(a) thereof, shall become effective immediately.

By the Commission, August 30, 1968.

[SEAL] ORVAL L. DUBOIS,
Secretary.

REGULATION 13D

§ 240.13d–1 **Filing of Schedule 13D (§ 240.13d–101).**

Any person who, after acquiring directly or indirectly the beneficial ownership of any equity security of a class which is registered pursuant to section

12 of the Act, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.), is directly or indirectly the beneficial owner of more than 10 per centum of such class shall, within ten days after such acquisition, send to the issuer of the security at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Commission, a statement containing the information required by Schedule 13D (§ 240.13d–101).

§ 240.13d–3 Determination of ownership of specified percentages of a class of equity securities.

In determining, for the purposes of section 13(d) or section 14(d) [of the Act], whether a person is directly or indirectly the beneficial owner of securities of any class, such person shall be deemed to be the beneficial owner of securities of such class which such person has the right to acquire through the exercise of presently exercisable options, warrants or rights or through the conversion of presently convertible securities, or otherwise. The securities subject to such options, warrants, rights or conversion privileges held by a person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by such person but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person.

§ 240.13d–101 Schedule 13D—Information to be included in statements filed pursuant to § 240.13d–1 or § 240.14d–1.

* * * * *

Item 4. Purpose of transaction.

State the purpose or purposes of the purchase or proposed purchase of securities of the issuer. If the purpose or one of the purposes of the purchase or proposed purchase is to acquire control of the business of the issuer, describe any plans or proposals which the purchasers may have to liquidate the issuer, to sell its assets or to merge it with any other persons, or to make any other major change in its business or corporate structure, including, if the issuer is a registered close-end investment company, any plans or proposals to make any changes in its investment policy for which a vote would be required by section 13 of the Investment Company Act of 1940 (15 U.S.C. 80a–13).

Item 5. Interest in securities of the issuer.

State the number of shares of the security which are beneficially owned, and the number of shares concerning which there is a right to acquire, directly or indirectly, by (i) such persons, and (ii) each associate of such person, giving the name and address of each such associate. Furnish information as to all transactions in the class of securities to which this statement relates which were effected during the past 60 days by the person filing this statement and by its subsidiaries and their officers, directors and affiliated persons.

§ 240.13e–1 Purchase of securities by issuer thereof.

When a person other than the issuer makes a tender offer for, or request or invitation for tenders of, any class of equity securities of an issuer subject to section 13(e) of the Act, and such person has filed a statement with the Commission pursuant to § 240.14d–1 and the issuer has received notice thereof, such issuer shall not thereafter, during the period such tender offer, request or invitation continues, purchase any equity securities of which it is the issuer unless it has complied with both of the following conditions:

(a) The issuer has filed with the Commission a statement containing the information specified below with respect to proposed purchases:

(1) The title and amount of securities to be purchased, the names of the persons or classes of persons from whom, and the market in which, the securities are to be purchased, including the name of any exchange on which the purchase is to be made;

(2) The purpose for which the purchase is to be made and whether the securities are to be retired, held in the treasury of the issuer or otherwise disposed of, indicating such disposition; and

(3) The source and amount of funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading the securities, a description of the transaction and the names of the parties thereto; and

(b) The issuer has at any time within the past 6 months sent or given to its equity security holders the substance of the information contained in the statement required by paragraph (a) of this section: *Provided, however,* That any issuer making such purchases which commenced prior to July 30, 1968 shall, if such purchases continue after such date, comply with the provisions of this rule on or before August 12, 1968.

REGULATION 14D

§ 240.14d–1 Filing of Schedule 13D (§ 230.13d–101) and furnishing of information to security holders.

* * * * *

(c) All tender offers for, or requests or invitations for tenders of, securities published or sent or given to the holders of such securities shall include the following information:

(1) The name of the person making the tender offer, request or invitation;

(2) The exact dates prior to which, and after which, security holders who deposit their securities will have the right to withdraw their securities pursuant to section 14(d)(5) of the Act, or otherwise;

(3) If the tender offer or request or invitation for tenders is for less than all of the outstanding securities of the class and the person making the offer, request or invitation is not obligated to purchase all of the securities tendered, the date of expiration of the period during which the securities will be taken up pro rata pursuant to section 14(d)(6) [of the Act], or otherwise; and

(4) The information required by Items 2 (a), (c), and (e), 3, 4, 5, and 6 of Schedule 13D, or a fair and adequate summary thereof.

* * * * *

§ 240.14d–2 Certain communications to which rules do not apply.

The sections contained in this regulation (§ 240.14d–1 et seq.) do not apply to the following communications:

(a) Offers to purchase securities made in connection with a distribution of securities permitted by §§ 240.10b–6, 240.10b–7, and 240.10b–8.

(b) The call or redemption of any security in accordance with the terms and conditions of the governing instruments.

(c) Offers to purchase securities evidenced by a script certificate, order form or similar document which represents a fractional interest in a share of stock or similar security.

(d) Offers to purchase securities pursuant to a statutory procedure for the purchase of dissenting shareholders' securities.

(e) The furnishing of information and advice regarding a tender offer to customers or clients by attorneys, banks, brokers, fiduciaries or investment advisers, who are not otherwise participating in the tender offer or solicitation, on the unsolicited request of a person or pursuant to a general contract for advice to the person to whom the information or advice is given.

(f) A communication from an issuer to its security holders which does no more than (1) identify a tender offer or request or invitation for tenders made by another person, (2) state that the management of the issuer is studying the matter and will, on or before a specified date (which shall be not later than 10 days prior to the date specified in the offer, request or invitation, as the last date on which tenders will be accepted, or such shorter period as the Commission may authorize) advise security holders as to the management's recommendation to accept or reject the offer, request or invitation, and (3) request security holders to defer making a determination as to whether or not they should accept or reject the offer, request or invitation until they have received the management's recommendation with respect thereto.

(g) Offers to purchase securities in transactions exempt from registration under the Securities Act of 1933 pursuant to section 3(a)(10) thereof.

§ 240.14d–101 Schedule 14D.

* * * * *

Item 5. Additional information to be furnished.

Furnish information as to all transactions in the class of securities to which this statement relates which were effected during the past 60 days by the issuer and its subsidiaries and their officers, directors and affiliated persons.

(Sec. 23, 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w; secs. 2, 3, P.L. 90–439, 82 Stat. 454, 15 U.S.C. 78m, 78n)

[F.R. Doc. 68–11296; Filed, Sept. 17, 1968; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 125—MATTER MAILABLE UNDER SPECIAL RULES

Prohibitions on Mailing Pistols, Revolvers, and Other Concealable Firearms

In the daily issue of Thursday, June 13, 1968 (33 F.R. 8678), the Post Office Department published a notice of proposed rule making consisting of proposed amendments to Part 125 of Title 39, Code of Federal Regulations. The purpose of the proposals was to further define the Department's regulations issued to implement section 1715 of Title 18, United States Code, which prohibits mailings of pistols, revolvers, and other firearms capable of being concealed on the person except when they are mailed to designated classes of persons.

In that same daily issue of Thursday, June 13, 1968 (33 F.R. 8667), the Department issued temporary regulations containing the same terms as the proposed rule for a period of 90 days.

After careful consideration of all comments received, the Department has determined to adopt the proposals as set out in the published notice, thereby making permanent the temporary regulations.

As a hiatus between the temporary regulations presently in force and the permanent regulations now being adopted would be contrary to the public interest, the following amendments to § 125.5 are adopted effective upon publication in the FEDERAL REGISTER:

§ 125.5 Concealable firearms.

* * * * *

(g) *Antique firearms.* Antique firearms sent as curios or museum pieces may be accepted for mailing without regard to the provisions of paragraphs (a) through (d) of this section and § 135.9. The term "antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States; and is not readily available in the ordinary channels of commercial trade.

(h) *Nonmailable firearms.* (1) Pistols, revolvers, and other similar firearms capable of being concealed on the person, addressed to persons other than those indicated in paragraph (a) of this section, are nonmailable and shall not be received or carried in the mails.

(2) The term "pistols" or "revolvers" mean hand guns styled to be fired by the use of a single hand and to fire or otherwise expel a projectile by the action of an explosion, spring, or other mechanical action, or air or gas pressure with sufficient force to be used as a weapon.

(3) The term "firearm" means a device from which a projectile is fired or otherwise expelled by the action of an explosion, spring, or other mechanical action, or air or gas pressure with sufficient force to be used as a weapon.

(4) The phrase "all other firearms capable of being concealed on the person" includes, but is not limited to, short-barreled shotguns, and short-barreled rifles.

(5) The term "short-barreled shotguns" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches. A short-barreled shotgun of greater dimensions may also be regarded as nonmailable when they have characteristics allowing them to be concealed on the person.

(6) The term "short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches. A short-barreled rifle of greater dimensions may also be regarded as nonmailable when they have characteristics allowing them to be concealed on the person.

NOTE: The corresponding Postal Manual section is 125.5.

(5 U.S.C. 301; 18 U.S.C. 1715; 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 12, 1968.

[F.R. Doc. 68-11315; Filed, Sept. 17, 1968; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular 2247]

PART 2230—SPECIAL USES

Subpart 2236—Permits

On pages 10295 and 10296 of the FEDERAL REGISTER of August 19, 1965, there were published a notice and text of a proposed amendment of Subpart 2236 of Title 43, Code of Federal Regulations. A purpose of the amendment is to protect and provide more effectively for maintenance of the natural beauty along roads. The proposed amendment as published provided that no permit would be allowed for the erection of an advertising display on public lands less than 1,000 feet from the edge of any road right-of-way. Since the date of publication of the proposed revision, the Beautification Act of 1965 has been passed. These regulations have been revised in accordance with that Act.

Section 2236.2-1 now provides that no permits will be issued for areas within or extending 660 feet from the edge of the rights-of-way of the Interstate System and the primary system until standards have been promulgated by the Secretary of Transportation under the Beautification Act. For areas beyond 660 feet from the edge of a right-of-way of the Interstate System and primary system, and for areas adjacent to other roads, the regulations provide that the authorized officer will follow standards designed to protect the public investment in the highway or adjacent lands, preserve scenic or recreational values and promote the safety, convenience and enjoyment of public travel. In no event will permits be issued for displays which would detract from the natural beauty of an area or mar scenic or historic values.

The revision also provides regulations for drilling for water wells. In addition, it rearranges existing provisions to provide an improved sequence, and makes certain minor revisions.

Interested persons were given 30 days within which to submit comments, suggestions, or objections with respect to the proposed amendment. Only two comments were received. They endorsed the approach taken and contained neither objections nor suggestions for change of the proposed language.

The proposed amendment is adopted as set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of publication in the FEDERAL REGISTER.

Subpart 2236 is revised in its entirety to read as follows:

Subpart 2236—Permits

AUTHORITY: The provisions of this Subpart 2236 issued under secs. 446, 453, 2478, Revised Statutes (1875), as amended; 43 U.S.C. secs. 1, 2, 1201 (1964); Act of Sept. 19, 1964 (78 Stat. 986; 43 U.S.C. secs. 1411-1418 (1964)); Act of July 14, 1960 (74 Stat. 506; 43 U.S.C. secs. 1361-1364 (1964)).

§ 2236.0-2 Objectives.

(a) *General.* It is the policy of the Secretary of the Interior, in the administration of the lands under the jurisdiction of the Bureau of Land Management, to permit the beneficial use thereof, where practical, for special purposes not specifically provided for by existing law. Permits for such special use will not be issued, however, in any case where the provisions of any law may be invoked. Permits will not be issued where such issuance would be inconsistent with the objectives of the regulations in this chapter or would be in conflict with any Federal or State laws.

§ 2236.0–3 Authority.

Pursuant to sections 446, 453 and 2478 of the Revised Statutes (1875), as amended, 43 U.S.C. secs. 1, 2, 1201 (1964); the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. secs. 1411–1418 (1964)); the Act of July 14, 1960 (70 Stat. 506; 43 U.S.C. secs. 1361–1364 (1964)) and other authority, the Director of the Bureau of Land Management is authorized to perform, under the direction of the Secretary of the Interior, all executive duties relating to the public lands and other lands administered by the Secretary of the Interior through the Bureau of Land Management.

§ 2236.0–5 Definitions.

For the purposes of the regulations in this subpart,

(a) The term "advertising displays" means any signs or other devices erected or maintained for outdoor advertising or for outdoor public information purposes, except signs erected and maintained by Federal, State, or local highway authorities within highway rights-of-way.

(b) The word "highway" is used in its general sense to include all routes of public surface travel.

(c) The word "lands" means lands administered by the Secretary of the Interior through the Bureau of Land Management.

§ 2236.1 General provisions.

§ 2236.1–1 Application.

(a) *Qualification of applicants.* Applications pursuant to this subpart may be filed by any of the following: (1) Any person 21 years of age, or over, who is a citizen of the United States, or who has declared his intention to become a citizen, (2) any group or association composed of such persons, (3) any corporation organized under the laws of the United States or of any State thereof, authorized to conduct business in the State in which the land involved is situated, (4) any agency of the Federal Government, or (5) any State or political subdivision thereof.

(b) *Form to be used.* Applications must be executed on a form approved by the Director.

(c) *Filing.* The application may be filed in any office of the Bureau of Land Management having jurisdiction over the lands.

§ 2236.1–2 Fees.

Each application for a special land-use permit or a renewal thereof must be accompanied by a nonrefundable application service fee of $10. However, no charges will be made for applications by agencies of the Federal Government or agencies of the States and political subdivisions thereof.

§ 2236.1–3 Permits and renewals.

(a) *Terms; general.* (1) A special land-use permit will be revocable in the discretion of the authorized officer at any time, upon notice, if in his judgment the lands should be devoted to another use, or the conditions of the permit have been breached.

(2) A special land-use permit will not be issued for a larger area than the authorized officer determines is necessary for the contemplated use. The land may be surveyed or unsurveyed.

(b) *Stipulations.* A special land-use permit shall contain such stipulations as the authorized officer considers necessary to protect the lands and resources involved and the public interest in general.

(c) *Renewals.* Upon the expiration of a permit, if the permittee has complied with the provisions thereof, he will, upon the filing of an application for renewal, be the preferred applicant for a new permit, under regulations then in force, provided no superior claim to the land has been asserted in the meantime. Renewal, if granted, will be in the form of a new permit.

§ 2236.1–4 Rental charges.

(a) Each permittee will be required to pay to the Bureau of Land Management, in advance, a rental determined by the authorized officer as the fair market value of the privileges granted. The authorized officer will determine whether payments will be annual or otherwise; he may adjust the rental at the end of each payment period. In no case will the minimum rental charge be fixed at less than $10 per payment.

(b) No rental charges will be made for special land-use permits to agencies of the Federal Government and agencies of States and political subdivisions thereof.

(c) No refunds of rentals properly paid will be made because of the revocation of the permit at any time, or because of interference with or prevention of the exercise of the privileges granted by the permit, by mineral prospectors, locators, licensees, permittees, lessees, or patentees, or by permittees under the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431–433), or by grantees or permittees of rights-of-way under existing laws.

§ 2236.1–5 Rights of applicants and permittees.

(a) *Occupancy of land prior to permit.* An application for special land-use permit will not entitle the applicant to occupy the land prior to the issuance of a permit. Any occupation of the land prior to the issuance of a permit under this or other applicable regulation, or any use thereafter except in accordance with the terms of the permit, is unauthorized, and constitutes a trespass (see Subpart 9239 of this chapter).

(b) *Timber and other materials.* A special land-use permit will not entitle an applicant to cut and remove timber or remove any other materials from the land. If he wishes permission to do so, he must make application for such permission in accordance with the governing laws and regulations.

(c) *Assignment of permit.* (1) A permittee may not assign a permit or any interest therein without the approval of the authorized officer. Proposed assignments must be accompanied by a statement signed by the assignee agreeing to be bound by the provisions of the permit if the assignment is approved, and a showing that the assignee possesses the qualifications set out in § 2236.1–1(a).

(2) All applications for assignment of special land-use permits must be accompanied by a nonrefundable application service fee of $10.

(d) *Removal of improvements.* After the revocation or expiration of a permit, the permittee may, within the time specified by the authorized officer, remove all structures which have been placed upon the premises by him or his assignor, provided all rental charges due the Government have been paid. If the permittee fails to make payment of the rental charges within 30 days from receipt of notice requiring payment or, upon revocation or expiration of the permit, fails to remove the structures within the time required by the authorized officer, the structures will become the property of the United States.

§ 2236.1–6 Segregative effect.

The lands embraced within special land-use permits will be subject to valid adverse claims theretofore or thereafter acquired and to the filing of applications and the acquisition of rights by others, including:

(a) Applications and selections under nonmineral laws, subject to the revocation of the permit.

(b) Prospecting, location, developing, mining, entering, leasing, or patenting of minerals under the applicable general mining laws or mineral leasing laws.

(c) Permits issued under the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431–433), to explore for objects of antiquity on the public lands.

(d) The acquisition by grant or permit of rights-of-way under existing laws.

§ 2236.2 Special provisions.

§ 2236.2–1 Advertising displays.

(a) *Applicability of general regulations.* All the general provisions of § 2236.1 not inconsistent with the special provisions relating to permits for advertising displays are applicable to such permits.

(b) *Applications.* In addition to the requirements of § 2236.1–1, an application for a special land-use permit for an advertising display shall contain sufficient information concerning the nature, design, and lighting effect, if any, of the display to enable its construction from the description. A sketch or photograph showing the display, and a photograph showing the location on which it is to be placed, must be furnished. The application must identify the highway along which it is proposed to erect the display and must give the distance and direction of the site, measured by highway travel to the nearest cities or towns.

(c) *Additional requirements.* In addition to the requirements of §§ 2236.02 and 2236.1:

(1) *Lands along Interstate and primary highway Systems.* For lands within rights-of-way, and within 660 feet of the edge of the rights-of-way of the National System of Interstate and Defense Highways (Interstate System) and

the primary system (Title 23, United States Code), no permit for the erection and maintenance of advertising signs will be issued until national standards for such displays are promulgated by the Secretary of Transportation in accordance with the Beautification Act of 1965. When such standards are promulgated, permits may, in the discretion of the authorized officer, be issued, consistent with such standards and such additional standards as may be established by the Secretary of the Interior.

(2) *Other lands.* For lands adjacent to any other highway or more than 660 feet from the edge of the rights-of-way of the Interstate System and the primary system, the authorized officer may establish public service advertising zones and safety rest areas. The authorized officer may issue permits for the erection and maintenance of advertising displays in such areas. He may also authorize signs advertising activities on the property on which the activities are located, and official signs and notices.

(i) In establishing public service advertising zones and safety rest areas and in the issuance or denial of permits, the authorized officer will follow standards designed to protect the public investment in the highway or in the adjacent lands, to preserve for the public the significant scenic or other recreational values in the lands, to prevent the destruction and to insure the preservation of nature and natural beauty adjacent to the highways, to promote the safety, convenience, and enjoyment of public travel, or otherwise to protect the public interest. He will give due consideration to the need for directional and other official signs; the desirability of permitting, where alternative sites are not readily available, signs advertising legitimate activities being conducted at a location within a reasonable distance thereof; and the interest of the traveling public in, and its need for, specific types of information.

(3) *Natural beauty.* Notwithstanding any other provision of thus subpart, no permit will be issued for the erection and maintenance of any advertising display which would be inconsistent with national programs for the preservation of natural beauty.

(4) *Identification of displays.* Each advertising display erected or maintained under a permit issued pursuant to the regulations of this subpart, must, for convenient identification, have the serial number of such permit marked or painted thereon.

§ 2236.2–2 Water wells.

(a) *Applicability of general regulations.* All of the general provisions of § 2236.1 not inconsistent with the special provisions relating to permits for drilling water wells are applicable to such permits.

(b) *Additional requirements.* (1) The authorized officer may include in the permit provisions for testing of wells and for examination of records.

(2) Permits for exploratory wells shall provide that if and when the permittee abandons a well:

(i) He will notify the authorized officer of the Bureau of Land Management of the abandonment or proposed abandonment. The authorized officer will allow the permittee a reasonable time to cap or plug the well and restore the site to the satisfaction of the authorized officer. Unless the authorized officer purchases them, the permittee will be permitted to remove his improvements to the extent that such removal does not prevent restoration of the site to the satisfaction of the authorized officer.

(3) The authorized officer may require a surety bond as a condition precedent to the issuance of a well permit, to insure proper capping or plugging of the well and restoration of the site.

(4) Renewals may be granted only if, before the expiration of his prior permit, the applicant has:

(i) Actually initiated well drilling on the land, with a firm commitment to have the well completed without delay; or

(ii) Encountered unforeseeable difficulty, and although no drilling has been initiated, has made a firm commitment to have the well completed without delay.

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 12, 1968.

[F.R. Doc. 68–11292; Filed, Sept. 17, 1968; 8:46 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4521]

[Oregon 1854]

OREGON

Reservation for Constructed Forest Service Road

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 Revested Oregon and California Railroad Grant 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, nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Department of Agriculture for the granting of easements for road rights-of-way as authorized by section 2 of the act of October 13, 1964 (78 Stat. 1089; 16 U.S.C. 532, 533):

WILLAMETTE MERIDIAN

NEGRO CREEK ROAD

T. 27 S., R. 2 W.,
Sec. 1, SW¼SW¼.

A strip of land 66 feet in width, being 33 feet on each side of the centerline of Negro Creek Road No. 272–H in and through the above subdivision as shown on a map or plat filed in the Regional Forester's office in Portland, Oreg., and the Land Office, Bureau of Land Management, Portland, Oreg.

The area described contains 0.8 acre in Douglas County.

2. The withdrawal made by this order shall not preclude entries, or sales, exchanges or leases under public land laws applicable to revested Oregon and California Railroad Grant Lands, of any legal subdivisions traversed by any cooperator road constructed on any lands withdrawn by this order, provided that any such entry, sale, exchange or lease shall be subject to this order and to any road right-of-way easement over the lands issued by the Department of Agriculture.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 12, 1968.

[F.R. Doc. 68–11286; Filed, Sept. 17, 1968; 8:45 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1, Amdt. 1–22]

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

Removal of Reservation of Authority Federal Highway Administrator

The purpose of this amendment is to remove the reservation imposed in § 1.5 (i)(5) of Part 1, on the authority delegated in § 1.4(c) of Part 1 to the Federal Highway Administrator, to perform the functions of the Secretary of Transportation contained in the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381–1425). This reservation of authority extended to the authority provided by that Act to issue jointly with the Secretary of the Treasury rules or regulations relating to the importation of motor vehicles or motor vehicle equipment. The effect of this amendment is to delegate that authority to the Federal Highway Administrator including the authority to issue notices, final rules, and amendments authorized under section 108 (15 U.S.C. 1397) of the National Traffic and Motor Vehicle Safety Act of 1966.

Since this amendment involves a delegation of authority and relates to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective September 12, 1968, § 1.5(i) of the Regulations of the Office of the Secretary of Transportation is amended by deleting subparagraph (5) thereof.

(Sec. 9, Department of Transportation Act; 49 U.S.C. 1659)

Issued in Washington, D.C., on September 12, 1968.

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 68-11357; Filed, Sept. 17, 1968; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Bear River Migratory Bird Refuge, Utah

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

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

The public hunting of ducks, geese, coots and whistling swans on the Bear River Migratory Bird Refuge, Utah, is permitted from October 12, 1968, through January 5, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 12,855 acres, is delineated on maps available at refuge headquarters, Brigham City, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and whistling swans subject to the following special conditions:

(1) Area A—No hunting is permitted from roadways or within 100 yards of any roadway. Area B—No hunting is permitted from roadways or adjacent area as posted by signs.

(2) Boats—The use of boats is permitted, except that airthrust boats may not be used in Unit 2. Private boats may be left at designated areas 1 week prior to and during the hunting season. All boats and trailers must be removed from the refuge within 2 weeks after the close of the hunting season.

(3) Parking—Hunters may park cars only at designated areas within the refuge.

(4) Checking in and out—Each hunter who enters Area A is required to register at the checking station and check out before leaving the refuge. Those hunting in Area B are not required to register on entering or leaving the refuge.

(5) Routes of travel—To reach open hunting areas, travel is permitted on foot or bicycle from refuge checking station over roads between Units 1 and 2 and Units 2 and 3. Travel by boats (other than airthrust boats) from checking station using the canal between Units 1 and 2, or down main river channel into Unit 2, or using the canal between Units 2 and 3. Travel by airthrust boats is limited to Units 1 and 3, and to designated travel lanes leading to the open area south and southwest of the refuge boundary. Cars with airthrust boats and trailers will be permitted to travel designated dike road to reach designated parking areas and launching sites for access to the travel lanes across a closed portion of the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1969.

W. O. NELSON, Jr.,
Acting Regional Director,
Region 2, Albuquerque, N. Mex.

SEPTEMBER 11, 1968.

[F.R. Doc. 68-11290; Filed, Sept. 17, 1968; 8:45 a.m.]

PART 32—HUNTING

Noxubee National Wildlife Refuge and Yazoo National Wildlife Refuge, Miss.

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on Noxubee National Wildlife Refuge, Miss.

NOXUBEE NATIONAL WILDLIFE REFUGE

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of the refuge which are open to hunting are designated by signs and delineated on maps. Maps are available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Waterfowl may be hunted in accordance with the following special conditions.

(1) Waterfowl may be hunted during the period December 17, 1968, through January 15, 1969.

(2) Hunting is permitted on Mondays, Wednesdays, and Saturdays from one-half hour before sunrise to 12 o'clock noon.

(3) Each hunter is limited to the use of no more than 16 shotgun shells during any one hunting day.

(4) Construction of blinds on the refuge is not permitted.

(5) The use of electric outboard motors is permitted.

(6) All hunters must enter and leave the hunting area by way of the check station.

(7) Hunters may enter the hunting area no earlier than 15 minutes before the legal shooting time daily.

(8) All waterfowl bagged must be checked at the checking station at the conclusion of each day's hunt.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Squirrels, rabbits, quail, turkey, raccoons and opossum may be hunted in accordance with the following special conditions.

(1) Squirrels and rabbits may be hunted October 1 through October 26, 1968, excluding Sundays.

(2) Quail may be hunted January 8, 1969, through February 17, 1969, excluding Sundays.

(3) Turkeys (gobblers only) may be hunted March 29 through April 13 and April 19 through April 27, 1969, excluding Sundays.

(4) Raccoons and opossums may be hunted November 1 through February 15, 1969, excluding Sundays. Hunt hours are from sunset to sunrise only.

(5) Dogs are permitted during the quail, raccoon, and opossum hunts only.

(6) Turkeys killed must be reported to refuge headquarters.

(7) Raccoons and opossums may be hunted only with .22 caliber rifles or hand guns.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

White-tailed deer may be hunted in accordance with the following special conditions.

(1) Hunting with guns is permitted November 20–23 and 25–30, 1968; December 26–28, 1968, and December 30, 1968–January 4, 1969, excluding Sundays.

(2) Bag limits are as follows: November 20–23 and 25–30, one buck; December 26–28 and December 30–January 4, one deer of either sex.

(3) A kill quota of 800 deer is established, 400 of which may be antlerless. The hunt will be terminated if these quotas are reached prior to the above specified closing date.

(4) Shotguns smaller than 20 gauge and rifles .22 caliber and smaller are prohibited.

(5) Shotgun shells containing buckshot smaller than No. 1 are prohibited.

(6) The use of dogs is not permitted.

(7) Fires and the cutting of trees are not permitted.

(8) Hunting of deer with long bows is permitted from October 26–November 3 and November 5–15, 1968.

The use of long bows is also permitted during the periods where the refuge is open to hunting deer with guns.

(9) Firearms and crossbows are prohibited during the season established for archery hunting only.

(10) All deer killed must be checked out at one of the designated checking stations on the refuge.

YAZOO NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on the Yazoo National Wildlife Refuge, Miss., is permitted on all the refuge except for that area which lies within 250 yards of the refuge headquarters, personnel housing, or equipment buildings. This open area, comprising approximately 10,500 acres, is delineated on a map available at the refuge headquarters, Route 1, Hollandale, Miss. 38748, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State Regulations covering the hunting of squirrels

and raccoons, subject to the following special conditions:

(1) The open season for squirrels extend from October 1 through October 12, 1968, Sundays excluded; and the open season for raccoons extends from November 21 through midnight December 7, 1968; Sundays excluded.

(2) No dogs permitted during the squirrel hunt; however, dogs may be used in the process of taking raccoons.

(3) Raccoon hunting permitted from dark to daylight only.

(4) Firearms limited to 10 gauge shotguns or smaller (buckshot and slugs prohibited), and 22 caliber rifles or pistols (rimfire only).

(5) No firearms may be discharged within 250 yards of Refuge headquarters or residences.

(6) Carrying of loaded firearms in vehicles is prohibited and shooting from vehicles or shooting from or across State or County roads is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations and are effective through April 27, 1969.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 9, 1968.

[F.R. Doc. 68-11288; Filed, Sept. 17, 1968; 8:45 a.m.]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. Dak.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of pheasant, gray partridge and sharptailed grouse on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted from sunrise to sunset November 18, 1968, through December 15, 1968, only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres of the total refuge area is delineated on a map available at the refuge headquarters, Upham, N. Dak. 58789, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasant, gray partridge, and sharptailed grouse subject to the following special condition:

(1) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 15, 1968.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak.

SEPTEMBER 10, 1968.

[F.R. Doc. 68-11336; Filed, Sept. 17, 1968; 8:49 a.m.]

PART 32—HUNTING

Shiawassee National Wildlife Refuge, Mich.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MICHIGAN

SHIAWASSEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Shiawassee National Wildlife Refuge is permitted from 7 a.m. to 6 p.m. each day from November 15, 1968, through November 30, 1968, only on the area designated by signs as open to hunting. This open area, comprising 6,000 acres, is delineated on a map available at the refuge headquarters, Saginaw, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Public hunting of deer with bow and arrow is permitted on the entire refuge area from 7 a.m. to 6 p.m. each day from December 1, 1968, through December 31, 1968, only.

Hunting shall be in accordance with all State regulations covering the hunting of deer, subject to the following conditions:

(1) All hunters must exhibit their hunting license, deer tag, game, and vehicle contents to Federal and State Officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1968.

JOHN R. FRYE,
Refuge Manager, Shiawassee National Wildlife Refuge, Saginaw, Mich.

SEPTEMBER 10, 1968.

[F.R. Doc. 68-11287; Filed, Sept. 17, 1968; 8:45 a.m.]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. Dak.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of deer on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted from 12 noon to sunset November 8, 1968, and from sunrise to sunset November 9, 1968, through November 17, 1968, only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres, is delineated on a map available at the refuge headquarters, Upham, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 17, 1968.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak.

SEPTEMBER 10, 1968.

[F.R. Doc. 68-11335; Filed, Sept. 17, 1968; 8:49 a.m.]

PART 32—HUNTING

Tishomingo National Wildlife Refuge, Okla.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Not more than 15 archery hunters per day, and not more than 10 gun hunters per day will be admitted to the hunting area.

(2) The archery deer hunting season on the refuge is from October 19 to November 3, 1968, inclusive. Shooting hours are from daylight to 12 noon on Tuesdays, Thursdays, Saturdays, Sundays, and National holidays. The gun deer hunting season on the refuge is from November 23 to December 1, 1968, inclusive. Shooting hours are from daylight to 12 noon on Tuesdays, Thursdays, Saturdays, Sundays, and National holidays.

(3) Zone 3 of the area open to hunting is excluded.

(4) A Federal permit is not required to enter the public hunting area for the hunting of deer, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 1, 1968.

ERNEST S. JEMISON,
Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Okla.

SEPTEMBER 4, 1968.

[F.R. Doc. 68-11289; Filed, Sept. 17, 1968; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS

Appendix—Second Apportionment of the School Breakfast Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1968

Amendments of reapportionment for the States and total as listed below. A second apportionment pursuant to section 4 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 886, food assistance funds available for the fiscal year ending June 30, 1968, was published in the FEDERAL REGISTER on April 3, 1968 (33 F.R. 5291). The second apportionment is amended for the State and total listed as follows:

State	Total apportionment	State agency	Withheld for private schools
New Mexico	$16,380	$16,380	
Total	3,318,001	3,199,676	$118,325

(Secs. 2, 4, 6, and 8 through 16, 80 Stat. 885-890, 42 U.S.C. 1771, 1773, 1775, 1777-1785)

Dated: September 12, 1968.

RODNEY E. LEONARD,
Administrator.

[F.R. Doc. 68-11327; Filed, Sept. 17, 1968; 8:48 a.m.]

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

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 876.20]

PART 876—SUGARCANE: HAWAII

Fair and Reasonable Prices for 1968 Crop

Correction

In F.R. Doc. 68-10455 appearing at page 12174 in the issue of Thursday, August 29, 1968, the last line of § 876.20 (a)(1) should read "essor applicable to the prior crop."

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

[Avocado Reg. 10, Amdt. 3]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that 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 restrictions on the handling of avocados in that it permits shipment of a certain variety of avocados at an earlier date than currently provided.

Order. The provisions of paragraph (a)(2) of § 915.310 (33 F.R. 8500, 8801, 10501) are hereby amended by revising in Table I certain dates and minimum weights or diameters applicable to the Catalina variety of avocados, so that after such revision the portion of Table I relating to such variety reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Catalina	9-13-68	24 oz.	9-23-68	22 oz.	10-7-68		

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

Dated, September 13, 1968, to become effective September 13, 1968.

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

[F.R. Doc. 68-11324; Filed, Sept. 17, 1968; 8:48 a.m.]

[Avocado Reg. 16, Amdt. 4]

PART 944—FRUIT; IMPORT REGULATIONS

Avocados

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a)(3) of § 944.8 (Avocado Regulation 16; 33 F.R. 8548, 9087, 10562, 11642) is hereby amended to read as follows:

§ 944.8 Avocado Regulation 16.

(a) * * *

(3) Avocados of the Catalina variety shall not be imported (i) prior to September 13, 1968; (ii) from September 13 through September 22, 1968, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 23 through October 6, 1968, unless the individual fruit in each lot of such avocados weighs at least 22 ounces.

* * * * *

It is hereby 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 time of this regulation beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) such regulation imposes the same grade and comparable maturity requirements on imports of avocados as are being made applicable to the shipment of avocados grown in Florida under Avocado Regulation 10, as amended, which becomes effective September 13, 1968; (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on imports of avocados.

Dated, September 13, 1968, to become effective September 13, 1968.

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

[F.R. Doc. 68-11325; Filed, Sept. 17, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

PEARS

Standards for Grades; Withdrawal of Proposed Rule Making

On June 14, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 8740) regarding a proposed revision of U.S. Standards for Summer and Fall Pears (7 CFR 51.1260–51.1280) and U.S. Standards for Winter Pears (7 CFR 51.1300–51.1323). Interested persons were given until July 20, 1968 to submit written data, views or arguments in connection with that proposal. In response to the publication of the proposal, four letters were received from organizations representing the pear industry and individuals. All opposed the proposal. One letter, suggesting changes in the proposal but in general supporting it, was received from a State Department of Agriculture. As a result of the views submitted, it was decided that no action shall be taken concerning the proposal and it is hereby withdrawn from consideration.

Dated: September 12, 1968.

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

[F.R. Doc. 68–11358; Filed, Sept. 17, 1968; 8:50 a.m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Desirable Free Tonnage for Natural Thompson Seedless Raisins

Notice is hereby given of a proposal to change the "desirable free tonnage" as set forth in § 989.54(a) for natural Thompson Seedless raisins from 140,000 tons to 138,000 tons. This action would be in accordance with § 989.54(a) of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Raisin Administrative Committee, established under the said marketing agreement and order.

The tonnage of raisins of any varietal type which can be sold as free tonnage during a crop year is designated in § 989.54(a) as "desirable free tonnage" and, until changed, such tonnage for natural Thompson Seedless raisins is fixed at 140,000 tons. The Committee has reviewed, as provided in § 989.54(a), shipment data and other matters relating to the desirable free tonnage for 1968–69.

Shipments of free tonnage natural Thompson Seedless raisins for the 1967–68 crop year are reported by the Committee to be 137,655 tons, with average shipments of such raisins for the four crop years ending with the 1966–67 crop year to be 142,842 tons. The carryover of free tonnage on September 1, 1968, also is reported to be 24,228 tons. The proposed desirable free tonnage of 138,000 tons of 1968–69 crop natural Thompson Seedless raisins when added to the carryover should provide ample tonnage for shipment as free tonnage during the 1968–69 crop year and a satisfactory carryout at the end of the crop year for free tonnage shipments early in the 1969–70 crop year until new crop raisins become available.

No desirable free tonnage is proposed for varietal types other than natural Thompson Seedless raisins because no volume regulation is contemplated for them in the 1968–69 crop year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 5 days after publication of this notice in the FEDERAL REGISTER.

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

Dated: September 12, 1968.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 68–11329; Filed, Sept. 17, 1968; 8:48 a.m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Portion of Desirable Free Tonnage To Be Released by Preliminary Free Tonnage Percentage for Natural Thompson Seedless Raisins

Notice is hereby given of a proposal to designate the portion of the desirable free tonnage to be released by 1968–69 preliminary free tonnage percentage for natural Thompson Seedless raisins as 93,000 tons (i.e., more than 65 percent) of the proposed desirable free tonnage for such raisins as set forth in the notice of proposed rule making with respect thereto which is also published in this issue of the FEDERAL REGISTER. The designation would be in accordance with §§ 989.54 and 989.55 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Raisin Administrative Committee, established pursuant to said marketing agreement and order.

Release of 93,000 tons of natural Thompson Seedless raisins would provide an ample quantity of such raisins for shipment as free tonnage during the September–February period of the 1968–69 crop year. During the same period of the 1967–68 crop year, actual shipment of free tonnage raisins amounted to approximately 78,000 tons. In February 1969 the final free tonnage percentage would be established and all of the free tonnage released. As provided in § 989.54(b), the difference between any preliminary or final free tonnage percentage and 100 percent shall be the reserve percentage.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 5, 1968. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 12, 1968.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 68–11330; Filed, Sept. 17, 1968; 8:48 a.m.]

[7 CFR Part 1104]

[Docket No. AO–298–A14]

MILK IN RED RIVER VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

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 the filing with the Hearing Clerk

of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Red River Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the fifth day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Wichita Falls, Tex., on August 15, 1968, pursuant to notice thereof which was issued August 2, 1968 (33 F.R. 11299).

The material issues on the record of the hearing relate to:

1. Cooperative associations as handlers for milk delivered from farms to pool plants in bulk tanks;
2. The definition of "route";
3. Interest on unpaid obligations; and
4. Deletion of the base-excess plan of payment to producers.

This decision is concerned only with Issue No. 4 with respect to deletion of the base-excess plan of payment. Decision on other issues is deferred for later decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

4. The base-excess plan of payment to producers should be deleted from the order.

The Red River Valley order presently provides for payments to producers on a base-excess plan for their deliveries of milk in each of the months of March through June. The producer bases used for this purpose are the average daily deliveries of milk by each producer during the preceding months of September through December.

Milk Producers, Inc., a cooperative association representing a majority of the producers supplying the Red River Valley market, proposed that this plan be deleted from the order. The effect of such deletion would be that in all months of the year producers would have their payments computed at a uniform or blend price for all milk delivered. This is the present basis of payment for months other than March through June.

The proponent cooperative association based its proposal for deletion of the plan upon its belief that the plan encouraged production of milk in excess of the market's needs, and its conflict with a privately operated Class I base plan to be used in distributing proceeds of the sales of cooperative association milk among its members.

The numbers of producers supplying the Red River Valley market have declined in recent years, from an average of 523 in 1964 to an average of 450 in 1967, or about 14 percent. In the same period, average daily production for the market has increased about 25 percent, as a result of an increase of about 40 percent in production per producer.

Class I sales have not increased in proportion to the increase in producer supplies. While 1966 sales were about 12 percent greater than those of 1964, 1967 sales were less, not quite 6 percent greater than those of 1964. As a consequence of the more rapid increase in production than in sales, producer milk in Class I decreased from 76.3 percent in 1964 to 64.7 percent in 1967.

The cooperative association has instituted a plan under which its members will receive base and excess prices determined upon the relationship of each producer's history of production in 1966 and 1967 to the volume of Class I sales in the market during the year 1966. These bases will, of course, vary from those that would be established under the order on the basis of average deliveries in the months of September through December 1968. This difference will militate against the effectiveness of the cooperative association plan. Moreover with the institution of the association plan, the base-excess plan of the order is no longer necessary as the means for modifying the seasonal pattern of deliveries.

Deletion of the base-excess plan will not disadvantage producers who are not members of the cooperative association. Each such producer will receive payment at the uniform price computed in the same manner as now provided for 8 months of each year. This provides less limitation upon producers who may wish to change their pattern of production than does the present base-excess system.

For these reasons, it is concluded that the base-excess plan of the Red River Valley order should be deleted. No testimony was offered at the hearing in opposition to its deletion. There were, however, certain questions concerning the desirability of deferring deletion until July 1969 so that producers would have greater advance notice of the change in the order. A brief filed by a producer presented this view.

The base-excess plan would not affect payments to producers until March 1969. A decision issued at this time will provide ample notice to producers concerning the conditions under which their milk will be marketed in the future. Under the uniform price provisions no payments to individual producers will be affected by their deliveries in prior periods. Hence, the period of notice is not so significant in deleting a base-excess plan as when incorporating it in an order.

The proponent requested omission of the recommended decision in order that amendatory action could be completed by September 1, or, in the alternative, suspension of the base-excess plan for the month of September. Since no September order provisions are affected by the plan, such action is not required. As stated above, this decision should provide adequate notice to producers of the conditions under which their milk will be marketed in the spring months of 1969.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentive marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Red River Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§§ 1104.17, 1104.18, 1104.65–1104.67, 1104.72 [Revoked]

1. Sections 1104.17, 1104.18, the centerheading "Determination of Base"

preceding 1104.65, 1104.66, 1104.67, and 1104.72 are revoked.

2. In § 1104.27(k) subparagraph (3) is revised to read as follows:

§ 1104.27 Duties.

* * * * *

(k) * * *

(3) On or before the 12th day of each month, the uniform price computed pursuant to § 1104.71, and the butterfat differential computed pursuant to § 1104.73, both for the preceding month.

* * * * *

3. In § 1104.30, paragraph (a) is revised to read as follows:

§ 1104.30 Reports of receipts and utilization.

* * * * *

(a) The quantities of skim milk and butterfat contained in milk received from producers;

* * * * *

4. In § 1104.31, paragraph (a) is revised to read as follows:

§ 1104.31 Reports of payments to producers.

* * * * *

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days' production represented by the milk received from such producer(s);

* * * * *

5. Section 1104.60 is revised to read as follows:

§ 1104.60 Producer-handlers.

Sections 1104.40 to 1104.46, 1104.50 to 1104.54, 1104.70 to 1104.74, and 1104.80 to 1104.86, shall not apply to a producer-handler.

6. In § 1104.71, paragraph (f) is revised to read as follows:

§ 1104.71 Computation of uniform prices.

* * * * *

(f) Subtract not less than four cents nor more than five cents per hundredweight. The results shall be the "uniform price" or "weighted average price" for milk received from producers.

7. Section 1104.74 is revised to read as follows:

§ 1104.74 Location differentials to producers and on nonpool milk.

In making payments to producers pursuant to § 1104.80 for milk received at a pool plant located outside the State of Texas and more than 40 miles from Wichita Falls, Tex., each handler may deduct for each hundredweight of milk received during the month an amount for plant location as set forth in § 1104.52(a). For the purpose of computations pursuant to §§ 1104.82 and 1104.83, the weighted average price shall be adjusted at the rate set forth in § 1104.52(a) which is applicable at the location of the nonpool plant from which the milk was received.

8. In § 1104.80(a), subparagraph (2) is revised to read as follows:

§ 1104.80 Time and method of payment for producer milk.

(a) * * *

(2) On or before the 15th day of the following month, an amount equal to not less than the applicable uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1104.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment pursuant to § 1104.83, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

* * * * *

9. In § 1104.80(b)(1), subdivision (ii) is revised to read as follows:

§ 1104.80 Time and method of payment for producer milk.

* * * * *

(b) * * *

(1) * * *

(ii) Submit to the cooperative association on or before the 10th day of each month written information which shows for each member-producer (*a*) the total pounds of milk received during the preceding month, (*b*) the total pounds of butterfat contained in such milk, (*c*) the number of days of production included in such receipts, and (*d*) the amounts withheld by the handler in payment for supplies sold; and

* * * * *

10. In § 1104.82(b) subparagraph (1) is revised to read as follows:

§ 1104.82 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(1) The value of such handler's producer milk at the applicable uniform price specified in § 1104.80; and

* * * * *

Signed at Washington, D.C., on September 13, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-11328; Filed, Sept. 17, 1968; 8:48 a.m.]

DELAWARE RIVER BASIN COMMISSION

[18 CFR Part 401]

WATER QUALITY STANDARDS

Notice of Proposed Rule Making

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, September 25, 1968, on proposed amendments to its rules of practice and procedure. The proposed amendments constitute new Subparts D and E relating to review and hearing of water quality cases.

The public hearing will be held in Room 603 of the City Hall Annex, Juniper and Filbert Streets in Philadelphia beginning at 2 p.m.

All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. BRINTON WHITALL,
Secretary.

Whereas the Commission, after public hearing, duly adopted Water Quality Standards by amendment of the Comprehensive Plan pursuant to the Compact; and

Whereas such Standards were generally approved by the Secretary of the Interior pursuant to section 10 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466); and the Commission, after public hearing, duly adopted Basin Regulations to implement such Standards; and

Whereas it is necessary and appropriate to add to the rules of practice and procedure further provision for review, hearing, and determination of objections to administrative actions and decisions taken or made pursuant to such Basin Regulations; now therefore

Be it resolved by the Delaware River Basin Commission:

1. Section 401.41 is amended to read as follows:

§ 401.41 Objections.

Every objection filed pursuant to § 401.40 shall be in writing and shall particularly specify the ground thereof. Amendments to the objections may be permitted by the Commission. All objections and supporting documents shall be filed in duplicate in such form as the Executive Director may prescribe. No person may be heard in opposition to an application except on objections so filed. Such objections shall be heard and determined under the procedure prescribed by Subpart E (Hearings) of this part.

§§ 401.42, 401.43, 401.44, 401.46 [Repealed]

2. *Repealer.* Sections 401.42, 401.43, 401.44, and 401.46 are hereby repealed.

3. *Redesignated and amended sections.* The following sections are redesignated and amended as indicated:

(a) Section 401.45 redesignated 401.72 and amended to read as follows:

§ 401.72 Supplementary details.

Forms, procedures, and supplementary information, to effectuate these regulations, may be provided or required by the Executive Director as to any hearing, project or class of projects.

§ 401.73 [Redesignated]

(b) Section 401.47 redesignated § 401.73.

§ 401.42 [Redesignated]

(c) Section 401.48 redesignated § 401.42 and precedes new Subpart D.

§ 401.71 [Redesignated]

(d) Section 401.51 redesignated § 401.71.

§ 401.74 [Redesignated]

(e) Section 401.52 redesignated §401.74.

(f) Present Subpart D is redesignated Subpart F.

4. The Rules of practice and procedure are amended and supplemented by inserting therein a new subpart following § 401.41, designated Subpart D, as follows:

Subpart D—Review in Water Quality Cases

§ 401.51 Scope.

This article shall apply to the review, hearing, and decision of objections and issues arising as a result of administrative actions and decisions taken or rendered under the Basin Regulations.

§ 401.52 Timely request.

Any person aggrieved by any action or decision of the Executive Director taken under any Basin Regulation shall be entitled upon timely filing of a request therefor, to a hearing in accordance with the regulations in this subpart.

§ 401.53 Form of request.

A request for a hearing may be informal but shall indicate the name of the individual and the address to which an acknowledgment may be directed. It may be stated in such detail as the objector may elect. The request shall be deemed filed only upon receipt by the Commission.

§ 401.54 Report.

Whenever the Executive Director determines that the request for a hearing is insufficient to identify the nature and scope of the objection, or that one or more issues may be resolved, reduced or identified by such action, he may require the objector to prepare and submit to the Commission a technical report of the facts relating to the objection prior to the scheduling of the hearing. The report shall be required by notice in writing served upon the objector by certified mail, return receipt requested, addressed to the person or entity filing the request for hearing at the place indicated in the report.

§ 401.55 Form and contents of report.

(a) *Generally.* A request for a report under this article may require such information and the answers to such questions as may be reasonably pertinent to the subject of the action or determination under consideration.

(b) *Allocations of carbonaceous oxygen demand.* In cases involving objections to an allocation of the assimilative capacity of a stream, the report shall be signed and verified by a technically qualified person having personal knowledge of the facts stated therein, and shall include at least the following, unless the Executive Director shall otherwise permit or require:

(1) A specification with particularity of the ground or grounds for the objection; and failure to specify a ground for objection shall foreclose the objector from thereafter asserting such a ground;

(2) A description of industrial processing and waste treatment operational characteristics in such detail as to permit an evaluation of the character, kind and quantity of the discharges, both treated and untreated, including the physical, chemical, and biological properties of any liquid, gaseous, solid, radioactive, or other substance composing the discharge in whole or in part;

(3) The thermal characteristics of the discharges and the level of heat in flow;

(4) Information in sufficient detail to permit evaluation in depth of any in-plant control or recovery process for which credit is claimed;

(5) An analysis of all the parameters that may have an effect on the strength of the waste or impinge upon the water quality criteria set forth in the Basin Regulations, including a determination of the rate of biochemical oxygen demand and the projection of a valid first stage carbonaceous oxygen demand;

(6) Measurements of the waste as closely as possible to the processes where the wastes are produced, with the sample composited either continually or at frequent intervals (one-half hour or, where permitted by the Executive Director, one hour periods), so as to represent adequately the strength and volume of the waste that is discharged;

(7) Such other and additional specific technical data as the Executive Director may reasonably consider necessary and useful for the proper determination of a waste load allocation.

§ 401.56 Protection of trade secrets; confidential information.

No person shall be required in such report to divulge trade secrets or secret processes and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code which provides:

> Whoever, being an officer or employee of the United States or of any department or agency thereof, publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof to be seen or examined by any persons except as provided by law; shall be fined not more than $1,000 or imprisoned not more than 1 year, or both; and shall be removed from office or employment. June 25, 1948, C.645, 62 Stat. 791.

§ 401.57 Failure to furnish report.

The Executive Director may, upon 5 days notice to the objector, dismiss the request for a hearing as to any objector who fails to file a complete report within such time as shall be prescribed in the Director's notice, which period shall not be less than 20 days after the date of service of the notice.

§ 401.58 Informal conference.

Whenever the Executive Director deems it appropriate, he may cause an informal conference to be scheduled between an objector and such member of the Commission staff as he may designate. The purpose of such a conference shall be to resolve or narrow the ground or grounds of the objections.

§ 401.59 Consolidation of hearings.

Following such informal conferences as may be held, to the extent that the same or similar grounds for objections are raised by one or more objectors, the Executive Director may in his discretion cause a consolidated hearing to be scheduled at which two or more objectors asserting that ground may be heard.

5. A new Subpart E is inserted following Subpart D, to read as follows:

Subpart E—Conduct of Hearings

§ 401.61 Hearings generally.

(a) *Scope of article.* This article shall apply to hearings required for the purposes of Articles 3 and 4 of this part and, to the extent applicable, to the conduct of administrative hearings for which no other provision is made by statute or regulation.

(b) *Optional joint hearings.* Whenever designated by a department, agency, or instrumentality of a signatory party, and within any limitations prescribed by the designation, a hearing officer designated pursuant to this article may serve as a hearing officer, examiner, or agent pursuant to such additional designation. The hearing officer may conduct joint hearings for the Commission and for such other department, agency, or instrumentality. Pursuant to the additional designation, a hearing officer shall cause to be filed, with the department, agency, or instrumentality making the designation, a certified copy of the transcript of the evidence taken before him and, if requested, of his findings and recommendations. Neither the hearing officer nor the Delaware River Basin Commission shall have or exercise any power or duty as a result of such additional designation to decide the merits of any matter

arising under the separate laws of a signatory party (other than the Delaware River Basin Compact).

§ 401.62 Hearing officer.

(a) Generally: Hearings shall be conducted by one or more members of the Commission, by the Executive Director, or by such other hearing officer as the chairman may designate, except as provided in paragraph (b) of this section.

(b) Waste load allocation cases: In cases involving the allocation of the assimilative capacity of a stream,

(1) The Executive Director shall appoint a hearing board of three persons, composed of one member of the Commission's staff who shall act as chairman and two members recommended by the Commission member or by the water pollution control agency of the state in which the discharge originates. The board shall have and exercise the powers and duties of a hearing officer.

(2) A quorum of the board for purposes of the hearing shall consist of not less than two members.

(3) Questions of practice or procedure during the hearing shall be determined by the chairman.

(c) The Executive Director shall cause the schedule for each hearing to be listed in advance upon a "hearing docket" which shall be posted in public view at the office of the Commission.

§ 401.63 Hearing procedure.

(a) The hearing officer shall have the power to rule upon offers of proof and the admissibility of evidence, to regulate the course of the hearings, and to hold conferences for the settlement or simplification of issues.

(b) The hearing officer shall cause each witness to be sworn or to make affirmation.

(c) Any party to a hearing shall have the right to present evidence and to examine and cross-examine witnesses.

(d) When necessary, in order to prevent undue prolongation of the hearing, the hearing officer may limit the number of times any witness may testify, the repetitious examination or cross-examination of witnesses, or the extent of corrobative or cumulative testimony.

(e) The hearing officer shall exclude irrelevant, immaterial, or unduly repetitious evidence, but the parties shall not be bound by technical rules of evidence, and all relevant evidence of reasonably probative value may be received.

(f) Any person entitled to be heard may appear and be heard in person or be represented by an attorney at law or, if the applicant is a corporation, by its corporate officer, an authorized employee, or by an attorney at law.

(g) Briefs and oral argument may be permitted or required by the hearing officer and shall be part of the record unless otherwise ordered by the hearing officer.

§ 401.64 Staff and other expert testimony.

(a) The Executive Director shall arrange for the presentation of testimony by the Commission's technical staff and other experts, as he may deem necessary or desirable, to incorporate in the record or support the administrative action, determination or decision which is the subject of the hearing.

(b) A party to the hearing may submit the testimony of an expert witness, to be made part of the record, whether or not the expert is present, provided that such testimony has been reduced to writing, sworn, and copies thereof distributed to all parties appearing at the hearing. Such testimony, however, shall not be admitted whenever the expert is not present and available for cross-examination at the hearing unless the testimony shall have been made available to all parties of record at least five days prior to the hearing and all parties have waived the right of cross-exmination.

§ 401.65 Record of proceedings.

(a) A record of the proceedings and evidence at each hearing shall be made by a qualified stenographer designated by the Executive Director. Two copies of the transcript of the hearing will be delivered to the Commission. The stenographer may furnish to an applicant, objector, or other person, copies of the transcript at such price as may be agreed upon by the stenographer and person desiring the transcript.

(b) The expense directly attributable to the hearing will be certified by the Commission to the applicant or objector and shall be paid by such person within thirty days thereafter, in accordance with the certificate of the Commission, except that there shall be no charge to a signatory party or to any public corporation, agency or instrumentality.

§ 401.66 Findings and report.

The hearing officer shall prepare a report of his findings and recommendations. In the case of an objection to a waste load allocation, the hearing officer shall make specific findings of a recommended allocation of carbonaceous oxygen demand, which may increase, reduce, or confirm the Executive Director's determination. The report shall be served by personal service or certified mail (return receipt requested) upon each party to the hearing or its counsel unless all parties have waived service of the report. The applicant and any objector may file objections to the report within 20 days after the service upon him of a copy of the report. A brief shall be filed together with any objections. The report of the hearing officer together with objections and briefs shall be promptly submitted to the Commission. The Commission may require or permit oral argument upon such submission prior to its decision.

§ 401.67 Action by the Commission.

The Commission will act upon the findings and recommendations of the hearing officer pursuant to law. The determination of the Commission will be in writing and will be filed together with all plans, maps, exhibits, and other papers, records or documents relating to the hearing. All such records, papers, and documents may be examined by any person at the office of the Commission, and shall not be removed therefrom except temporarily upon the written order of the Secretary after the filing of a receipt therefor in form prescribed by the Secretary. Copies of any such records and papers may be made in the office of the Commission by any person, subject to such reasonable safeguards for the protection of the records as the Executive Director may require.

(Sec. 14.2, Delaware River Basin Compact, 75 Stat. 708)

Effective date. These regulations shall take effect immediately upon publication and filing pursuant to law.

[F.R. Doc. 68-11316; Filed, Sept. 17, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83]

[Docket No. 18307; FCC 68-894]

USE OF SINGLE SIDEBAND RADIOTELEPHONY IN MARITIME SERVICES

Schedule of Dates, Technical Standards, Frequencies, and Other Requirements

In the matter of amendment of Parts 2, 81, and 83 to establish a schedule of dates, technical standards, frequencies, and other requirements for the use of single sideband radiotelephony on frequencies below 4000 kc/s in the Maritime Services, and to make other incidental rule changes, except in Alaska and the Great Lakes, Docket No. 18307.

1. In Docket No. 15068, released July 27, 1964, the Commission established technical standards, applicable to frequencies above and below 4000 kc/s, for the use of single sideband in the Maritime Services. In that proceeding the Commission established a schedule of dates for mandatory conversion from double sideband emission (DSB) to single sideband (SSB) on frequencies between 4000 kc/s and 27,500 kc/s. Further, while the Commission encouraged users of radiotelephony, on a voluntary basis, to convert to SSB on frequencies below 4000 kc/s, it did not make such conversion mandatory.

2. The Commission released a series of six notices of inquiry (Docket No. 16440) in the matter of preparation for a World Administrative Radio Conference (WARC) of the International Telecommunication Union (ITU) to consider amendment of the International Radio Regulations (IRR) presently applicable to the maritime services. Agenda Item 1 of the WARC provided for consideration of the use of SSB technique in the maritime mobile service in the bands available to that service between 1605 and 4000 kc/s, among others.

3. The WARC was held at Geneva, Switzerland, between the dates of September 18, and November 3, 1967. It

adopted widespread revisions to the IRR bearing on the maritime mobile service, including a schedule for the mandatory conversion from DSB to SSB in the 1605–4000 kc/s band.

4. The schedule for conversion from DSB to SSB, as adopted by the WARC for the band 1605–4000 kc/s, states that administrations shall:

Discontinue new installations of DSB in ship stations at the earliest possible date after April 1, 1969; and prohibits such installations after January 1, 1973;

Equip coast stations for SSB operation at the earliest possible date and discontinue use of DSB as early as possible, but not later than January 1, 1975;

Until January 1, 1982, require coast and ship stations equipped for SSB to be equipped also to transmit class A3H emission compatible with reception of DSB. The requirement to provide class A3H emission on 2182 kc/s is continued indefinitely;

After January 1, 1982 (except for 2182 kc/s, selective calling and safety messages on 2170.5 kc/s, and emergency position-indicating radio beacons), authorize the use of class A3A and A3J only;

Not authorize use of class A3H emission on SSB channels in the lower part of previous DSB channels.

5. At the WARC, only a few administrations indicated that they were experiencing congestion and interference on 2 Mc/s frequencies to a degree similar to that existing in U.S. waters. The mandatory dates for completion of conversion to SSB were, accordingly, extended over a 14-year period. Nonetheless, in recognition of the need of some administrations for conversion at an earlier time, the WARC urged that the use of DSB be discontinued aboard ship stations and at coast stations and that coast stations be equipped for SSB operation at the earliest possible date.

6. As provided in the WARC SSB conversion schedule, new installations of DSB equipment could continue to be made aboard ship stations until January 1, 1973. A period of this duration would impose little hardship where the number of new installations per year is small. However, where the number of new installations is large, such procedure is, or is the equivalent of, a planned program of new-equipment obsolescence. In the United States, where the annual increase in number of new DSB ship station installations authorized is in excess of 10,000, a program of planned obsolescence of new equipment is particularly undesirable. The Commission proposes, therefore, to advance (from Jan. 1, 1973) to January 1, 1971 the date after which new installations of DSB transmitters in new ship radio station will not be authorized.

7. Similarly, as discussed below, the Commission proposes that the date after which (a) the use of DSB (A3) emission will not be authorized, and (b) the use of emissions A3A and A3J only will be authorized, be advanced (from Jan. 1, 1982, as developed by WARC) to January 1, 1977. The exceptions to use of emissions A3A and A3J after January 1, 1977 would be limited to ship and coast station operations on the frequency 2182 kc/s, where emission A3H would be required; and to apparatus provided aboard ship stations solely for distress, urgency, and safety purposes, where emissions A3 or A3H would be required on 2182 kc/s.

8. In the instant proceeding the Commission proposes amendment of its rules to include therein a schedule of dates for mandatory conversion of radiotelephony to SSB on frequencies in the band 1605–4000 kc/s, which will be applicable in all geographic areas other than Alaska and the Great Lakes. The unique circumstances surrounding the operation of many stations in Alaska makes it appropriate to establish a compulsory date for use of SSB in Alaska as a separate matter. In regard to the Great Lakes, the Commission has under current consideration the matter of improving maritime service communications in the Great Lakes area, particularly in regard to provisions for an increased use of very high frequencies. The results of that consideration could have impact upon the requirements in that area for radiotelephony frequencies in the 1605–4000 kc/s band. Further thereto, the Commission is advised of planning by Canada to complete, at a relatively early date, a program of installation to provide VHF (156–162 Mc/s) coverage over that portion of the Great Lakes under Canadian jurisdiction. In view thereof, it would be premature, at this time, to propose a mandatory conversion to SSB in the Great Lakes area.

9. The Commission has given extended consideration to known practical measures to meet the needs of vessels operating in U.S. waters for short-distance radiotelephony communication in the Maritime Services. As explained in its notice of proposed rule making in Docket No. 17295, released March 20, 1967, the Commission is proposing a two-step program to effect improvements in radiotelephony communication in the Maritime Services. The first of these steps was set forth in the above referenced Docket (No. 17295) in regard to use of very high frequencies (VHF–FM). The second step is set forth herein.

10. The U.S. Coast Guard "Boating Statistics 1966" shows there were in excess of 4 million craft registered in the United States at the end of 1966. At mid-1967 the FCC statistics show there were approximately 140,000 ship stations authorized to use frequencies in the 1605–4000 kc/s band. The vast majority of these 140,000 vessels operate radiotelephony in the 2000–2850 kc/s band.

11. The matter of congestion on maritime radiotelephony frequencies in the band 1605–4000 kc/s is well recognized and has received wide documentation in trade publications over an extended period of time. This congestion accrues from the large number of users; the small number of frequencies available; the characteristic of the modulation technique (double sideband) used; and undesired ionospheric propagation at distances beyond the range of desired communication. There are, of course, other factors which contribute in a lesser degree to this congestion.

12. In addition to congestion on all, or nearly all, of these frequencies, there is and has been for several years a condition of saturation on public correspondence channels in this band. Even though there has been a continuing and substantial increase in number of vessels authorized to use frequencies in this band, the number of public correspondence calls completed has not increased in several years. Further, many of these calls are said to be subject to delays of up to 4 and 5 hours.

13. The major consequence of the congestion on radiotelephony 2 Mc/s channels, and about which the Commission is most apprehensive, is the substantial lowering of the distance over which communication is effective; and, in turn, the adverse affect which this reduced range has upon the maritime radio safety system. With an increased number of vessels in operation, which are equipped for use of radio, the effective communication range obtained on these frequencies, and on 2182 kc/s in particular, must be sufficient to permit a satisfactory functioning of the maritime radio safety system.

14. In order to increase the number of channels, to reduce congestion and interference, to establish VHF as the short-distance communication system in U.S. waters, to effect needed improvements in communications, to enhance the maritime radio safety system, and to provide for future use of radiotelephony by vessels unable to fulfill their communication needs by use of VHF, the Commission herein proposes (a) a schedule of dates for converting DSB to SSB; and (b) a limitation on availability and use of frequencies in the band 2000–2850 kc/s.

15. The amendments to §§ 81.304 and 83.351 in regard to carrier frequencies in the 2000–2850 kc/s band provide:

Editorial changes to bring Parts 81 and 83 into accord with a more readily usable format adopted in other parts of the Commission's rules and regulations;

Addition of the lower-half channel carrier SSB frequencies which will become available with conversion from DSB to SSB, together with the limitations on use of the currently available frequencies and the limitations which will be applicable to the lower-half channel SSB frequencies when they become available;

And, in § 81.304, inclusion of a schedule of dates for conversion from DSB to SSB.

16. In regard to conversion of ship stations from DSB to SSB, since specific transmitters are not listed on ship station licenses, adjustments will be made to the Commission's Radio Equipment List, Part C, in regard to equipments acceptable for licensing under Part 83 of the rules. Type acceptance will be withdrawn, effective January 1, 1971, for DSB transmitters operating in the band 2000–2850 kc/s. DSB transmitters for which type acceptance is withdrawn on January 1, 1971, will not be authorized in new ship radio stations after that

date: *Provided, however,* That in a ship radio station authorized to operate on frequencies in the band 2000–2850 kc/s, DSB equipment may continue to be authorized for a period not to extend beyond January 1, 1977, where the license was granted prior to January 1, 1971, and has not expired, been canceled, or revoked.

17. The amendments of Part 83 in regard to withdrawal of type acceptance and the provisions applicable to continued use of DSB during the period January 1, 1971, to January 1, 1977, are set forth below under § 83.139.

18. In regard to the conversion of coast stations from DSB to SSB, the effect of the various amendments proposed by the Commission to Part 81, for the band 2000–2850 kc/s, is:

Continue to authorize installation of DSB until January 1, 1970;

Until January 1, 1970, transmission of SSB will be on a permissive basis. If SSB is used, however, the station should have the capability to transmit A3H, A3A and A3J. After January 1, 1970, capability to use these emissions will be required;

Authorizations for use of DSB emission granted after the effective date of an order in this docket will expire on January 1, 1970;

On 2182 kc/s, until January 1, 1970, require capability to transmit and receive with SSB full carrier (A3H) emission and, until January 1, 1977, receive DSB emissions.

19. The Commission does not propose, in this proceeding, to decide whether full carrier (A3H) emission on frequencies other than 2182 kc/s should be available to coast stations during the period January 1, 1977, to January 1, 1982. If circumstances immediately prior to January 1, 1977 indicate it is operationally feasible to do so, it is, of course, desirable to relieve coast stations of a requirement to provide full carrier (A3H) on frequencies other than 2182 kc/s. A decision in that regard would take account, particularly, of the status of progress made by ships of other countries, which have need to communicate with U.S. coast stations, to convert from DSB to SSB. Based on the actual situation then existing, such rule making could be developed during the latter part of 1976. Consequential changes appropriate to the schedule of dates for conversion from DSB to SSB have been included in §§ 81.132(a)(2) and 83.132(a)(2). The amendments to §§ 81.132(d) and 83.132(d) set forth the addition to those paragraphs of a definition of reduced carrier SSB (A3A) emission.

20. The amendments to §§ 81.133(a) and 83.133(a) relate to reduction in the authorized bandwidth for emissions A3A, A3H and A3J on frequencies in the 2000–2850 kc/s band from 3.50 to 3.00 kc/s. The carrier of the lower-half channel SSB frequency has been positioned to correspond with this reduced bandwidth, to wit, 3.00 kc/s below the DSB carrier which now appears in Parts 81 and 83. The reduction in authorized bandwidth in the band 2000–2850 kc/s is the consequence of (a) the large number of current assignments, both Government and non-Government, which over the years have been progressively squeezed into this band; and (b) to the extent practicable, the need to obtain and provide the maximum possible number of channels in this band.

21. The amendments to §§ 81.132(a)(2) and 83.132(a)(2) are editorial in nature relative to frequencies above 4 Mc/s. In regard to frequencies in the band 2000–2850 kc/s, the amendments of §§ 81.132(a)(2) and 83.132(a)(2) take advantage of the revised format of §§ 81.304 and 83.351 in order to reduce the complexity of determining the authorized class of emission applicable to a specific carrier frequency(s). Since the instant matter is limited to frequencies in the band 1605–4000 kc/s, a separate notice will rearrange the listing of frequencies above 4 Mc/s to bring them into accord with the new format of §§ 81.304 and 83.351 (see Docket No. 18271, released Aug. 8, 1968).

22. The amendments to §§ 81.111(c)(2) and 83.133(a) set forth the requirement that transmitters operating in the 2000–2850 kc/s band, in addition to providing a capability for operation in the full carrier (A3H) and suppressed carrier (A3J) modes, shall be also capable of operation in the reduced carrier (A3A) mode. The additional requirement, on frequencies in the 2000–2850 kc/s band, that transmitters be capable of operation in the reduced carrier (A39) mode is in accord with the recommendations adopted by the XIth Plenary Assembly, CCIR, Oslo, 1966, and the revisions to the IRR adopted by the WARC.

23. The reduced carrier (A3A) SSB mode has particular applicability to public correspondence where communications are switched into the general telephone system; and, as is the case in the United States, where the carrier level is used (i) as the means for establishing and maintaining voice levels fed into the land-line system; and (ii), for automatic frequency control of receiving equipment. This subject was treated adequately in (paragraph 12 of) the Commission's report and order in Docket No. 15068, released July 27, 1964.

24. The technical specifications for SSB proposed herein are designed to conform with plans for SSB use which have been developed during the past 12 years and coordinated with other Government agencies and international organizations such as the CCIR and the ITU. At the same time, it is recognized that economic considerations must not be ignored. Therefore, we explicitly invite comments as to any changes in the proposed or existing technical specifications which would facilitate the availability of SSB equipment at a cost commensurate with its use by those smaller vessels which have an operational need for use of the 2000–2850 kc/s band.

25. The amendments to the Tables following §§ 81.306(b) and 83.354(a)(1) set forth: (a) The DSB carrier frequencies currently available to ship and coast stations; of these, as proposed, coast stations will convert to SSB (emission A3H) on January 1, 1970; (b) the carrier frequencies of ship stations (DSB) and coast stations (SSB, emission A3H) which will be available on January 1, 1971; and (c) the additional SSB carrier frequencies (emissions A3A and A3J) to be available to ship and coast stations on and after January 1, 1977; with provision for earlier implementation of these additional frequencies, where feasible.

26. Technical feasibility appears to rule out the simultaneous use by a single coast station of both upper-half SSB channel and lower-half SSB channel, as derived from one DSB channel after conversion to SSB. In considering the minimum geographic separation required between the two SSB half-channels, derived from one DSB channel, it is believed that the geographic separation between presently authorized coast stations, operating in the 2000–2850 kc/s band, would appear to be adequate to permit satisfactory and simultaneous operation of both half-channels. The amended tables set forth in §§ 81.306(b) and 83.354(a)(1) provide a geographic separation between coast stations designated for use of the respective half-channels which is equal to or greater than this distance.

27. The amendment to § 83.134 will provide for the use aboard ship stations of a maximum transmitter power on the intership frequencies 2170.5 and 2191 kc/s, which does not exceed the power which may be used on 2182 kc/s.

28. The amendment to § 83.355 is an editorial change to correct the reference to the revised paragraph § 83.351(b).

29. The amendment to § 83.358 is intended to include in Part 83 a revised listing of intership frequencies which will be available following conversion from DSB to SSB. As indicated in footnote 1 to § 83.358, the Commission does not propose at this time, however, to designate the specific intership use which is to be made of the newly created SSB channels, following conversion of the currently available DSB channels to SSB.

30. The WARC made permissible the use of eight frequencies in the 2065–2107 kc/s band for single sideband radiotelephony, limited to emission A3A or A3J. As indicated in footnote 2 to § 83.358, it is expected that only a portion of these (eight) frequencies will be available for use in the United States. The selected frequencies are expected, however, to be available for assignment immediately following finalization of rule making in this docket. Until the coordination, currently in process with Canada, has been completed, it is not feasible to develop proposals regarding specific utilization of the frequencies ultimately selected. Tentatively, however, it would appear that:

Two of these frequencies should be made available to ship and coast stations licensed under § 83.360 of the rules, where 2 Mc/s frequencies are not currently available, as a means of reducing, during night hours, the loading and congestion on the presently used 4 Mc/s frequencies;

One of these frequencies should be made available to fishing fleets (ship stations only) for intership communication on both coasts and in the Gulf of Mexico; and

One of these frequencies should be used to parallel, in effect, the availability and use of 2638 kc/s for intership communication (ship stations only).

31. The amendments to § § 83.365 and 2.106 are consequential changes resulting from reduction of the guard band, around 2182 kc/s, from 2170–2194 kc/s to 2173.5–2190.54 kc/s. The amendments to §§ 81.142, 83.139, 83.141, 83.484, and 83.517 are consequential changes necessary to bring these sections into accord with proposals set forth herein.

32. Turning now to the matter of limitation in availability and use of frequencies in the band 2000–2850 kc/s, much of the congestion arises from use of 2 Mc/s by vessels which are within VHF range and which could use VHF. In areas of higher density marine activity, the congestion limits the communication range of 2 Mc/s to less than that of VHF. From the technical and practical point of view, the communication range of 2 Mc/s can be greater than VHF if the congestion and interference are removed (from 2182 kc/s in particular). The realization of this communication capability would permit 2182 kc/s to be used effectively for the function for which it was allotted, that is, as the international distress and calling frequency on a worldwide basis. Thus, substantial improvement would be provided in the maritime radio safety system, which is of particular benefit to those vessels which operate at distances from shore which are beyond the range of VHF.

33. In weighing the relative safety needs of the category of user which is within VHF range of shore, but who uses 2 Mc/s; versus the category of user which is beyond VHF range of shore and has no alternative medium; it is necessary to give preference to the latter category, the user which is beyond VHF range of shore. To do this it is necessary to impose limitations in regard to availability of 2 Mc/s to the former category, the user which is within VHF range of shore.

34. The Commission proposes, therefore, that availability of 2 Mc/s to ship stations be limited to those vessels which are equipped with VHF and which operate at distances from shore which are beyond VHF range. Of necessity, the schedule of dates for application of these limitations is related to the conversion from DSB to SSB, as follows:

(i) Until January 1, 1971, DSB will continue to be authorized as at present;

(ii) After January 1, 1971, new 2 Mc/s SSB telephony installations aboard ship stations will be authorized only where such ship stations are equipped also with VHF;

(iii) During the period January 1, 1971, to January 1, 1977, installations of 2 Mc/s DSB, authorized prior to January 1, 1971, will be amortized; and

(iv) After January 1, 1977, use of 2 Mc/s radiotelephony will be limited to SSB and will only be available to vessels equipped with both VHF and SSB.

35. In regard to coast stations, after January 1, 1977, 2 Mc/s will not be available to stations which do not provide a short-distance service on VHF, except when VHF service is already provided in waters near the proposed station. Where 2 Mc/s is authorized, it will not be available for communication with vessels:

(i) Within VHF range;

(ii) In ports or harbors;

(iii) For communication concerning passage of ships through locks, bridge areas, or Government controlled waterways; or

(iv) On lakes or rivers;

except for safety communications and in those cases where a satisfactory showing has been made that the communication requirement cannot be fulfilled by VHF.

36. The proposed amendments, as set forth below, are issued pursuant to the authority contained in sections 303 (c), (f), (g), and (r) and 318 of the Communications Act of 1934, as amended.

37. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 16, 1968, and reply comments on or before October 28, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

38. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 5, 1968.

Released: September 12, 1968.

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

A. Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, is amended as follows:

§ 2.106 [Amended]

1. Section 2.106, for the frequency bands 2065–2107 kc/s and 2170–2194 kc/s, is amended to read as follows:

Band (kc/s)	Service	Class of station	Frequency	Nature of services (of stations)
7	8	9	10	11
* * *	* * *	* * *	* * *	* * *
2065–2107 (200)	MARITIME MOBILE.	Coast. Ship.		MARITIME MOBILE.
* * *	* * *	* * *	* * *	* * *
2170–2173.5	MARITIME MOBILE.	Ship.		MARITIME MOBILE.
2173.5–2190.5 (201)	MOBILE.	Aircraft. Coast. Ship. Survival craft.	2182	AERONAUTICAL MOBILE (telephony). MARITIME MOBILE (telephony) (NG22). Distress and calling frequency.
2190.5–2194	MARITIME MOBILE.	Ship.		MARITIME MOBILE.

2. Footnotes to the table, Geneva Footnotes, number (200) and (201) are amended to read as follows:

(200) In Region 2, except in Greenland, coast stations and ship stations using radiotelephony shall be limited to class A3A or A3J emission and to a peak envelope power not exceeding 1 kw. Preferably, the following carrier frequencies should be used: 2065.0 kc/s, 2079.0 kc/s, 2082.5 kc/s, 2086.0 kc/s, 2093.0 kc/s, 2096.5 kc/s, 2100.0 kc/s, 2103.5 kc/s.

(201) The frequency 2182 kc/s is the international distress and calling frequency for radiotelephony. The conditions for the use of the band 2170–2194 kc/s are prescribed in Article 35.

[NOTE: The instructions relate to the rules as they appear prior to the amendments in Docket No. 17295 which became effective Sept. 3, 1968.]

B. Part 81, Stations on Land in the Maritime Services, is amended as follows:

1. The provisions of § 81.111 have been moved to and renumbered § 81.142; paragraph (c) (2), thereof, is amended; and a new paragraph (i) is added, to read as follows:

§ 81.142 Modulation requirements.

* * * * *

(c) * * *

(2) For transmitters operating on frequencies below 4 Mc/s, with the carrier emitted at a power level, for A3H, between 3 and 6 decibels below peak envelope power and, for A3A, at 16 decibels, ±2 decibels, below peak envelope power.

* * * * *

(i) In single sideband and independent sideband transmitters, the audiofrequency band shall be 350 to 2700 cycles per second, with a permitted amplitude variation of 6 decibels. Audiofrequencies outside this band shall be attenuated to protect the adjacent channels.

2. In § 81.132, paragraph (a) (2) and paragraph (d) are amended to read as follows:

§ 81.132 Authorized classes of emission.

(a) * * *

(2) Coast stations using radiotelephony:	
(i) For frequencies designated in § 81.304(a): 2182 kc/s	Until January 1, 1970: A3 or A3H; After January 1, 1970: A3H.
All other frequencies	A3, A3H, A3A, A3B, or A3J as specified in § 81.304 (a) and (b).
(ii) For frequencies designated in § 81.361(a)	A3J.
(iii) For frequencies in the band 156 to 174 Mc/s	F3.

* * * * * * *

(d) Authorization to use A3H, A3A, or A3J emission is limited to emitting a carrier, for A3H, at a power level between 3 and 6 decibels below peak envelope power; for A3A, at a power level of 16 decibels, ±2 decibels, below peak envelope power; and, for A3J, at a power level at least 40 decibels below peak envelope power.

* * * * *

3. In § 81.133(a) the table and footnote 3 are amended to read as follows:

§ 81.133 Authorized bandwidth and frequency deviation.

(a) * * *

Class of emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.224
A2	2.66A2	2.724
A3	6A3	8.0
A3A	2.8A3A	[3] 3.0
A3B	5.6A3B	7.0
A3H	2.8A3H	[3] 3.0
A3J	2.8A3J	[3] 3.0
F3	16F3 [1]	[1] 20.0
F3	36F3 [2]	[2] 40.0
P0	(4)	(4)

* * * * * *

[3] Transmitters type accepted to operate in the band 2000–2850 kc/s prior to the effective date of this rule change, the authorized bandwidth is 3.5 kc/s.
[4] Variable.

* * * * *

4. In § 81.134, paragraph (c)(1), the table is amended to read as follows:

§ 81.134 Transmitter power.

* * * * *

(c) * * *
(1) * * *

Frequency band (kc/s)	Class of station	Class of emission	Transmitter power
2000 to 4000 [1]	Any	A3	1,500 watts by day 700 watts by night
		A3A, A3H, A3J.	800 watts by day 400 watts by night
4000 to 18,000	Class I	A3	70 kilowatts
18,000 to 27,500	do	do	27 kilowatts
4000 to 27,500	do	A3A, A3B, A3H, A3J.	50 kilowatts
	Class II	do	1,000 watts
	do	A3	1,500 watts

[1] When using 2182 kc/s for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of limited coast stations shall not exceed 100 watts for A3 emission and 50 watts for A3H emission.

* * * * *

5. In § 81.140 the head note is amended to read as follows:

§ 81.140 Emission limitations.

* * * * *

6. In § 81.304, paragraph (a) is amended with respect to the frequencies in the band 2000–2850 kc/s; paragraph (b) is relettered (d); a new paragraph (c) is added; and paragraph (d) is amended and relettered (b); to read as follows:

§ 81.304 Frequencies available.

(a) The following tabulation indicates the frequencies which may be the authorized carrier frequencies for use by public coast stations. For single sideband radiotelephone emission, the assigned frequency will be 1.4 kc/s above the authorized carrier frequency. The specific conditions for authorization and use are enumerated in paragraphs (b) and (c) of this section.

Carrier frequencies (kc/s)	*Conditions of use*
2182	(1), (9)
2400	(7), (10)
2439	(8)
2442	(7), (10)
2447	(8)
2450	(7), (10)
2466	(7), (10)
2479	(8)
2482	(19)
2490	(7), (10)
2506	(7), (10)
2514	(2), (7), (10)
2522	(7), (10)
2530	(7), (10)
2538	(7), (10)
2547	(8)
2550	(2), (7), (10)
2558	(7), (10)
2566	(7), (10)
2569	(8)
2572	(19)
2582	(2), (7), (10)
2587	(8)
2590	(7), (10)
2598	(7), (10)
2638	(6), (10), (13)
2738	(7), (10)
2782	(7), (10)
2784	(7), (10)

* * * * *

(b) Authorization and use of the carrier frequencies set forth in paragraph (a) of this section shall be in accordance with the following limitations and conditions.

(1) Available for use on a shared basis primarily by ship stations and secondarily by coast stations.

(2) The carrier frequencies 2514, 2550, and 2582 kc/s may be assigned to coast stations in the Great Lakes area on a shared basis with coast stations of Canada upon the express condition that, except in case of distress, 2550 kc/s shall not be used for transmission to ship stations of Canada and 2582 kc/s shall not be used for transmission to ship stations of the United States.

(3) [Reserved]

(4) [Reserved]

(5) [Reserved]

(6) May be authorized for use by coast stations in certain geographic areas as prescribed in this part subject to the express condition that harmful interference shall not be caused to intership communication on this frequency.

(7) Conversion from double sideband emission to single sideband emission shall be effected in accordance with the schedule set forth in paragraph (c) of this section.

(8) Available for authorization with emission 2.8A3A and 2.8A3J only, to coast or ship stations in accordance with the schedule for conversion from double sideband to single sideband as set forth in paragraph (c) of this section; or at an earlier date: *Provided, however,* That interference will not be caused to coast and ship stations employing double sideband emissions centered on the carrier frequency located 3.00 kc/s above this carrier frequency.

(9) Until January 1, 1970, emission A3 or A3H; after January 1, 1970, emission A3H.

(10) Until January 1, 1970, emission A3, A3A, A3H, or A3J; during the period January 1, 1970, to January 1, 1977, emissions A3H, A3A, and A3J; after January 1, 1977, emissions A3A and A3J.

(11) [Reserved]

(12) [Reserved]

(13) May be authorized as a working frequency for Class II–B public coast stations for the transmission of safety and operational communications under the following conditions:

(i) No other frequency in the band 1600–5000 kc/s is available for assignment to public coast stations at the proposed location;

(ii) The proposed station is located within the continental United States (excluding Alaska) not less than 100 miles from the seacoast, the shores of navigable bays and sounds adjacent to the open sea, the shores of the Great Lakes, the St. Lawrence River, the Illinois and Ohio Rivers, and the Mississippi River south of Hastings, Minn.;

(iii) Use shall be confined exclusively to safety and operational communications;

(iv) Except for safety communications, use of the frequency shall be limited to day only: *Provided, however,* That operational communications may be continued beyond such time to the extent necessary for compliance with the provisions of §81.186(b); and

(v) An affirmative showing is submitted with the original application and each renewal application evidencing the need for the desired safety and operational communications and establishing the fact that such communications cannot be provided by the use of frequencies above 156 Mc/s.

(14) [Reserved]
(15) [Reserved]
(16) [Reserved]
(17) [Reserved]
(18) [Reserved]
(19) Authorization for use of this frequency is withdrawn January 1, 1971.

(c) Assignment to public coast stations of radiotelephony frequencies in the band 2000–2850 kc/s will be subject to the following schedule and limitations:

(1) In conversion from double sideband (DSB) to single sideband (SSB):

(i) Transmission of DSB emissions will not be permitted beyond January 1, 1970;

(ii) Transmission of full carrier (A3H), reduced carrier (A3A), or suppressed carrier (A3J) emissions prior to January 1, 1970, shall be on a permissive basis. After January 1, 1970, the capability of using these emissions will be required.

(iii) Authorizations for use of DSB emission granted after the effective date of an order in this docket shall expire on January 1, 1970;

(iv) On 2182 kc/s, until January 1, 1970, will be required to have the capability to transmit with DSB (A3) or SSB full carrier (A3H) emissions and to receive DSB (A3) and full carrier (A3H) emissions;

(v) On 2182 kc/s during the period January 1, 1970, to January 1, 1977, will be required to have the capability to receive full carrier SSB (A3H) and DSB (A3) emission; after January 1, 1977, will be required to have the capability to receive full carrier SSB (A3H) emission.

(2) Relationship between service by public coast stations on frequencies in the band 2000–2850 kc/s and in the band 156–162 Mc/s:

(i) After January 1, 1977, radiotelephony frequencies in the band 2000–2850 kc/s, will be available only to public coast stations which, in addition to service on frequencies in the band 2000–2850 kc/s, also provide service on frequencies in the band 156–162 Mc/s: *Provided, however,* That this requirement may be waived where VHF service is already provided in waters near the proposed station.

(ii) Except for safety communications, after January 1, 1977, radiotelephony frequencies in the band 2000–2850 kc/s will not be available to public coast stations for communication: with vessels within communication range of VHF; with vessels in ports or harbors; concerning passage of ships through locks, bridge areas, or Government controlled waterways; or on lakes or river: *Provided, however,* That this requirement may be waived where a satisfactory showing has been made that the communication requirement cannot be fulfilled by VHF.

* * * * *

§ 81.306 [Amended]

7. In § 81.306 frequencies available below 27.5 Mc/s, paragraph (b) and table, the table to paragraph (c), and paragraph (e) are amended to read as follows:

(b) Subject to the specific limitations imposed in this paragraph and in § 81.304 with respect to particular frequencies, the carrier frequencies designated are assignable for working purposes to Class II public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio channels: *Provided, however,* That these frequencies are assignable only to coast stations located in the vicinity of the harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency: *Provided, further,* That each coast station shall receive transmissions from mobile stations on the associated receiving frequency also designated in this paragraph.

The table below paragraph (b) of § 81.306 is amended with respect to the frequencies in the band 2000–2850 kc/s to read as follows:

For communication with coast stations located in the vicinity of	Frequencies available under present rules		Frequencies available January 1, 1971 [3]		Frequencies available January 1, 1977 [4]	
	Ship [1] transmit	Coast [2] transmit	Ship [1] transmit	Coast [2] transmit	Ship [1] transmit	Coast [2] transmit
Boston, Mass.	2406	2506	2406	2506	2163	2547
	2366	2450	2116.5	2450	2195	2587
	2390	2566	2031.5	2566	2132.5	2508
New York, N.Y.	2126	2522	2124.5	2522		
	2166	2558	2166	2558	2203	2369
	2198	2590	2198	2590	2363	2539
	2382	2482	2158	2479		
Wilmington, Del.	2166	2558	2166	2558	2006	2550
Baltimore, Md.	2166	2558	2166	2558	2009	2466
Norfolk-Quantico, Va.	2142	2538	2142	2538	2379	2439
	2366	2450	2366	2450		
Charleston, S.C.-Jacksonville, Fla.	2390	2566	2132.5	2566		
Lake Allatoona-Lake Sidney, Lanier, Ga.	2366	2450	2366	2450		
Miami, Fla.	2031.5	2490	2031.5	2490	2124.5	2330
	2118	2514	2116.5	2500		
	2158	2550	2158	2550	2006	2538
	2406	2442	2406	2442		
Tampa, Fla.	2009	2466	2009	2466	2203	2479
	2158	2550	2158	2550		
Mobile, Ala.	2430	2572	2428.5	2569	2195	2587
New Orleans, La.	2206	2598	2206	2598	2363	2538
	2166	2558	2166	2558		
	2382	2482	2379	2447		
Delcambre, La.	2458	2506	2198	2506	2163	2547
Galveston, Tex.	2134	2530	2132.5	2530	2116.5	2590
	2366	2450	2306	2450		
Corpus Christi, Tex.	2142	2538	2142	2538	2406	2439
San Juan, P.R.	2134	2530	2132.5	2530	2163	2547
Los Angeles-San Diego, Calif.	2009	2566	2009	2566	2363	2447
	2382	2466	2116.5	2466	2132.5	2479
	2206	2598	2206	2598		
	2126	2522	2124.5	2522		
San Francisco-Eureka, Calif.	2003	2450	2379	2450	2142	2439
	2406	2506	2406	2506		
Astoria, Oreg.	2009	2442	2009	2442	2116.5	2439
Astoria-Portland, Oreg.	2206	2598	2206	2598	2363	2447
Coos Bay, Oreg.	2031.5	2566	2031.5	2566	2456.5	2558
Seattle, Wash.	2126	2522	2124.5	2522	2132.5	2479
	2430	2482	2428.5	2466		
Kahuku, Hawaii	2134	2530	2132.5	2530		
Palmyra Island, Hawaii	2134	2530	2132.5	2530		
St. Thomas Island, Virgin Islands	2009	2506	2009	2506	2195	2587
San Diego, Calif.			2456.5	2558		

[1] Available for assignment in accordance with § 83.351.
[2] Available for assignment in accordance with § 81.304.
[3] Ship stations will shift to the ship station transmit frequencies specified in the table during the six months period July 1, 1970 to Dec. 31, 1970. Coast stations will shift to the coast station transmit frequencies specified in the table on Jan. 1, 1971.
[4] The frequencies specified in the table will be available to ship and coast stations at any date after Jan. 1, 1971, in those cases where harmful interference will not be caused to other public correspondence ship and coast stations operating DSB, or on the contiguous SSB half-channel. These frequencies are in addition to those shown under the column "Frequencies available Jan. 1, 1971."

(c) * * *

Coast stations located in the vicinity of—	Carrier frequency (kc/s)	Specific limitations imposed upon availability for use
Baltimore, Md.	[2] 2400	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass.
Chicago, Ill.; Pittsburgh, Pa.; Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and other locations as required to serve vessels on the Mississippi River and connecting inland waters (other than the Great Lakes).	[1] 2782	None.
	[1] 4069.3	Subject to applicable provisions of 81.304.
	4072.4	Do.
	[1] 4374.3	Do.
	4377.4	Do.
	[1] 6236.9	Do.
	6240	Do.
	[1] 6451.9	Do.
	6455	Do.
	[1] 8207.7	Do.
	8210.8	Do.
Lake Dallas, Tex.; Lake Texhoma, Tex.	[2] 2738	None.
Lake Mead, Nev.; and other locations as required to serve vessels on inland waters of the southwestern continental United States.	[2] 2782	The use of this frequency at locations other than Lake Mead, Nev., is subject to the condition that harmful interference is not caused to the service of any other station.
The Dalles, Oreg.; Umatilla, Oreg.; and other locations as required to serve vessels on inland waters of the northwestern continental United States, excluding Alaska.	[2] 2784	The use of this frequency at locations other than The Dalles, Oreg., and Umatilla, Oreg.; is subject to the condition that harmful interference is not caused to the service of any other station.

[1] Available for single sideband emissions only.
[2] Available for assignment in accordance with § 81.304.

(e) Use of the working frequencies authorized in paragraphs (a), (b), (c), and (d) of this section is subject to the applicable conditions and limitations set forth in § 81.304. Class II coast stations shall use frequency assignments within the band 2000 kc/s to 27.5 Mc/s only when frequency assignments in the band 156–162 Mc/s will not provide effective communications.

8. Section 81.365 is amended to read as follows:

§ 81.365 Availability of 2738 and 2830 kc/s for limited coast stations.

The frequencies 2738 and 2830 kc/s are available for assignment on a shared basis to limited coast stations in the areas where they are available for intership use upon a showing that the use of such frequencies is necessary to fulfill the need for communications with ships relating to safety of navigation at bridges, waterways, causeways, and similar locations. Communications between such coast stations and ships shall be conducted on the same working frequency. On an adequate showing of need, both frequencies may be assigned. The transmitter power for such communications shall not exceed 50 watts.

NOTE: Commission order (FCC 62–724) adopted July 13, 1962, appearing at 27 F.R. 6833, July 19, 1962, waived regulations contained in § 81.365 to permit the use of 2003 kc/s at a limited coast station licensed to Michigan State Highway Department.

[NOTE: The instructions below relate to the rules as they appear prior to the amendments in Docket No. 17295 which became effective Sept. 3, 1968.]

C. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. In § 83.132, paragraph (a)(2) is amended to read as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

(2) Stations using radiotelephony:	
(i) For frequencies designated in § 83.351(a): 2182 kc/s	Until Jan. 1, 1977; A3 or A3H; after Jan. 1, 1977; A3H.
(ii) All other frequencies	A3, A3H, A3A, A3B, or A3J as specified in § 83.351 (a) and (b).
(iii) For the frequency 121.5 Mc/s	A2.
(iv) For the frequency band 156 to 174 Mc/s	F3.

* * * * * * *

2. In § 83.133(a), the table and footnote 1 are amended and footnotes 2 and 3 are added to read as follows:

§ 83.133 Authorized bandwidth.

(a) * * *

Class of emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.3
A2	2.66A2	2.8
A3	6A3	8.0
A3A	2.8A3A	[3] 3.0
A3B	5.6A3B	7.0
A3H	2.8A3H	[3] 3.0
A3J	2.8A3J	[3] 3.0
F3	16F3 [1]	[1] 20.0
F3	36F3 [2]	[2] 40.0
P0	(4)	(4)

[1] Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.
[2] Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of this section.
[3] Transmitters type accepted to operate in the band 2000–2850 kc/s prior to the effective date of this rule change, the authorized bandwidth is 3.5 kc/s.
[4] Variable.

* * * * *

3. In § 83.134, the table to paragraph (d) is amended to read as follows:

§ 83.134 Transmitter power.

* * * * *

(d) * * *

Area	Frequency band	Type of communication	Transmitter power
Great Lakes area and Mississippi River north of Baton Rouge, La., and connecting inland waters.	2 to 27.5 Mc/s.	Any	150
Other than the above.	2 to 4 Mc/s.	Ship to shore, emission:	
		A3	[1 2] 400
		A3H, A3A, A3J.	[1 2] 150
		Ship to ship, emission:	
		A3	150
		A3H, A3A, A3J.	150
	4 to 27.5 Mc/s.	Any	[3] 1000

[1] Except for distress, urgency and safety purposes the maximum power which may be used on 2170.5, 2182 and 2191 kc/s is 150 watts.
[2] Except for the limitation specified in footnote (1) to this table, for passenger vessels of 5,000 gross tons and over this value is 1,000 watts.
[3] For passenger vessels of 5,000 gross tons and over this value is 3,000 watts.

* * * * *

4. In § 83.136, the head note is amended to read as follows:

§ 83.136 Emission limitations.

* * * * *

5. In § 83.137, paragraph (c) is amended; paragraphs (d) through (f) are relettered (e) through (g); and new paragraphs (d) and (h) are added to read as follows:

§ 83.137 Modulation requirements.

* * * * *

(c) Except as provided in paragraph (d) of this section, single sideband and independent sideband transmitters shall be capable of operation in the suppressed carrier (A3J) mode, with the carrier emitted at a power level at least 40 decibels below peak envelope power; and, in addition, in the following modes:

(1) Full carrier (A3H) mode, with the carrier emitted at a power level between 3 and 6 decibels below peak envelope power; and

(2) Reduced carrier (A3A) mode, with the carrier emitted at a power level 16 decibels, ±2 decibels, below peak envelope power.

(d) Transmitters type accepted prior to (the effective date of the final order in this docket) that are not type accepted for operation in all three modes (A3A, A3H, and A3J) may continue to be operated until January 1, 1974: *Provided, however,*[1] That where such transmitters have A3J capability, operation in that mode on the frequencies to which section 83.351(b)(13) is applicable, may continue until further notice.

* * * * *

(h) In single sideband and independent sideband transmitters, the audiofrequency band shall be 350 to 2,700 cycles per second, with a permitted amplitude variation of 6 decibels. Audio frequencies outside this band shall be attenuated to protect the adjacent channels.

6. In § 83.139 paragraph (a) is amended and a new paragraph (c) is added to read as follows:

§ 83.139 Transmitters required to be type accepted for licensing.

(a) Except as provided by paragraph (c) of this section, each radiotelephone transmitter authorized in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission.

* * * * *

(c) Type acceptance will be withdrawn, effective January 1, 1971, for DSB transmitters operating in the band 2000–2850 kc/s. DSB transmitters for which type acceptance was withdrawn on January 1, 1971, will not be authorized in new ship radio stations after that date: *Provided, however,* That in a ship radio station authorized to operate on frequencies in the band 2000–2850 kc/s,

[1] The exception which follows is applicable to transmitters operating in the bands between 4 and 23 Mc/s (see Docket No. 18271).

DSB equipment may continue to be authorized for a period not to extend beyond January 1, 1977, where a license:

(1) Was granted prior to January 1, 1971, and

(2) Has not expired due to failue to renew; or

(3) Has not been canceled at the request of the licensee; or

(4) Has not been revoked by order of the Commission.

7. In § 83.141 paragraph (a)(2) is amended to read as follows:

§ 83.141 Special requirement for survival craft stations.

(a) * * *

(2) The frequency 2182 kc/s be able to use class of emission as set forth in § 83.351;

* * * * *

8. In § 83.351, with respect to frequencies in the band 2000–2850 kc/s, paragraph (a) and paragraph (b) are amended and a new paragraph (c) is added, to read as follows:

§ 83.351 Frequencies available.

(a) The following tabulation indicates the carrier frequencies which, when authorized by station license, may be used by ship stations. The specific conditions for use are enumerated in paragraph (b) of this section:

Frequencies (kc/s)	*Conditions of use*
2003	17, 12, 40
2006	9, 10
2009	12
2031.5	12
2116.5	9, 10, 39
2118	12, 39
2124.5	9, 10, 39
2126	12, 39
2132.5	9, 10, 39
2134	12, 39
2142	17, 5, 19, 12
2158	12
2163	9, 10
2166	12
2170.5	9, 17, 10
2182	1, 11
2191	9, 17, 10
2195	9, 10
2198	12
2203	9, 10
2206	2, 12
2211	9, 10
2214	7, 12
2363	9, 10
2366	12
2379	9, 10
2382	40
2390	40
2397	9, 10
2400	12
2406	12
2428.5	9, 10, 39
2430	12, 39
2456.5	9, 10, 39
2458	12, 39
2638	17, 6, 5, 12
2735	17, 6, 9, 10
2738	17, 6, 5, 12
2782	12
2784	12
2830	17, 12

(b) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions hereinafter set forth in this paragraph.

(1) Available for use on a shared basis primarily by ship stations and secondarily by coast stations.

(2) Except in event of distress, use of this frequency in the Great Lakes area by ship stations of the United States is prohibited.

(3) [Reserved]

(4) [Reserved]

(5) [Reserved]

(6) Available for use on a shared basis with ship stations of other countries, for the purposes hereinafter prescribed in this subpart. Use of these frequencies for ship-to-shore communication in certain geographic areas in accordance with this subpart is authorized, subject to the conditions of footnote (5): *Provided, however,* That this condition shall not be construed as prohibiting the operation of ship stations for authorized ship-to-shore communication on this frequency pursuant to the provisions of §§ 83.176, 83.177(b), 83.179, and 83.180.

(7) Available to ship stations for use exclusively at locations at which interference is not caused to the service of any U.S. Government station.

(8) [Reserved]

(9) Available for use by ship stations after January 1, 1977, or at an earlier date: *Provided, however,* That interference will not be caused to coast and ship stations employing double sideband emissions centered on the carrier frequency located 3.00 kc/s above this carrier frequency.

(10) Use of this frequency is limited to emissions 2.8A3A and 2.8A3J only.

(11) Until January 1, 1977, emission A3 or A3H may be employed. After January 1, 1977, use is limited to emission A3H only.

(12) Until January 1, 1977, emissions A3, A3A, A3H, or A3J may be employed. After January 1, 1977, use is limited to emisions A3A and A3J.

(13) [Reserved]

(14) [Reserved]

(15) [Reserved]

(16) [Reserved]

(17) Available for use in accordance with the provisions of § 83.358.

(18) [Reserved]

(19) Available for intership communication on a day only basis in the Pacific coast area south of 42° north latitude.

(20) [Reserved]

(21) through (38) [Reserved]

(39) The adjustment of the carrier frequencies specified below shall be effected by ship stations during the period July 1, 1970 to December 31, 1970.

SHIP STATIONS CARRIER FREQUENCY (KC/S)

From	*To*
2118	2116.5
2126	2124.5
2134	2132.5
2430	2428.5
2458	2456.5

(40) Authorization for use of this frequency is withdrawn January 1, 1971; transition to the replacement frequency shall be effected by ship stations during the period July 1, 1970, to December 31, 1970.

(c) Assignment to ship stations of radiotelephony frequencies in the band 2000–2850 kc/s will be subject to the following schedule and limitations:

(1) After January 1, 1971, new installations of transmitters employing A3 (double sideband) emission will not be authorized.

(2) Transmitters employing A3 (double sideband) emission which were authorized (see § 83.139(c)) prior to January 1, 1971, may continue to be used until January 1, 1977.

(3) After January 1, 1971, new installations of transmitters employing A3A, A3H, and A3J (single sideband) emissions will be authorized only for communication:

(i) With coast stations: To ship stations which are also equipped and operate at a distance from a public coast, limited coast with which the ship station is authorized to communicate, or U.S. Coast Guard station which is beyond VHF communication range; and

(ii) For intership communication: To ship stations where communication is required with other vessels over distances in excess of the VHF communication range.

(4) After January 1, 1977, to those ship stations which are equipped for use of both single sideband emissions, as set forth in paragraph (b) of this section, and F3 emissions in the band 156–162 Mc/s.

(5) After January 1, 1977, radiotelephony frequencies in the band 2000–2850 kc/s will not be available for and shall not be used for communication:

(i) With other vessels which are within communication range of VHF;

(ii) Within ports, harbors, for communication concerning passage of ships through locks, bridge areas, or Government controlled waterways; and

(iii) On lakes or rivers:

Provided, however, That this requirement may be waived where a satisfactory showing has been made that the communication requirement cannot be fulfilled by VHF, or by adaptation of VHF.

8. In § 83.354, the tables in paragraph (a) (1) and (2) and paragraph (b) and (c), with respect to frequencies in the band 2000–2850 kc/s, are amended to read as follows:

§ 83.354 Frequencies below 5000 kc/s for public correspondence.

(a) * * *

(1) Frequencies available for use when the mobile station and the coast station transmit alternately on different radio channels:

For communication with coast stations located in the vicinity of	Frequencies available under present rules		Frequencies available January 1, 1971 [3]		Frequencies available January 1, 1977 [4]	
	Ship transmit [1]	Coast transmit [2]	Ship transmit [1]	Coast transmit [2]	Ship transmit [1]	Coast transmit [2]
Boston, Mass.	2406	2506	2406	2506	2163	2547
	2366	2450	2116.5	2450	2195	2587
	2390	2566	2031.5	2566	2132.5	2598
New York, N.Y.	2126	2522	2124.5	2522	-------	------
	2166	2558	2166	2558	2203	2569
	2198	2590	2198	2590	2363	2530
	2382	2482	2158	2479	-------	------
Wilmington, Del.	2166	2558	2166	2558	2006	2550
Baltimore, Md.	2166	2558	2166	2558	2009	2466
Norfolk-Quantico, Va.	2142	2538	2142	2538	2379	2439
	2366	2450	2366	2450	-------	------
Charleston, S.C.-Jacksonville, Fla.	2390	2566	2132.5	2566	-------	------
Lake Allatoona-Lake Sidney, Lanier, Ga.	2366	2450	2366	2450	-------	------
Miami, Fla.	2031.5	2490	2031.5	2490	2124.5	2530
	2118	2514	2116.5	2590	-------	------
	2158	2550	2158	2550	2006	2538
	2406	2442	2406	2442	-------	------
Tampa, Fla.	2009	2466	2009	2466	2203	2479
	2158	2550	2158	2550	-------	------
Mobile, Ala.	2430	2572	2428.5	2569	2195	2587
New Orleans, La.	2206	2598	2206	2598	2363	2538
	2166	2558	2166	2558	-------	------
	2382	2482	2379	2447	-------	------
Delcambre, La.	2458	2506	2198	2506	2163	2547
Galveston, Tex.	2134	2530	2132.5	2530	2116.5	2590
	2366	2450	2366	2450	-------	------
Corpus Christi, Tex.	2142	2538	2142	2538	2406	2439
San Juan, P.R.	2134	2530	2132.5	2530	2163	2547
Los Angeles-San Diego, Calif.	2009	2566	2009	2566	2363	2447
	2382	2466	2116.5	2466	2132.5	2479
	2206	2598	2206	2598	-------	------
	2126	2522	2124.5	2522	-------	------
San Francisco-Eureka, Calif.	2003	2450	2379	2450	2142	2439
	2406	2506	2406	2506	-------	------
Astoria, Oreg.	2009	2442	2009	2442	2116.5	2439
Astoria-Portland, Oreg.	2206	2598	2206	2598	2363	2447
Coos Bay, Oreg.	2031.5	2566	2031.5	2566	2456.5	2558
Seattle, Wash.	2126	2522	2124.5	2522	2132.5	2479
	2430	2482	2428.5	2466	-------	------
Kahuku, Hawaii	2134	2530	2132.5	2530	-------	------
Palmyra Island, Hawaii	2134	2530	2132.5	2530	-------	------
St. Thomas Island, Virgin Islands	2009	2506	2009	2506	2195	2587
San Diego, Calif.	-------	------	2456.5	2558	-------	------

[1] Available for assignment in accordance with § 83.351.
[2] Available for assignment in accordance with § 81.304.
[3] Ship stations will shift to the ship station transmit frequencies specified in the table during the 6 months period July 1, 1970 to Dec. 31, 1970. Coast stations will shift to the coast station transmit frequencies specified in the table on Jan. 1, 1971.
[4] The frequencies specified in the table will be available to ship and coast stations at any date after Jan. 1, 1971, in those cases where harmful interference will not be caused to other public correspondence ship and coast stations operating DSB, or on the contiguous SSB half-channel. These frequencies are in addition to those shown under the column "Frequencies available Jan. 1, 1971".

(2) * * *

For communication with coast stations located in the vicinity of—	Carrier frequency (kc/s)	Specific limitations imposed upon availability for use
Baltimore, Md.	[2] 2400	Available on condition that harmful interference is not caused to the service of any coast station in the vicinity of Boston, Mass. Transmitter power at night shall not exceed 150 watts.
Chicago, Ill.; Pittsburgh, Pa.; Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and other locations as required to serve vessels on the Mississippi River and connecting inland waters (other than the Great Lakes).	[2] 2782	None.
	[1] 4069.3	Subject to applicable provisions of § 83.351(b).
	4072.4	Do.
	[1] 4374.3	Do.
	4377.4	Do.
Lake Dallas, Tex.; Lake Texoma, Tex.	[2] 2738	None.
Lake Mead, Nev.; and other locations as required to serve vessels on inland waters of the southwestern continental United States.	[2] 2782	The use of this frequency in areas other than Lake Mead, Nev., is subject to the condition that harmful interference is not caused to the service of any other station.
The Dalles, Oreg.; Umatilla, Oreg.; and other locations as required to serve vessels on inland waters of the northwestern continental United States, excluding Alaska.	[2] 2784	The use of this frequency at locations other than in the vicinity of The Dalles, Oreg., and Umatilla, Oreg., is subject to the condition that harmful interference is not caused to the service of any other station.

[1] Available for single sideband emissions only.
[2] Available for assignment in accordance with § 83.351.

(b) The frequency 2638 kc/s is authorized to public ship stations as a working frequency to communicate with public coast stations authorized to operate on 2638 kc/s for the transmission of safety communications. Stations on board aircraft may not use the frequency 2638 kc/s for communication with coast stations except in the event of distress.

(c) The use of the working frequencies authorized in paragraphs (a) and (b) of this section is subject to the applicable conditions and limitations set forth in § 83.351. Ship stations shall use frequency assignments within the band 4000 kc/s to 5000 kc/s only when frequency assignments in the band 156–162 Mc/s will not provide effective communication; frequency assignments within the band 2000–2850 kc/s shall be used only when frequency assignments in the band 156–162 Mc/s will not provide effective communication.

9. In § 83.355, paragraph (b) is amended to read as follows:

§ 83.355 Frequencies from 5000 kc/s to 27.5 Mc/s for public correspondence.

* * * * *

(b) Ship stations shall use frequency assignments within the band 5000 kc/s to 27.5 Mc/s only when frequency assignments below 5000 kc/s or above 27.5 Mc/s will not provide effective communications.[4]

10. In § 83.358, paragraph (a) is amended to read as follows:

§ 83.358 Frequencies below 3000 kc/s for safety purposes.

(a) The following carrier frequencies, when authorized by station license, are available for intership safety communications in the respective geographic areas. In addition, on a noninterference basis to safety communications, the frequencies may be used for operational communications and, in the case of commercial transport vessels and vessels of municipal or state governments, for business communications. Use of these carrier frequencies is prohibited when the use of a licensed frequency above 27.5 Mc/s in lieu thereof would provide effective communication.

Frequency (kc/s)	*Geographical area*
2003	Great Lakes only.
2065	(2).
2079	(2).
2082.5	(2).
2086	(2).
2093	(2).
2096.5	(2).
2100	(2).
2103.5	(2).
2142	Pacific coast area south on latitude 42° north, on a day only basis.
2170.5	(1).
2191	(1).
	(1).
2638	All areas.
2735	(1).
2738	All areas except the Great Lakes and the Gulf of Mexico.
2830	Gulf of Mexico only.

[1] Subject to the conditions of use set forth in § 83.351(b) (9) and (10). The nature of service and category of vessel to be permitted on these intership carrier frequencies is under continuing consideration by the Commission.
[2] Only a portion of these frequencies will be available for use in the United States. The number which will be available is under consideration by the Commission, and is being coordinated with Canada. The frequencies ultimately selected will be available only for single sideband radiotelephony, and the classes of emission will be limited to A3A and A3J.

* * * * *

11. In § 83.365, paragraph (b) is amended to read as follows:

§ 83.365 Procedure in testing.

* * * * *

(b) When testing is conducted on any frequency within the bands 2173.5 to 2190.5 kc/s, 156.75 to 156.85 Mc/s, 480 to 510 kc/s (survival craft transmitters

only), or 8362 to 8366 kc/s (survival craft transmitters only), no test transmissions shall occur which are likely to actuate any automatic alarm receiver within range. Survival craft stations using telephony shall not be tested on the frequency 500 kc/s during the 500 kc/s silence periods.

12. In § 83.366, paragraph (j) is amended to read as follows:

§ 83.366 General radiotelephone operating procedure.

* * * * *

(j) 2182 kc/s silence period in Regions 1 and 3. Transmission by ship or survival craft stations when in Regions 1 and 3 (except in the territorial waters of Japan and the Philippines) is prohibited on any frequency (including 2182 kc/s) within the band 2173.5 to 2190.5 kc/s during each 2182 kc/s silence period, i.e., for 3 minutes twice each hour beginning at x h. 00 and x h. 30, Greenwich mean time: *Provided, however,* That this provision is not applicable to the transmission of distress, alarm, urgency, or safety signals, or to messages preceded by one of these signals.

13. In § 83.484, paragraph (a) is amended to read as follows:

§ 83.484 Radiotelephone transmitter.

(a) The transmitter shall be capable of effective transmission of A3 or A3H emission on 2182 kc/s, 2638 kc/s, in accordance with § 83.351, and at least two other frequencies within the band 1605 to 2850 kc/s available for ship to shore or ship to ship communication.

* * * * *

14. In § 83.517, paragraph (a) is amended to read as follows:

§ 83.517 Medium frequency transmitter.

(a) The transmitter shall have a carrier power of at least 25 watts for A3 emission or peak envelope power of not less than 50 watts for A3H emission 2182 kc/s, 2638 kc/s, in accordance with § 83.351, and at least one ship to shore working frequency within the band 1605 to 2850 kc/s enabling communication with a public coast station serving the region in which the vessel is navigated.

* * * * *

[F.R. Doc. 68-11209; Filed, Sept. 17, 1968; 8:45 a.m.]

[47 CFR Part 73]

[Docket No. 18282]

TELEVISION BROADCAST STATIONS

Table of Assignments, Rochester, N.Y.; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606(b) of the Commission's rules, Television Table of Assignments (Rochester, N.Y.), Docket No. 18282, RM-1234.

1. On July 31, 1968, the Commission adopted a notice of proposed rule making in this proceeding (FCC 68-799), proposing that Channel 61 already assigned to Rochester, N.Y., be reserved for educational noncommercial use. The dates for comments and reply comments are September 13 and 23, 1968.

2. On September 5, 1968, the petitioner, Rochester Area Educational Television Association, Inc. (RAETA), requested that the times for filing comments and reply comments be extended to and including October 15 and 25, 1968, because there has not yet been ample opportunity to inquire into the matters which the notice requested be specifically commented on. The petition for extension states that RAETA's Board of Trustees will meet later this month and these questions must also be considered by its Executive Committee.

3. It would appear that there is good cause for granting this extension.

Accordingly, it is ordered, That the dates for filing comments and reply comments are extended to and including October 15 and 25, 1968, respectively.

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

Adopted: September 10, 1968.

Released: September 11, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 68-11355; Filed, Sept. 17, 1968; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte No. MC-72]

MOTOR SERVICE ON SHIPMENTS OF NEW FURNITURE

Extension of Time

SEPTEMBER 13, 1968.

At the request of the General Counsel, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C., the time for the filing of initial statements in the above-entitled proceeding has been extended to December 20, 1968. Replies thereto will be due on or before January 20, 1969.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-11346; Filed, Sept. 17, 1968; 8:51 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N-2431]

NEVADA

Notice of Classification of Public Lands for Disposal

SEPTEMBER 10, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR 2411.1–2(c), the lands described below are hereby classified for selection for exchange under the Point Reyes National Seashore Act of September 13, 1962 (76 Stat. 538; 16 U.S.C., sec. 459c—459c–7).

2. No protests were received during the time allowed by the Notice of Proposed Classification (33 F.R. 9414).

3. The lands described by this classification are described as follows:

MOUNT DIABLO MERIDIAN

LANDER COUNTY

T. 32 N., R. 44 E.,
Sec. 2, lots 1, 2, S½NE¼, SW¼NW¼, S½;
Sec. 14, lots 5–12, inclusive, NE¼.

EUREKA COUNTY

T. 33 N., R. 48 E.,
Sec. 12.
T. 34 N., R. 48 E.,
Sec. 2, lots 1–4, inclusive, S½N½, S½;
Sec. 12, W½NE¼, W½, NW¼SE¼;
Sec. 20, NW¼NE¼, S½NW¼, NW¼SW¼;
Sec. 30, NE¼NW¼.
T. 35 N., R. 48 E.,
Sec. 24, lots 1, 2, 7, S½NE¼, E½SW¼, SE¼;
Sec. 26, lot 1, SE¼NE¼, SE¼;
Sec. 36.
T. 33 N., R. 49 E.,
Sec. 2, W½;
Secs. 10, 14, 16;
Sec. 20, S½;
Sec. 22;
Secs. 24, 26, 28;
Sec. 30, lots 1, 2, E½, E½W½;
Secs. 32, 34, 36.
T. 34 N., R. 49 E.,
Sec. 36, W½.
T. 35 N., R. 49 E.,
Sec. 8, SE¼;
Sec. 10, S½;
Sec. 12, S½;
Sec. 16;
Sec. 18, S½.
T. 35 N., R. 51 E.,
Sec. 12, S½;
Sec. 14, NE¼NE¼;
Sec. 24, SW¼NE¼, W½, W½SE¼;
Sec. 36, W½NW¼.
T. 36 N., R. 51 E.,
Sec. 34, E½NW¼.
T. 35 N., R. 52 E.,
Sec. 6, lot 7.

ELKO COUNTY

T. 44 N., R. 50 E.,
Sec. 8, S½NW¼, S½;
Sec. 9, S½SW¼, NW¼SW¼;
Sec. 14, lots 1–12, inclusive;
Sec. 15, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 16, 17;
Sec. 18, lots 3, 6, 7, 14;
Sec. 19, E½E½;
Secs. 20, 21, 22;
Sec. 23, N½, N½S½;
Sec. 24, lots 1–6, inclusive, SW¼NE¼, S½NW¼, N½SW¼, NW¼SE¼.
T. 34 N., R. 55 E.,
Sec. 3, N½, N½NE¼SE¼, SE¼NE¼SE¼, W½SW¼, W½E½SW¼, SE¼SE¼SW¼;
Sec. 8, N½NE¼NE¼, W½SE¼NE¼NE¼, SW¼NE¼NE¼, E½NW¼NE¼, N½NW¼NW¼NE¼, SW¼NW¼NW¼NE¼, SW¼NW¼NE¼, N½NE¼SW¼NE¼, SW¼NE¼SW¼NE¼, SE¼SW¼NE¼, E½NW¼SW¼NE¼, NE¼SW¼SW¼NE¼, N½NE¼SE¼NE¼, NW¼SE¼NE¼, W½SW¼SE¼NE¼, N½SE¼SE¼NE¼, SW¼SE¼SE¼NE¼, E½NE¼NW¼, NW¼NE¼NW¼, N½SW¼NE¼NW¼, SW¼SW¼NE¼NW¼, E½NW¼NW¼, N½NW¼NW¼NW¼, SW¼NW¼NW¼NW¼, SW¼NW¼NW¼, N½SW¼NW¼, SW¼SW¼NE¼NW¼, N½SE¼SW¼NW¼, N½NE¼SE¼NW¼, SE¼NE¼SE¼NW¼, W½NW¼SE¼NW¼, W½SW¼SE¼NW¼, SE¼SW¼SE¼NW¼, S½SE¼SE¼NW¼, NE¼SW¼, E½NW¼SW¼, NW¼NW¼SW¼, N½SW¼NW¼SW¼, SE¼SW¼NW¼SW¼, NW¼NE¼NE¼SE¼, N½NW¼NE¼SE¼, SW¼NW¼NE¼SE¼, SE¼NE¼SE¼, E½NW¼SE¼, S½NW¼NW¼SE¼, SW¼NW¼SE¼.
T. 35 N., R. 55 E.,
Sec. 34, S½S½.
T. 34 N., R. 56 E.,
Sec. 18.

The lands described aggregate 23,132.65 acres.

4. The classified lands will be open to application by all qualified individuals on an equal opportunity basis. All applications for exchange must be accompanied by a statement from the Chief, Office of Land and Water Rights, National Park Service, San Francisco, Calif., that the proposal is feasible in accordance with 43 CFR 2244.1–2(b)(1).

5. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1–2(d).)

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 68–11309; Filed, Sept. 17, 1968; 8:47 a.m.]

National Park Service

[Order 3]

ADMINISTRATIVE OFFICER AND MANAGEMENT ASSISTANT, MORRISTOWN-EDISON NATIONAL PARK SERVICE GROUP

Delegation of Authority Regarding Purchase Orders for Supplies, Equipment, and Services

SECTION 1. *Administrative Officer.* The Administrative Officer of Morristown-Edison National Park Service Group may issue purchase orders not in excess of $2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations. This authority may be exercised in behalf of any unit under the administration of Morristown-Edison National Park Service Group.

SEC. 2. *Management Assistant.* The Management Assistant of Morristown-Edison National Park Service Group may issue purchase orders not in excess of $2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations. This authority may be exercised by the Management Assistant in behalf of any unit under the administration of Morristown-Edison National Park Service Group.

SEC. 3. *Revocation.* This order supersedes Order No. 1 issued April 20, 1963, and Order No. 2 issued January 3, 1967.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Northeast Region Order No. 5 (31 F.R. 8135))

MELVIN J. WEIG,
Superintendent, Morristown-Edison National Park Service Group.

AUGUST 27, 1968.

[F.R. Doc. 68–11291; Filed, Sept. 17, 1968; 8:45 a.m.]

Office of the Secretary

DAVID G. JETER

Report of Appointment and Statement of Financial Interests

AUGUST 23, 1968.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER.

Name of appointee: David G. Jeter.

Name of employing agency: Department of the Interior.

The title of the appointee's position: Deputy Director, DEPA Area 4.

The name of the appointee's private employer or employers: South Carolina Electric & Gas Co.

The statement of "financial interests" for the above appointee is set forth below.

DAVID S. BLACK,
Acting Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 23, 1968, as Deputy Director, DEPA Area 4, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

South Carolina Electric & Gas Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

DAVID G. JETER.

SEPTEMBER 6, 1968.

[F.R. Doc. 68-11310; Filed, Sept. 17, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

September Sales List

Correction

In F.R. Doc. 68-10814 appearing on page 12682 in the issue of Friday, September 6, 1968, the following changes should be made:

1. In the center column on page 12684, the heading for the first column of the table should read "Markup in-store".

2. In the first table in the third column on page 12684 "(ex-rail)" should be deleted from both Kansas City, Mo., entries.

3. In the second table in the third column on page 12684 "(ex-rail)" should be deleted from the Minneapolis, Minn., entry.

4. On page 12685, the heading in the first column of the first table should read "Markup in-store".

5. In the second table in the first column on page 12685 "(ex-rail)" should be deleted from the Minneapolis, Minn., entry.

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

POLYTECHNIC INSTITUTE OF BROOKLYN ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00128-61-46500. Applicant: Polytechnic Institute of Brooklyn, 333 Jay Street, Brooklyn, N.Y. 11201. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for the preparation of ultrathin sections of biological materials; mainly imbedded bacteria from soil. The study of thin sections of bacteria—electromicroscopical morphology, electromiscroscopical autoradiography, and enzymatic digestion of bacterial organelles will aid in learning more about this new category of unusual soil microorganisms called helicoidal polyspheroids. Also the microtome will be used for sectioning of various biological materials, e.g. tissues. Application received by Commissioner of Customs: August 21, 1968.

Docket No. 69-00142-58-46500. Applicant: Scripps Institution of Oceanography, University of California at San Diego, Box 109, La Jolla, Calif. 92037. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in studies concerning mucus secretion in sea urchin gut cells by means of electron microscopic autoradiography. Since the intensity of the image in autoradiography depends, among other things, on the thickness of section beneath the emulsion, it is vital to have precise control over section thickness. This instrument is capable of producing the equal thickness serial sections needed for quantitative electron microscopic autoradiography. Application received by Commissioner of Customs: August 27, 1968.

Docket No. 69-00143-33-11000. Applicant: Baylor University, College of Medicine, 1200 Moursund Avenue, Houston, Tex. 77025. Article: Gas chromatograph-mass spectrometer system, Model LKB 9000. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in analytical biochemical problems of importance in medical research, specifically, gas phase analytical biochemistry. Several examples of laboratory research problems are as follows:

a. The study of derivative formation whenever the parent compounds are not separated directly.

b. Identification of foreign structures present in blood and in urine and to devise methods for determining their level.

c. Study of drug toxicity in the newborn human.

d. Studies of stable isotope composition as related to hydrogen, oxygen, carbon and nitrogen. Methods involving the use of stable isotopes permit studies of biosynthetic mechanisms and metabolic transformations.

Application received by Commissioner of Customs: August 27, 1968.

Docket No. 69-00144-33-46500. Applicant: University of California at Los Angels, 405 Hilgrad Avenue, Los Angeles, Calif. 90024. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies concerning the metabolism of important micromolecules such as proteins, nucleic acids, and mucopolysaccharides in ocular tissues, by means of quantitative electron microscopic autoradiography. This technique permits the localization and quantitation of radioactively tagged macromolecules in sections of chemically fixed cells after they have been labeled in the living animal. In addition, the applicant is studying cell morphology in both the developing and mature retina. Application received by Commissioner of Customs: August 28, 1968.

Docket No. 69-00145-01-77040. Applicant: Yale University, Bureau of Purchases, 20 Ashmun Street, New Haven, Conn. 06520. Article: Mas spectrometer, Model RMU-6 and accessories. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The instrument will be used for the determination of the structure of organic materials derived both synthetically and from natural sources. The majority of the samples to be analyzed will be solids for which a versatile direct inlet system is required. The need for good resolution in the high mass range is necessary, since many compounds will contain deuterium. Since the appearance of metastable peaks is essential for structural determination, the instrument must be equipped to allow for efficient metastable analysis. Application received by Commissioner of Customs: August 28, 1968.

Docket No. 69-00146-33-46040. Applicant: New York State Department of Health, Division of Laboratories and Research, 100 New Scotland Avenue, Albany, N.Y. 12201. Article: Electron microscope, Model EM 9A and accessories. Manufacturer: Carl Zeiss, Inc., West

Germany. Intended use of article: The article will be used in planned courses and workshops to train pathologists from local laboratories throughout the State as well as in this institution. Electron microscopic studies of percutaneous renal biopsies will be undertaken in connection with research in carcinogenesis. In addition, the instrument will be used for light and fluorescent microscopy in the study of cytology. Application received by Commissioner of Customs: August 29, 1968.

Docket No. 69-00147-60-46200. Applicant: Washington State University, Pullman, Wash. 99163. Article: "Miag"-Multomat research milling unit. Manufacturer: Miag, West Germany. Intended use of article: The article will be used for research studies of milling characteristics of new wheat sections, prior to their release for commercial production, to determine which sections, will be the most efficient processors. Also, it will be used to produce commercial type flours of relatively small samples for study of their characteristics to determine those capable of making the most consumer acceptable food at a reasonable cost. In addition, the mill will serve to illustrate the methods of the wheat milling industry in a course in "Cereal Products" offered at the university. Application received by Commissioner of Customs: August 30, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-11282; Filed, Sept. 17, 1968; 8:45 a.m.]

RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00474-33-46500. Applicant: The Research Foundation of State University of New York, 3435 Main Street, Buffalo, N.Y. 14214. Article: LKB 8800A Ultrotome III ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for research programs designed to study the nature of amyloidosis and osmotic water flow across the proximal tubule of Necturus. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. (1) The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, catalog for "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden 1965). The most closely comparable domestic ultramicrotome is the Model MT-2 which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 has a specified thin-sectioning capability down to only 100 Angstroms (page 11, catalog for "Porter-Blum" MT-1 and MT-2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn. 1966). The applicant requires for its purposes the thinnest possible sections in order to obtain the ultimate resolution available in the electron microscope under which the sections are to be examined. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated May 17, 1968), that the additional 50 Angstroms in minimum-thickness capability provided by the foreign article is pertinent to the purposes for which the article is intended to be used. (2) we are further advised by HEW in cited memorandum, that the sections must be consistently uniform if the intended purposes are to be achieved. In connection with a prior case relating to the identical model of the foreign article (Docket No. 67-00024-33-46500), HEW advised that the thermal feed (advance) incorporated in the foreign article provides greater uniformity than the mechanical feed of the Sorvall MT-2 ultramicrotome because the mechanical feed employs a gear mechanism and, inherent in mechanical systems are backlash and slippage. Therefore, even when the foreign article and the Sorvall Model MT-2 are functioning at their respective peak efficiencies the variation in the thickness of a series of sections from the preset value will be greater in the mechanical system than in the thermal system. (3) The foreign article furnishes a device that permits measuring the knife-angle setting to an accuracy of one degree (page 3 of catalog on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT-2. Since the angle at which the knife enters the specimen determines the thickness of the section, the foreign article provides a more accurate means of obtaining the desired preset value.

For the foregoing reasons, we find that the Sorvall MT-2 is not of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-11283; Filed, Sept. 17, 1968; 8:45 a.m.]

UNIVERSITY OF WASHINGTON

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00585-01-78030. Applicant: University of Washington, Department of Chemistry, Seattle, Wash. 98105. Article: Spectrophotometer, Model 225. Manufacturer: Bodenseewerk Perkin Elmer and Co. GmbH, West Germany. Intended use of article: The article will be used to study the infrared spectra of certain chemical substances at high resolution, most of which would be in the gas phase and some done on crystalline solids. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) For the purposes for which the foreign article is intended to be used the applicant requires an instrument equipped with a double-dispersion monochromator. The use of this type of monochromator is pertinent because this system results in elimination of stray light which could mask fine bands. The foreign article is equipped with a double-dispersion monochromator (see catalogue for Perkin-Elmer Model 225 Infrared Spectrophotometer, Bodenseewerk Perkin-Elmer and Co., GmbH, Hamburg, West Germany). The only comparable domestic instrument is the Model IR-12 Spectrophotometer manufactured by Beckman Instruments, Inc. (Beckman). The Beckman Model IR-12 spectrophotometer is not equipped with a double-dispersion monochromator.

For these reasons we find that the Beckman Model IR-12 Spectrophotometer is not of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administraton.

[F.R. Doc. 68-11284; Filed, Sept. 17, 1968; 8:45 a.m.]

WESTERN MICHIGAN UNIVERSITY

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00622–33–46040. Applicant: Western Michigan University, Department of Biology, Kalamazoo, Mich. Article: Electron microscope, Model Elmiskop IA. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to make a detailed cytological study of the deficient cell organelles, specifically the mitochondria, with respect to cytoplasmic inclusions. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to June 3, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time. (1) The foreign article has a guaranteed resolution of 5 Angstroms, whereas the RCA Model EMU–4 had a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolving power must be utilized. Therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provided only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article offers optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on both unstained and negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

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

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–11285; Filed, Sept. 17, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20047]

ALOHA AIRLINES, INC.

Notice of Change of Hearing Room

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held before the undersigned Examiner on September 25, 1968, at 10 a.m., e.d.s.t., in Room 1027, will be held at the same time and on the same date in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., September 12, 1968.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 68–11341; Filed, Sept. 17, 1968; 8:49 a.m.]

[Docket No. 20167]

COMMON MARKET FORWARDERS, INC., ET AL.

Notice of Proposed Approval

Application of Common Market Forwarders, Inc., et al., for approval of certain control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 20167.

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

Dated at Washington, D.C., September 13, 1968.

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

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of Common Market Forwarders, Inc., Rene G. Baisier, Howard A. Leff, Thomas A. Sullivan, for approval of certain control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By application filed September 3, 1968, Common Market Forwarders, Inc. (Forwarders), and Rene G. Baisier request approval, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) of the control relationships resulting from the ownership by Mr. Baisier of 100 percent of the stock of Forwarders, an applicant for domestic and international air freight forwarder authority which, in turn, owns 100 percent of the stock of International Accommodations, Inc. (IA), a passenger travel agency.

Approval is also sought, pursuant to section 409 of the Act, of the following interlocking relationships:

Individuals	*Forwarders*	*IA*
Rene G. Baisier	President/treasurer/director.	President/treasurer/director.
Howard A. Leff	Vice president/secretary/director.	Vice president/secretary/director.
Thomas A. Sullivan.	Vice president/director.	Vice president/director.

The application states that the activities of IA are in no way related to the activities of Forwarders, that each is separately managed and that the control relationships involved will in no way adversely affect the public interest.

No comments relative to the application or requests for a hearing have been received.

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

Upon consideration of the foregoing, it is concluded that for the purposes of this proceeding, Forwarders is an air carrier, that IA is a person engaged in a phase of aeronautics, both within the meaning of section 408(a) of the Act, and that the control by Mr. Baisier of Forwarders which, in turn, controls IA is subject to that section. However, it has been further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not, essentially, present any new substantive issues.[1] It therefore appears that approval of the control relationships would not be inconsistent with the public interest.

We also find that interlocking relationships within the scope of section 409 of the Act will result from the holding by Messrs. Baisier, Leff, and Sullivan of the positions mentioned herein. However, we have concluded that such relationships come within the scope of the exemption from the provisions of section 409 afforded by § 287.2 of the Board's Economic Regulations. Thus, to the extent that the application requests approval of such relationships, it will be dismissed.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing control relationships should be approved under section 408(b) of the Act,

[1] See Order E–26486, Mar. 7, 1968.

without a hearing, and that the application, to the extent that it requests approval of the aforementioned interlocking relationships, should be dismissed.

Accordingly, it is ordered:

1. That Mr. Baisier's control of Forwarders which, in turn, controls IA be and it hereby is approved; and

2. That, to the extent that approval of interlocking relationships is sought under section 409 of the Act, the application be and it hereby is dismissed.

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

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

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-11343; Filed, Sept. 17, 1968; 8:50 a.m.]

[Docket No. 19797; Order 68-9-53]

MEDALLION AIR FREIGHT CORP.

Order Instituting Investigation Regarding Substitution of Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of September 1968.

By tariff revision filed August 19, 1968, and marked to become effective September 18, 1968, Medallion Air Freight Corp. (Medallion), an airfreight forwarder, proposes a rule providing for the substitution of other means of transportation for air transportation under any circumstances deemed necessary by the forwarder.[1]

Medallion does not provide any justification for its proposal. By Order E-26605, dated April 2, 1968, the Board instituted an investigation of similar rules in effect for certain airfreight forwarders (Docket 19797) on the ground that it may be unjust and inequitable to require a shipper to pay the airfreight rate when he is receiving surface transportation. By Order E-26929, dated June 17, 1968, the Board denied reconsideration of Order E-26605 and extended the foregoing investigation to the rule filed by another airfreight forwarder and to the rules in effect for all direct certificated air carriers.

Upon consideration of all relevant matters, the Board finds that Medallion's proposal may be unjust or unreasonable, unjustly discriminatory, unduly preferential or prejudicial, or otherwise unlawful, and should be investigated. We shall consolidate the investigation of Medallion's rule with the proceeding in Docket 19797.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Rule No. 46 on 1st Revised Page 5-A of Medallion Air Freight Corp.'s Tariff CAB No. 1, including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. This investigation be consolidated with the proceeding in Docket 19797; and

3. A copy of this order be served upon Medallion Air Freight Corp., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-11340; Filed, Sept. 17, 1968; 8:49 a.m.]

[1] Revision to Medallion Air Freight Corp.'s Tariff CAB No. 1, Rule No. 46.

MOHAWK AIRLINES, INC.

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

SEPTEMBER 12, 1968.

Notice is hereby given that the Civil Aeronautics Board on September 11, 1968, received an application, Docket 20215, from Mohawk Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 94 to authorize it to engage in nonstop service between Rochester, N.Y., and Philadelphia, Pa. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-11342; Filed, Sept. 17, 1968; 8:49 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Special Manpower Programs), Office of Assistant Secretary for Manpower and Reserve Affairs.

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

[F.R. Doc. 68-11334; Filed, Sept. 17, 1968; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 68-934]

INTEGRITY OF NEWS BROADCASTS

Licensee Responsibility

SEPTEMBER 13, 1968.

The Commission today issued its ruling on the complaint of Congressman Neal Smith regarding certain broadcasts by Mr. Chet Huntley over the NBC Radio Network. (See public notice on National Broadcasting Co., Broadcast Action, Report No. 7550.)

The Commission wishes to stress to all licensees the following general discussion in that ruling:

The licensee is responsible for the integrity of its news operations. To insure that integrity, the licensee must exercise reasonable diligence to determine whether or when one of its news employees is properly discharging his news functions in connection with a matter as to which he has a significant private interest which might reasonably be thought to have an effect on the discharge of that function. There are, of course, a variety of factual situations which might confront the licensee and a corresponding variety of actions which it might take. It might determine that the conflict is of a minimal or insignificant nature, or that it is so great as to call for the substitution of another, disinterested news employee to deal with this particular matter, or that while there could be said to be a significant conflict, broadcast journalism would be best served by permitting the employee to continue his duties while divulging the nature of the conflict to the audience, so that they are made aware of the fact that in this instance the commentator does have a significant private interest in the matter he is discussing. In short, here as in so many areas, the licensee is called upon to make reasonable, good faith judgments as to the nature of any conflict and the remedial action, if any, called for.

Similarly, we do not believe it appropriate for this agency to specify the particular route to be taken by a licensee in order to exercise reasonable diligence in this area. One method which might be used would be to require periodic statements of the interests of employees, with the obligation to keep them current. The licensee, particularly in small broadcast operations, might pursue other methods (e.g., making clear the principle against undisclosed conflicts of interest and requiring disclosure in any doubtful situation). Here again, the choice is one for reasonable, good faith judgment of the licensee. However, where a conflict matter is or clearly should be known to the licensee, it has a special duty to take appropriate steps to ascertain the full facts and to take whatever remedial action is called for.

Action by the Commission[1] September 11, 1968, by public notice.

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

[F.R. Doc. 68-11356; Filed, Sept. 17, 1968; 8:50 a.m.]

[1] Commissioners Hyde (Chairman), Bartley, Lee, Cox, Wadsworth, and Johnson.

FEDERAL MARITIME COMMISSION

MEDITERRANEAN—NORTH PACIFIC COAST FREIGHT CONFERENCE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of Application to modify an approved dual rate contract filed by:

Mr. G. Ravera, Secretary, Mediterranean—North Pacific Coast Freight Conference, Vico San Luca 4, 16123 Genoa, Italy.

There has been filed on behalf of the Mediterranean—North Pacific Coast Freight Conference (Agreement No. 8090–3, as amended) an application to modify its form of merchant's contract pursuant to section 14b of the Shipping Act, 1916, by the addition of the following provision:

14(d) All contract rates of freight and charges in the Conference Tariff, unless otherwise agreed and set forth, are quoted in U.S. dollars, should the U.S. dollar be devaluated, then the rates of freight and charges shall be readjusted accordingly. The above adjustment—as far as its effectiveness is concerned—will be made with a 15-day notice unless an earlier date is possible according to the provisions of section 18(b) of the Shipping Act 1916, as amended. The Merchant may notify the Carrier in writing his intention to suspend this contract insofar as such increase is concerned, and in such event the contract shall be suspended from the date of receipt by the Conference of such request of suspension unless the Carrier shall give written notice that such increase has been rescinded and cancelled.

Dated: September 13, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68–11339; Filed, Sept. 17, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68–231]

COLUMBIA OFFSHORE PIPELINE CO.

Notice of Amendment to Application

SEPTEMBER 12, 1968.

Take notice that on September 3, 1968, Columbia Offshore Pipeline Co. (Applicant), 915 Coolidge Boulevard, Lafayette, La. 79501, filed in Docket No. CP68–231 an amendment to its pending application filed in the instant docket on February 19, 1968, pursuant to section 7(c) of the Natural Gas Act authorizing the construction and operation of certain facilities and for the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the amendment-to-the-application on file with the Commission and open to public inspection.

In the original application filed on February 19, 1968, Applicant proposed to construct and operate various segments of offshore pipeline and appurtenances for the transportation of natural gas produced in the Gulf of Mexico, Offshore Louisiana. Applicant now proposes, in lieu of the aforementioned facilities set forth in the original application, to construct and operate the following facilities:

(1) A 30-inch onshore transmission line extending from the vicinity of Egan, La., to the Louisiana shoreline south of Pecan Island, La., approximately 43 miles in length.

(2) A 30-inch offshore transmission line extending from the Louisiana shoreline to Vermilion Block 245 approximately 75 miles in length.

(3) Liquid separation and gas conditioning facilities located in the vicinity of Pecan Island, La.

Applicant states that the aforementioned newly proposed facilities are to be used as part of the interconnecting facilities in the "Blue Water Project" being undertaken by it and Tennessee Gas Pipeline Co., a division of Tenneco, Inc., for the joint transportation of natural gas produced in the Offshore Louisiana Area.

Applicant further seeks authorization to transport natural gas for the account of certain customers. Applicant will transport 130,000 Mcf per day for United Fuel Gas Co., 115,000 Mcf per day for Texas Gas Transmission Corp., and 292,000 Mcf per day for Tennessee Gas Pipeline Co.

The total estimated cost of Applicant's proposed facilities is $43,909,000, which will be financed by the purchase of Applicant's stock and notes by its parent, Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 9, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–11302; Filed, Sept. 17, 1968; 8:46 a.m.]

[Docket No. CP69–43]

EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER 11, 1968.

Take notice that on August 30, 1968, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69–43 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in Yoakum County, Tex., and the transportation of natural gas for direct sale and delivery to Shell Oil Co. and Coltexo Corp. (Shell-Coltexo), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct a tap with 6-inch side-gate valve on its 30-inch O.D. Permian-San Juan Crossover pipeline located in Yoakum County, Tex. The application states that Shell-Coltexo proposes to install a 18,500 h.p. gas turbine to be used in conjunction with existing gasoline plant operations in the Wasson area of Yoakum County, Tex., and has requested a supply of natural gas from Applicant for starting purposes and for use as a purging medium preliminary to startup operations.

Applicant states that it will provide approximately 56,082 Mcf per year of natural gas to Shell-Coltexo.

The total estimated cost of Applicant's proposed facilities is $2,860, which will be paid for by Shell-Coltexo.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 7, 1968.

Take further notice that, pursuant to the authority contained in and subject

to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-11303; Filed, Sept. 17, 1968; 8:46 a.m.]

[Docket No. CP69-57]

EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER 11, 1968.

Take notice that on September 4, 1968, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-57 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1969, and the operation of gas purchase facilities to enable Applicant to attach to its Northwest Division System natural gas which will be purchased from authorized independent producers or similiar sellers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate: (1) Routine field facilities necessary to connect Applicant's Northwest Division System with the facilities of independent producers and; (2) compressor horsepower as may be required to compensate for declining reservoir pressure of existing sources.

The total cost of the proposed facilities will not exceed a maximum of $1 million and no single project will exceed a cost of $250,000. Applicant proposes to finance the cost of the proposed facilities out of working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 7, 1968.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-11304; Filed, Sept. 17, 1968; 8:47 a.m.]

[Docket Nos. CP68-5, CP68-57]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

SEPTEMBER 12, 1968.

Take notice that on September 6, 1968, Northern Natural Gas Co. (Petitioner), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket Nos. CP68-5 and CP68-57 a petition to amend the orders of the Commission issued therein on December 11, 1967, and February 21, 1968, respectively, by deleting certain facilities authorized in the aforementioned orders, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of December 11, 1967 in Docket No. CP68-5 Petitioner was authorized, among other things, to construct and operate 14.3 miles of 24-inch pipeline loop between Coyanosa and Kermit, Texas.

By the order of February 21, 1968 in Docket No. CP68-57 Petitioner was authorized, among other things, to construct and operate 8.8 miles of 30-inch pipeline loop between Valve 4 and Valve 5 north of the Ventura, Iowa Compressor Station.

On June 14, 1968, the Commission issued an order in Docket No. CP68-193 authorizing the construction and operation of certain facilities, including 14.3 miles of 30-inch pipeline loop between Coyanosa and Kermit, Tex., which replaces the same length of 24-inch loop proposed in Docket No. CP68-5. Therefore, Petitioner requests deletion of the 14.3 miles of 24-inch loop authorized in Docket No. CP68-5.

Petitioner states that the presently proposed design of its system north of the Ventura, Iowa Compressor Station does not include the 8.8-mile segment of 30-inch loop proposed in Docket No. CP68-57 and, for that reason, Petitioner requests that this segment be deleted from the authorization in the said docket.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 11, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-11305; Filed, Sept. 17, 1968; 8:47 a.m.]

[Docket No. RI69-89]

SUNRAY DX OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

SEPTEMBER 11, 1968.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 23, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate Schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-89	Sunray DX Oil Co. (Operator), et al., Post Office Box 2039, Tulsa, Okla. 74102. Attention: Homer E. McEwen, Jr., Esq.	[1] 248	4	Texas Eastern Transmission Corp. (Wharco-Schilling Area, Wharton and Colorado Counties, Tex.) (R. R. District No. 3).	$2,056	8-12-68	[2] 11-1-68	[3] 11-2-68	[4] 14.6	[4] [5] 15.6	

[1] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and proposed rate does not exceed the 17 cents per Mcf area initial rate ceiling.
[2] The stated effective date is the effective date requested by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Initial service rate.

The contract related to the rate filing of Sunray DX Oil Co. (Operator) et al. (Sunray), was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rate of 15.6 cents per Mcf exceeds the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 3 but does not exceed the initial service ceiling of 17 cents per Mcf established for the area involved. We believe, in this situation, Sunray's proposed rate filing should be suspended for one day from November 1, 1968, the proposed effective date.

[F.R. Doc. 68-11301; Filed, Sept. 17, 1968; 8:46 a.m.]

[Docket No. CP69-53]

TENNESSEE GAS PIPELINE CO.

Notice of Application

SEPTEMBER 12, 1968.

Take notice that on September 3, 1968, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP69-53 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and related facilities for the receipt and transportation in interstate commerce of natural gas and associated liquids from gas fields located in the Gulf of Mexico, Offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an agreement with the Columbia Gas System, Inc. (Columbia), and its affiliates, for a joint use arrangement for offshore main line facilities in an integrated, offshore pipeline trunk system. The arrangement is to be called the Blue Water Project. The project is to be comprised mainly of facilities which the Commission has heretofore authorized and for which authorization has been requested.

Specifically, Applicant proposes in the instant application to construct and operate the following facilities:

Blue Water Project facilities. Facilities to interconnect Applicant's 30-inch Offshore Header with the proposed modified facilities of Columbia Offshore Pipeline Co. and facilities necessary to enable Applicant to operate its 30-inch Offshore Header and 26-inch Center Shore Line as a part of the Blue Water Project.

Other facilities. Lateral lines as follows:

Location	Size	Estimated miles
Block 191 Field, Vermilion Area, to Western Shore Line.	12-inch	16.2
Block 66 Field, South Marsh Island Area to 30-inch Offshore Header.	12-inch	6.0

The total estimated cost of the proposed facilities is $3,029,000, which will be financed from funds generated through operations and the sale of pipeline mortgage bonds and debentures.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 9, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-11306; Filed, Sept. 17, 1968; 8:47 a.m.]

[Docket No. CP69-52]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

SEPTEMBER 12, 1968.

Take notice that on September 3, 1968, Texas Eastern Transmission Corp. (Applicant), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP69-52 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities in the Gulf of Mexico, Offshore Louisiana, for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate, together with related facilities, about 142 miles of 24-inch pipeline extending from the offshore Southern Louisiana-East Cameron area, to its Gillis Compressor Station on its 30-inch Beaumont-Kosciusko pipeline and about 81 miles of 8-, 10-, 12-, 14-, and 20-inch pipeline extending from various blocks in this offshore area to the 24-inch pipeline.

The application states that the proposed facilities have been designed to enable Applicant to take into its pipeline system additional volumes of natural gas from Shell Oil Co. under a gas purchase contract covering Shell's leases in the Block 164 Field, Vermilion Area, Offshore Louisiana, and from gas reserves underlying other Offshore Louisiana Blocks adjacent to the proposed facilities.

The total estimated cost of the proposed facilities is $58,020,000, which will be financed initially through revolving credit and later through the issuance of securities or from general funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 9, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-11307; Filed, Sept. 17, 1968; 8:47 a.m.]

TRANSCONTINENTAL GAS PIPE LINE CORP.

[Docket No. CP69-51]

Notice of Application

SEPTEMBER 11, 1968.

Take notice that on September 3, 1968, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP69-51 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation and operation of various gas purchase facilities in Onshore and Offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and install during the 1969 offshore construction season, and to operate, a total of approximately 80.08 miles of various-sized gathering pipelines, together with 12 additional gathering meter stations, to be located on Applicant's Southeast Louisiana Gathering System at the following locations:

SHIP SHOAL AREA

(1) 23.05 miles of 20-inch pipeline extension from the terminus of Applicant's 26-inch trunkline in the Block 208 Field to Block 269.
(2) 5.95 miles of 12-inch pipeline from the above extension to Block 218.
(3) 2.40 miles of 10-inch pipeline from the above extension to Block 229.
(4) 0.40 miles of 10-inch pipeline from the above extension to Block 242.
(5) 1.50 miles of 10-inch pipeline from the above extension to Block 253.
(6) 2.35 miles of 16-inch pipeline from Block 214 to Block 233.

EUGENE ISLAND AREA

(1) 6 miles of 10-inch pipeline from Block 184 to Block 206.
(2) 11 miles of 16-inch pipeline from Block 184 to Block 215.
(3) 2.50 miles of 10-inch pipeline from the above 16-inch pipeline to Block 193.

SOUTH MARSH ISLAND AREA

(1) 6 miles of 12-inch pipeline from Block 23 to Block 33.

ONSHORE—TERREBONNE PARISH

(1) 18.93 miles of 30-inch pipeline loop between Mosquito Bay and Compressor Station No. 62.

The total estimated cost of the proposed facilities is $22,527,000, which cost will be initially financed through short-term loans and cash on hand.

Applicant states that the proposed facilities are required to connect new supplies of gas which have been committed to Applicant's system.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 7, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-11308; Filed, Sept. 17, 1968; 8:47 a.m.]

FOREIGN-TRADE ZONES BOARD

PORTLAND, MAINE

Application for Foreign-Trade Zone and Sub-Zone; Notice of Hearing

Notice is hereby given that an application has been made to the Foreign-Trade Zones Board by the Maine Port Authority, a public corporation, for the privilege of establishing, operating, and maintaining a general purpose foreign-trade zone in Portland and a sub-zone for the purpose of oil refinining in Machiasport, Maine, within the Customs District of Portland, Maine of the United States, pursuant to the provisions of the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u).

The Acting Executive Secretary of the Foreign-Trade Zones Board, pursuant to Board Regulations,[1] has designated N. Norman Engleberg, Office of Business Programs, Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C., as Examiner to investigate the application and accompany exhibits for compliance with §§ 406.600–400.608 of said regulations; and said application having been found to be in order, the Acting Executive Secretary has designated as an Examiners Committee said N. Norman Engelberg, Chairman; Daniel J. Sullivan, Jr., Deputy Assistant Regional Commissioner, Inspection and Control, U.S. Bureau of Customs, Boston, Mass.; and Colonel Franklin R. Day, Division Engineer, New England Division, Corps of Engineers, U.S. Army, Waltham, Mass., in whose districts the proposed zone and sub-zone are to be located, to conduct a thorough investigation of the application and report thereon to the Foreign-Trade Zones Board.

Notice is hereby given, pursuant to the Foreign-Trade Zones Act and Board Regulations, that a public hearing on the application will be held by the Examiners Committee beginning at 10 a.m., local time, Thursday October 10, 1968, at Portland, Maine, Main Courtroom, 156 Federal Street, U.S. District Court Building.

A copy of the application and accompanying exhibits is available for public examination at each of the following locations:

Office of the Regional Commissioner of Customs, Inspection and Control Division, U.S. Customs, 24th Floor of the John F. Kennedy Building, Government Center, Boston, Mass.

Office of the District Director of Customs, 312 Fore Street, Portland, Maine 04111.

Office of the Director, U.S. Department of Commerce Field Office, Room 510, John F. Kennedy Federal Building, Boston, Mass.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 6827, Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The proposed general purpose zone consists of approximately 7,930 square feet located on the property of the Maine Port Authority of Portland, now the site of the Maine State Pier. The pier is only 2½ miles away from open water and 10 miles from the Portland lightship. The total area of the proposed sub-zone is 1,680.3 acres, of which 600 acres are available for future expansion. The subzone is located in Machiasport, County of Washington, where Occidental Petroleum Corp. proposes to establish and operate an oil refinery subject to obtaining the necessary licenses from the Oil Import Administrator for the use of foreign crude oil.

[1] See Title 15, Code of Federal Regulations, Part 400, Article 13, rules of procedure and practice.

The purposes of the hearing are to inform interested parties concerning this application, to afford them an opportunity to express their views relative thereto, and to obtain information useful to the Examiners Committee.

Interested parties or their representatives will be afforded the opportunity to be heard at the hearing; however, for the accuracy of the record and to facilitate proceedings, they should file written request therefor by October 7, 1968, and provide a written summary of their views regarding the application. Requests to be heard and written summaries should be directed to Mr. N. Norman Engelberg, Chairman of the Examiners Committee, Foreign-Trade Zones Board, Room 6827, U.S. Department of Commerce, Washington, D.C. 20230.

Persons not submitting advance written requests may, nevertheless, be heard at the hearing at the discretion of the Examiners Committee. Interested parties not able to be present or represented at the hearing may submit their written views concerning the application to the Examiners Committee as indicated above.

Dated: September 16, 1968.

RICHARD E. HULL,
Acting Executive Secretary,
Foreign-Trade Zones Board.

[F.R. Doc. 68-11425; Filed, Sept. 17, 1968; 8:51 a.m.]

OFFICE OF EMERGENCY PLANNING

MINNESOTA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated September 9, 1968, reading in part as follows:

I have determined that the damage in Roseau County, Minn., adversely affected by heavy rains and flooding beginning on or about July 16, 1968, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875.

Dated: September 11, 1968.

PRICE DANIEL,
Director,
Office of Emergency Planning.

[F.R. Doc. 68-11294; Filed, Sept. 17, 1968; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN GREECE

Entry and Withdrawal From Warehouse for Consumption

SEPTEMBER 13, 1968.

On February 23, 1968, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded an agreement with the Government of Greece further amending the bilateral agreement of July 17, 1964, concerning exports of cotton textiles and cotton textile products from Greece to the United States. Among the provisions of the agreement, as amended, are the following: (1) Paragraph 2 which permits the Government of Greece to exceed the group limit for yarn (Categories 1-4) by the amount by which exports of all other cotton textiles from Greece to the United States are less than the sum of the limitations applicable to the fabric and made-up goods group (Categories 5-38, 64) and the apparel group (Categories 39-63) for that year; and (2) Paragraph 12 which provides that exports in the yarn group (Categories 1-4) during the first agreement year which ended on December 31, 1967, which exceeded the applicable limits are to be charged against the limits applicable to the yarn group for the second agreement year which began on January 1, 1968, and extends through December 31, 1968. Accordingly, it has been decided to control the aggregate limit to prevent the limits of the bilateral agreement, as amended, from being exceeded during the second agreement year. The control figure has been converted into square yards equivalent pursuant to the Annex attached to the bilateral agreement, as amended.

There is published below a letter of September 10, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that as soon as possible, and for the 12-month period which began on January 1, 1968, and extends through December 31, 1968, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 1 through 64, produced or manufactured in Greece and exported to the United States in excess of the designated adjusted level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

SEPTEMBER 10, 1968.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of July 17, 1964, as amended, between the Governments of the United States and Greece, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective as soon as possible, and for the 12-month period which began on January 1, 1968, and extends through December 31, 1968, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Greece, in excess of an adjusted total level of restraint for the categories of 1,291,041 square yards equivalent.[1] There is attached to this directive the rates of conversion into square yards equivalents of the aforesaid categories to be used in implementing this directive.

Cotton textiles and cotton textile products in the above categories which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be subject to this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Greece and with respect to imports of cotton textiles and cotton textile products from Greece have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States.

Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LAWRENCE C. MCQUADE,
Acting Secretary of Commerce,
Chairman, President's Cabinet Textile Advisory Committee.

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[1] This level has been adjusted to reflect entries in Categories 1 through 64, made during the period beginning January 1, 1968, and extending through July 31, 1968. This level has also been adjusted to account for merchandise exported during the period Sept. 1, 1966 through Dec. 31, 1967, and, chargeable against the agreement year beginning Jan. 1, 1968, pursuant to paragraph 12 of the bilateral agreement, as amended.

LIST OF COTTON TEXTILE CATEGORIES AND CONVERSION FACTORS FOR FABRICS AND MADE-UP GOODS

Category No.	Description		Conversion factor
	YARN		
1	Yarn, carded, singles	Pounds	4.6
2	Yarn, carded, plied	do	4.6
3	Yarn, combed, singles	do	4.6
4	Yarn, combed, plied	do	4.6
	FABRICS		
5	Ginghams, carded yarn	square yards	1.0
6	Ginghams, combed yarn	do	1.0
7	Velveteens	do	1.0
8	Corduroy	do	1.0
9	Sheeting, carded yarn	do	1.0
10	Sheeting, combed yarn	do	1.0
11	Lawns, carded yarn	do	1.0
12	Lawns, combed yarn	do	1.0
13	Voiles, carded yarn	do	1.0
14	Voiles, combed yarn	do	1.0
15	Poplin and broadcloth, carded yarn	do	1.0
16	Poplin and broadcloth, combed yarn	do	1.0
17	Typewriter ribbon cloth	do	1.0
18	Print cloth, shirting type, 80 x 80 type, carded yarn	do	1.0
19	Print cloth, shirting type, other than 80 x 80 type, carded yarn	do	1.0
20	Shirting, carded yarn	do	1.0
21	Shirting, combed yarn	do	1.0
22	Twill and sateen, carded yarn	do	1.0
23	Twill and sateen, combed yarn	do	1.0
24	Yarn-dyed fabrics, n.e.s., carded yarn	do	1.0
25	Yarn-dyed fabrics, n.e.s., combed yarn	do	1.0
26	Fabrics, n.e.s., carded yarn	do	1.0
27	Fabrics, n.e.s., combed yarn	do	1.0
	MADE-UP GOODS		
28	Pillowcases, plain, carded yarn	numbers	1.084
29	Pillowcases, plain, combed yarn	do	1.084
30	Dish towels	do	.348
31	Towels, other than dish towels	do	.348
32	Handkerchiefs	dozen	1.66
33	Table damasks and manufactures	pounds	3.17
34	Sheets, carded yarn	numbers	6.2
35	Sheets, combed yarn	do	6.2
36	Bedspreads, including quilts	do	6.9
37	Braided and woven elastics	pounds	4.6
38	Fishing nets	do	4.6
	APPAREL [1]		
39	Gloves and mittens	dozen pairs	3.527
40	Hose and half hose	do	4.6
41	T-shirts, all white, knit, men's and boys'	dozen	7.234
42	T-shirts, other, knit	do	7.234
43	Shirts, knit, other than T-shirts and sweatshirts	do	7.234
44	Sweaters and cardigans	do	36.8
45	Shirts, dress, not knit, men's and boys'	do	22.186
46	Shirts, sport, not knit, men's and boys'	do	24.457
47	Shirts, work, not knit, men's and boys'	do	22.186
48	Raincoats, ¾ length or longer, not knit	do	50.0
49	Other coats, not knit	do	32.5
50	Trousers, slacks and shorts (outer), not knit, men's and boys'	do	17.797
51	Trousers, slacks and shorts (outer), not knit, women's, girls' and infants'	do	17.797
52	Blouses, not knit	do	14.53
53	Dresses (including uniforms), not knit	do	45.3
54	Playsuits, washsuits, sunsuits, creepers, rompers, etc., not knit, n.e.s.	do	25.0
55	Dressing gowns, including bathrobes, beach robes, housecoats and dusters, not knit	do	51.0
56	Undershirts, knit, men's and boys'	do	9.2
57	Briefs and undershorts, men's and boys'	do	11.25
58	Drawers, shorts and briefs, knit, n.e.s.	do	5.0
59	All other underwear, not knit	do	16.0
60	Pajamas and other nightwear	do	51.96
61	Brassiers and other body-supporting garments	do	4.75
62	Wearing apparel, knit, n.e.s.	pounds	4.6
63	Wearing apparel, not knit, n.e.s.	do	[2] 4.6
64	All other cotton textiles	do	4.6

[1] Each component of apparel items imported in sets shall be recorded separately under its appropriate category.
[2] For purposes of converting dozens into pounds under the United States cotton textile classification system, the factor to be used is 1.74.

[Footnotes in original.]

[F.R. Doc. 68-11338; Filed, Sept. 17, 1968; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-1638]

COMBINED RESEARCH FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be Investment Company

SEPTEMBER 12, 1968.

Notice is hereby given that Combined Research Fund, Inc. ("Applicant"), 2308 Houston Natural Gas Building, Houston, Tex. 77002, a Texas corporation and a management open-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act.

All persons are referred to the application on file with the Commission for a statement of the facts which are summarized below:

Applicant filed its registration statement under the Act and the Securities Act of 1933 on April 19, 1968. Applicant has withdrawn its registration statement under the Securities Act of 1933 and has not offered and does not contemplate offering its securities to the public. Applicant is now in the process of dissolution.

Section 8(f) of the Act provides, in pertinent part, that whenever 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 October 11, 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 reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon 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. 68–11311; Filed, Sept. 17, 1968; 8:47 a.m.]

[70–4672]

CONNECTICUT LIGHT & POWER CO.

Notice of Proposed Issue and Sale of First and Refunding Mortgage Bonds at Competitive Bidding

SEPTEMBER 12, 1968.

Notice is hereby given that the Connecticut Light & Power Co. ("CL&P"), Selden Street, Berlin, Conn. 06037, a public-utility subsidiary company of Northeast Utilities ("Northeast"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

CL&P proposes to issue and sell subject to the competitive bidding requirements of Rule 50 under the Act, $40 million principal amount of first and refunding mortgage ____ percent bonds, series U, due October 1, 1998. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to CL&P (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the indenture of mortgage and deed of trust dated May 1, 1921, between CL&P and Bankers Trust Co., trustee, as heretofore supplemented and amended and as to be further supplemented by a supplemental indenture to be dated as of October 1, 1968.

The application states that CL&P intends to use the net proceeds from the sale of the bonds and $10 million of capital contributions from Northeast, which is the subject of a separate application, to pay short-term borrowings estimated to be outstanding in the aggregate amount of $40 million at the time of such sale and the balance to provide a portion of CL&P's funds for uncompleted construction expenditures and investments in regional nuclear generating companies. Such short-term borrowings have been or will be incurred to finance, in part, CL&P's construction program and to supply funds in 1968 for its investment in regional nuclear generating companies and to pay notes due the Connecticut Coke Co., a nonassociate company, in the aggregate amount of $1,409,000 representing substantially the balance of the purchase price for CL&P's undivided one-half interest in land for a future generating site located in New Haven, Conn. CL&P's construction program contemplates construction expenditures of approximately $66,700,000 for 1968 and $90 million for 1969. During 1968 and 1969 CL&P expects to make investments in regional nuclear generating companies in amounts estimated to aggregate $3,224,000 but which may total as much as $7,700,000.

The application further states that the issue of the bonds is subject to the jurisdiction of the Connecticut Public Utilities Commission. A statement of fees and expenses incident to the issue and sale of the bonds will be filed by amendment.

Notice is further given that any interested person may, not later than October 10, 1968, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. 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 applicant at the above-stated address, and proof of service thereof (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, as filed or as amended, may be granted 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. 68–11312; Filed, Sept. 17, 1968; 8:47 a.m.]

GOLDEN AGE MINES, LTD.

Order Suspending Trading

SEPTEMBER 12, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Golden Age Mines, Ltd., 250 University Avenue, Toronto, Canada, 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 September 13, 1968, through September 22, 1968, both dates inclusive.

By the Commission.

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

[F.R. Doc. 68–11313; Filed, Sept. 17, 1968; 8:47 a.m.]

[70–4675]

WISCONSIN GAS CO. AND AMERICAN NATURAL GAS CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks, Increase in Authorized Capital Stock, and Issue and Sale, and Acquisition of Common Stock

SEPTEMBER 12, 1968.

Notice is hereby given that American Natural Gas Co. ("American Natural"), Suite 4950, 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and its subsidiary company, Wisconsin Gas Co. ("Wisconsin"), 626 East Wisconsin Avenue, Milwaukee, Wis. 53201, have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12(f) of the Act and Rules 43, 50(a)(2) and (3) and 70(b)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Wisconsin proposes to issue, from time to time during the period commencing November 18, 1968, and ending November 15, 1969, in varying amounts as funds are required, unsecured promissory notes to banks in an aggregate principal amount not to exceed $22 million at any one time outstanding. The notes will be dated when issued, will mature November 15, 1969, and will bear interest at the prime rate in effect at First National City Bank, New York, N.Y., on the date of issue. The interest rate will be adjusted to the prime rate in effect at such bank at the beginning of each 90-day period subsequent to the date of the first borrowing. There is no commitment fee

and the proposed notes may be prepaid at any time without penalty.

Shown below are the maximum principal amounts proposed to be issued to the designated banks:

First Wisconsin National Bank of Milwaukee, Wis.	$7,000,000
First National City Bank, New York, N.Y.	5,000,000
Marshall & Ilsley Bank, Milwaukee, Wis.	4,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	4,000,000
Marine National Exchange Bank, Milwaukee, Wis.	2,000,000
Total	22,000,000

Wisconsin also proposes (a) to amend its articles of incorporation so as to increase the number of its authorized shares of common stock, par value $12 per share, from 5,196,745 shares to 5,530,079 shares, and (b) to issue and sell 333,334 shares of such common stock to American Natural for a cash consideration of $4,000,008, which is equal to the aggregate par value thereof. American Natural, which owns all of Wisconsin's outstanding common stock, proposes to acquire the 333,334 shares.

Under previous Commission authorization, Wisconsin has issued to the above-named banks $9 million of unsecured short-term promissory notes (Holding Company Act Release No. 15894, Nov. 14, 1967). Wisconsin will use part of the proceeds from the proposed issue and sale of the common stock and notes to pay, without penalty, any outstanding notes due these banks. The balance of the proceeds will be used by Wisconsin to finance its 1968 and 1969 construction programs. The 1968 construction program is estimated at $17,600,000.

Expenses in connection with the proposed issuance and sale of common stock are estimated at $9,516, including State commission fees of $8,016, and counsel fees of $1,000. The expenses in connection with the proposed issue and sale of notes are estimated at $1,050, including $550 for counsel fees.

The filing states that the proposed issuance and sale of common stock are subject to the jurisdiction of the Public Service Commission of Wisconsin. Wisconsin will file an application with said State commission requesting the requisite authorization a copy of which, when issued, will be filed herein by amendment. The filing also states that no other 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 October 10, 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 addresses, 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 filed or as it may be amended, may be granted and 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. 68-11314; Filed, Sept. 17, 1968; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

INVESTOR'S EQUITY, INC.

Notice of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control of Investor's Equity, Inc., License No. 05/05-0018, 222 Fulton Federal Building, 11 Pryor Street SW., Atlanta, Ga. 30303 (Investor's), a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

Investor's was licensed on August 10, 1961, with a paid-in capital and paid-in surplus from private sources of $150,000. It has 15,000 shares of issued and outstanding common stock held by 13 stockholders.

The H & M Investment Co. (H&M), Post Office Box 1373, Atlanta, Ga. 30301, is the present owner of more than 10 percent of Investor's outstanding stock. H&M is a corporation which is wholly owned by R. Howard Peavy and his wife. R. Howard Peavy is a Director of Investor's. H&M has offered to sell its stock to Louise A. Fisher, 536 West Wesley Road NW., Atlanta, Ga. 30305. Mr. I. Walter Fisher, 536 West Wesley Road NW., Atlanta, Ga. 30305, is the husband of Louise A. Fisher, and is an officer, director, and present owner of more than 10 percent of Investor's outstanding stock. The offer is subject to, and contingent upon, the approval of SBA.

As a result of this transaction the proposed transferee, Louise A. Fisher, together with I. Walter Fisher, will own more than 50 percent of the capital stock of Investor's. The principal office will remain in Atlanta, Ga.

Matters involved in SBA's consideration of the application include the general business reputations of Mr. & Mrs. Fisher and the probability of the successful operation of the company under their control (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested party may, not later than September 27, 1968, at 5 p.m., submit to SBA, in writing, relevant comments on the proposed transfer of control. 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 will be published by the proposed transferee in a newspaper of general circulation in Atlanta, Ga.

For SBA (pursuant to delegated authority).

Dated: September 9, 1968.

GLENN R. BROWN,
Associate Administrator for Investment.

[F.R. Doc. 68-11295; Filed, Sept. 17, 1968; 8:46 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[No. MSVAR 14]

EVANS COOPERAGE CO., INC.

Order Granting Variation

The applicant identified below has shown that practical difficulties and unnecessary hardships have arisen in the peculiar circumstances of its operations from the application of 29 CFR 1504.-106(b), and I find that under the conditions of the variation specified below, the purpose of the regulation will be served and the safety of employees equally secured thereby.

Name and address of applicant. Pursuant to section 41(d) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended, 33 U.S.C. 941(d)) and the provisions of 29 CFR 1504.5 and 1507.6 a variation from particular provisions of 29 CFR Part 1504 is hereby granted to Evans Cooperage Co., Inc., Post Office Box 95, Harvey, La. 70058.

Provisions of 29 CFR Part 1504 varied. The provisions of 29 CFR 1504.106(b) requiring that employees walking or working on the decks of barges on the Mississippi River System and the Gulf Intracoastal Waterway shall be protected by U.S. Coast Guard approved buoyant vests or U.S. Coast Guard approved work vests, are varied, insofar as applicable, under the specific conditions stated herein, to the company's

operations at their plant in handling drums aboard barges.

Conditions of variation. Each employee working aboard a barge shall be protected by a U.S. Coast Guard approved buoyant vest or U.S. Coast Guard approved work vest, properly fastened, except when the employee is not at any point closer than 8 feet from the deck edge and except when he is not behind at least one row of close vertically stowed drums, forming a barrier to prevent him from falling overboard.

Period of variation. The variation shall be effective until terminated. See 29 CFR 1507.11.

Signed at Washington, D.C., this 11th day of September 1968.

DAVID A. SWANKIN,
Director,
Bureau of Labor Standards.

[F.R. Doc. 68-11293; Filed, Sept. 17, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 13, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41444—*Barites (barytes) from Cartersville, Ga.* Filed by O. W. South, Jr., agent (No. A6049), for interested rail carriers. Rates on barites (barytes), ground, in carloads, in lots of five cars or more, from Cartersville, Ga., to Berwick and Morgan City, La.

Grounds for relief—Market competition.

Tariff—Supplement 71 to Southern Freight Association, agent, tariff ICC S-417.

FSA No. 41445—*Fruit juices or concentrates from points in Florida.* Filed by O. W. South, Jr., agent (No. A6050), for interested rail carriers. Rates on fruit juices or concentrates, frozen or semi-frozen, in insulated tank cars, in carloads, from points in Florida, to points in southern and official (including Illinois) territories, also points in Canada.

Grounds for relief—Short-line distance formula and grouping, and motor-truck competition.

Tariff—Supplement 32 to Southern Freight Association, agent, tariff ICC S-676.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41443—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 617), for interested rail carriers. Rates on various commodities named or referred to in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 81 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-11347; Filed, Sept. 17, 1968; 8:50 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 13, 1968.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 22309 (Clarification—Extension), filed July 2, 1968. Applicant: COLORADO CARTAGE CO., INC., 5275 Quebec Street, Denver, Colo. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Certificate of public convenience and necessity sought to operate a freight service as follows: *Freight,* (1) between Windsor and a 5-mile radius thereof, Longmont and a 6-mile radius thereof, and Greeley, Fort Collins, Loveland, Timnath, Wellington, Bracewell, Johnstown, Severence, Berthoud, and Farmers' Spur and a 2-mile radius of each thereof, serving all intermediate points except between Longmont and Berthoud, via Interstate Highway 25, U.S. Highways 287 and 85, and Colorado Interstate Highway 25, U.S. Highways 287 and 85, and Colorado Highways 14, 257, 1, 392, 16, 60, 56, 256, and 66; and (2) between Denver and a 5-mile radius thereof, on the one hand, and, on the other Windsor and a 5-mile radius thereof and Timnath, Severence, and Wellington, and a 2-mile radius thereof of each, serving all intermediate points between Windsor and Wellington, via Interstate Highway 25, Colorado Highways 1, 14, 257, and 392; and (3) between U.S. Internment Camp on U.S. Highway 34, approximately 8 miles west of Greeley, on the one hand, and, on the other all points mentioned in paragraphs (1) and (2) above. Both interstate and intrastate authority is sought.

HEARING: Wednesday, September 25, 1968, 507 Columbine Building, 1845 Sherman Street, Denver, Colo. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to Public Utilities Commission of Colorado, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203.

State Docket No. A 49596, First Amendment, filed August 29, 1968. Applicant: TESI DRAYAGE COMPANY, 2955 Third Street, San Francisco, Calif. 94107. Applicant's representative: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* with the exceptions hereinafter noted, from, to and between all points and places on or within 10 miles of: (1) California State Highway 1 between San Francisco and Watsonville; (2) U.S. Highway 101 between San Francisco and San Jose; (3) California State Highway 35 between San Francisco and junction California State Highway 9 (near Saratoga Gap); (4) California State Highway 9 between Santa Cruz and Los Gatos; (5) California State Highway 17 between Richmond and Santa Cruz. Applicant shall not transport any shipments of: 1. Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff No. 4-B. 2. Automobiles, trucks, and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. 3. Livestock, viz: Bucks bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, live poultry, mules, oxen, pigs, sheep camp outfits, sows, steers, stags or swine. 4. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. 5. Commodities when transported in bulk, in dump trucks or in hopper-type trucks. 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. 7. Articles of extraordinary value as set forth in Rule 3 of Western Classification 78, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof. 8. Logs. Applicant may use any street, road, highway, ferry, or toll bridge necessary or convenient in performing the service herein authorized. NOTE: No duplicating authority is sought. Both interstate and intrastate authority is sought.

Hearing: No date has been assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to California Public Utilities

Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

State Docket No. 84770M, filed September 5, 1968. Applicant: WICHITA-SOUTHEAST KANSAS TRANSIT, INC., 624 East Morris, Wichita, Kan. Applicant's representative: Paul V. Dugan, 1400 Wichita Plaza, Wichita, Kans. 67202. Certificate of public convenience and necessity sought to operate a freight service as follows: *Property*, between Wichita, Kans., and points and places beginning at Beaumont, Kans., on Kansas Highway 96 to junction K96 and K99 at Severy, Kans., on K99, and from junction of K96 and K99 via K99 and U.S. 54 to Eureka, Kans., thence via U.S. 54 to Kansas-Missouri State line east of Fort Scott, Kans., also from Severy, Kans., 1 mile south of junction of K96 and K99 via K99 and K96 to junction K96 and U.S. 169 east of Independence, Kans., thence via U.S. 169 to Kansas-Oklahoma line south of Coffeyville, Kans., serving to, from, and between all points and places on, east and south of area set forth above and as depicted on map attached hereto, in the counties of Sedgwick, Butler, Greenwood, Allen, Woodson, Bourbon, Wilson, Neosho, Crawford, Montgomery, Labette, and Cherokee, between Wichita, Kans., and Eureka, Kans., from Wichita, Kans., via Kansas Turnpike to El Dorado Exchange, thence via K254 to junction K254 and U.S. 54, thence U.S. 54 to Eureka and return over same route. Serving no intermediate points for operating convenience only. Between Wichita and points and places on following highway and routes and return over same. Serving following towns and cities on Highway K96, Beaumont, Piedmont, Fall River Dam Site, Fall River, Fredonia, Neodesha, Sycamore, Altamont, Oswego, Hallowell, Columbus. Serving following towns and cities on Highway K39, Benedict, Roper, Chanute, and Godfrey, then on to junction of Highways K39 and U.S. 69. Serving towns and cities on Highway K99, Climas and Severy.

Serving following towns and cities on Highway K 47, Fredonia, Altoona, then on Highway 47 to junction of Highways K 47 and U.S. 59, then on U.S. Highway 59 to junction of Highways U.S. 59 and K 57 serving the following towns and cities on Highway K 57, St. Paul, serving following towns and cities on Highway 54, Eureka, Neal, Batesville, Yates Center, Iola, Gas, La Harpe, Moran, Bronson, Uniontown, and Fort Scott. Serving following towns and cities on Highway K 105, Toronto and Toronto Dam Site. To use Highway 37 as alternate between Highways U.S. 75 and U.S. 160. Serving following towns and cities on Highway U.S. 160 Independence, Parsons, service (Kansas Gas & Electric Plant), Strauss, and Cherokee, to on to junction of Highways U.S. 160 and U.S. 69. Serving following towns and cities on U.S. 169, Iola, Bassett, Humbolt, Chanute, Earlton, Thayer, Morehead, Cherryvale, Coffeyville, serving following towns and cities on Highway U.S. 166, Coffeyville, Valeda, Bartlett, Chetopa, Melrose, and Baxter Springs. Serving following towns and cities on Highway K 126, McCune, Serving the following towns and cities on Highway U.S. 75, Yates Center, Buffalo, Altoona, Buffville, Neodesha, and Sycamore, Independence, at the junction of Highways U.S. 160 and U.S. 96. Serving city of Mound Valley and State Road K 222, Serving city of Dennis on State K 133. Serving city of Edna on State Road K 101. Serving city of Wier on State Road K 103. Serving cities of Roseland and West Mineral on State Road K 102. Serving the following towns and cities on Highway U.S. 69, Fort Scott, Arma, Franklin, Frontenac, and Pittsburg, then on to junction of Highways U.S. 69, K 96, and K 26 to serve city of Crestline, then Highway K 26 to junction of Highways K 26 and U.S. 66 to serve cities of Galena and Riverton, then to junction of Highways U.S. 66 and U.S. 166 then on Highway U.S. 166 to junction of Highways U.S. 166 and U.S. 69 to serve city of Treece. Service city of Galesburg on unnumbered county road. Serve city of Urbana on unnumbered county road.

Serve city of Shaw on unnumbered county road. Serve city of Elsmore on State Road K 203. Serve city of Erie on State Road K 108. Serve city of South Mound on unnumbered county road. Serve cities of Montana and Labette on unnumbered county road. Serve city of Walnut on State Road K 146. Serve cities of Brazilton and Hepler on State Highway K 3. Serve the following cities: Farlington, Girard, Beulah, Cherokee, and Scammon on Highway K 7, then on to junction of Highways K 7 and K 96. Serve city of Sherman on unnumbered county road. Serve city of Redfield on unnumbered county road. Serve city of Englevale on unnumbered county road. Serve city of Sherwin on unnumbered county road. Serve city of Monmouth on unnumbered county road. Serve city of Capaldo on unnumbered county road. Serve city of Odense on unnumbered county road. Serve city of Brooks on unnumbered county road. Serve city of Arden on unnumbered county road. Serve city of Skidmore on unnumbered county road. Serve city of Radley on unnumbered county road. Both interstate and intrastate authority is sought.

HEARING: Commencing Monday, October 14, 1968, in Wichita, Kans., at the Lassen Hotel, Requests for procedural information, including the time for filing protests, concerning this application should not be addressed to the Public Utilities Commission of Colorado, 507 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-11348; Filed, Sept. 17, 1968; 8:50 a.m.]

[Notice 516]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 13, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2866 (Deviation No. 8) (Correction), EDWARD MOTOR TRANSIT COMPANY, 56 East Third Street, Williamsport, Pa. 17701. Carrier's representative: Gavin W. O'Brien, 2000 L Street NW., Washington, D.C. 20036. Notice filed August 20, 1968, and published in the FEDERAL REGISTER on September 5, 1968, Route No. 1 should be corrected to specify *Exit No. 18* as the correct exit at the junction of Interstate Highway 80 and Pennsylvania Highway 153, near Anderson Creek, Pa., in lieu of Exit No. 13 incorrectly designated in the deviation notice.

No. MC 42487 (Deviation No. 72), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, filed September 6, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: Between Louisville, Ky., and Cincinnati, Ohio, over Interstate Highway 71, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service route as follows: (1) From Louisville, Ky., over U.S. Highway 31E to Sellersburg, Ind., thence over U.S. Highway 31 to junction U.S. Highway 50, thence over U.S. Highway 50 to Seymour, Ind., and (2) from Boston, Mass., over U.S. Highway 1 to New York, N.Y. (also from Boston over Massachusetts Highway 1A to junction U.S. Highway 1 near North Attleboro, Mass.), thence via bridge, ferry, or tunnel and U.S. Highway 1 to Newark, N.J., thence over U.S. Highway 22 to Cincinnati, Ohio, thence over U.S. Highway 50 to St. Louis, Mo., and return over the same routes.

No. MC 59680 (Deviation No. 72), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222, filed September 3, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From

Exit 16, Ohio Turnpike (near Woodworth, Ohio), over Ohio Highway 7 to junction U.S. Highway 224, thence over U.S. Highway 224 to New Castle, Pa., thence over U.S. Highway 422 to Belsano, Pa., thence over Pennsylvania Highway 271 to junction U.S. Highway 22 near Mundys Corner, Pa., thence over U.S. Highway 22 (or Interstate Highway 78 where completed), to Newark, N.J.; (2) from Exit 16, Ohio Turnpike (near Woodworth, Ohio), over the route described in (1) above to Phillipsburg, N.J., thence over New Jersey Highway 24 to Hackettstown, N.J., thence over U.S. Highway 46 to junction New Jersey Highway 17 near Teterboro, N.J., thence over New Jersey Highway 17 to junction Interstate Highway 80 (Passaic Expressway), thence over Interstate Highway 80 to junction U.S. Highway 1 near the George Washington Bridge; and (3) from Exit 16, Ohio Turnpike (near Woodworth, Ohio), over the route described in (1) above to Phillipsburg, N.J., thence over U.S. Highway 22 (or Interstate Highway 78 where completed) to Annandale, N.J., thence over Interstate Highway 78 to junction Interstate Highway 287 (or U.S. Highway 202), near Pluckemin, N.J., thence over Interstate Highway 287 (or U.S. Highway 202), to junction U.S. Highway 46 (Interstate Highway 80), near Mountain Lakes, N.J., thence over U.S. Highway 46 to junction New Jersey Highway 17 near Teterboro, N.J., thence over New Jersey Highway 17 to junction Interstate Highway 80 (Passaic Expressway), thence over Interstate Highway 80 to junction U.S. Highway 1 near the George Washington Bridge, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Cleveland, Ohio, over U.S. Highway 21 to the Ohio Turnpike, thence over Ohio Turnpike, to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to the New Jersey Turnpike, thence over the New Jersey Turnpike to Newark, N.J.; and (2) from New Haven, Conn., over U.S. Highway 1 to junction unnumbered highway, thence over unnumbered highway via Bridgeport, Conn., to junction U.S. Highway 1, thence over U.S. Highway 1 to Newark, N.J., and return over the same routes.

No. MC 106943 (Deviation No. 30), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808, filed September 4, 1968. Carrier's representative: Peter M. Witham, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Harrisburg, Pa., over Interstate Highway 78 to junction New Jersey Highway 24 at or near Phillipsburg, N.J., thence over New Jersey Highway 24 to junction U.S. Highway 46 at or near Hackettstown, N.J., thence over U.S. Highway 46 to junction Interstate Highway 80 at or near Netcong, N.J., thence over Interstate Highway 80 to New York, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Harrisburg, Pa., over U.S. Highway 22 to Newark, N.J., thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 111383 (Sub-No. 5) (Deviation No. 8), BRASWELL MOTOR FREIGHT LINES, INC., Post Office Box 3989, Dallas, Tex. 75208, filed September 5, 1968. Carrier's representative: Lawrence A. Winkle, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Jackson, Miss., and Atlanta, Ga., over Interstate Highway 20, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Jackson, Miss., over U.S. Highway 80 to junction U.S. Highway 11, thence over U.S. Highway 11 to Birmingham, Ala., thence over U.S. Highway 78 to Atlanta, Ga., and return over the same route.

No. MC 111383 (Sub-No. 5) (Deviation No. 9), BRASWELL MOTOR FREIGHT LINES, INC., Post Office Box 3989, Dallas, Tex. 75208, filed September 5, 1968. Carrier's representative: Lawrence A. Winkle, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Phoenix, Ariz., and Tucson, Ariz., over Interstate Highway 10, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Benson, Ariz., over U.S. Highway 80 via Tucson to junction Arizona Highway 84, thence over Arizona Highway 84 via Picacho, Ariz., to junction U.S. Highway 80 near Gila Bend, Ariz., thence over U.S. Highway 80 to El Centro, Calif.; and (2) from junction Arizona Highways 84 and 87 west of Picacho over Arizona Highway 87 to Mesa, Ariz., thence over U.S. Highway 80 to junction Arizona Highway 84 east of Gila Bend, Ariz., and return over the same routes.

No. MC 1515 (Deviation No. 471) (Cancels Deviation No. 364), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed September 6, 1968. Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Seattle, Wash., over Interstate Highway 5 to Tacoma, Wash.; (2) from Tacoma, Wash., over Interstate Highway 5 to junction unnumbered highway (Gravelly Lake Junction); (3) from junction unnumbered highway and Interstate Highway 5 (Nisqually River Junction) over Interstate Highway 5 to junction Business Route Interstate Highway 5 (Martin Way Interchange); (4) from junction Interstate Highway 5 and Business Route Interstate Highway 5 (Martin Way Interchange) over Interstate Highway 5 to Olympia, Wash.; (5) from Olympia, Wash., over Interstate Highway 5 to Tumwater, Wash.; and (6) from junction unnumbered highway and Interstate Highway 5 (North Salmon Creek Junction), over Interstate Highway 5 to junction unnumbered highway (North Vancouver Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Seattle, Wash., over unnumbered highway via Tacoma to junction Interstate Highway 5 (Gravelly Lake Junction), thence over Interstate Highway 5 to junction unnumbered highway (Nisqually River Junction), thence over unnumbered highway to junction Interstate Highway 5 and Business Route Interstate Highway 5 (Martin Way Interchange), thence over Business Route Interstate Highway 5 (Martin Way Interchange), thence over Business Route Interstate Highway 5 via Olympia to junction Interstate Highway 5 (Tumwater), thence over Interstate Highway 5 to junction unnumbered highway (North Salmon Creek Junction), thence over unnumbered highway to junction Interstate Highway 5 (North Vancouver Junction), thence over Interstate Highway 5 to the Washington-Oregon State line. (Connects with Oregon route 26), and return over the same route.

No. MC 13028 (Deviation No. 13) THE SHORT LINE, INC., 27 Sabin Street, Post Office Box 1116, Annex Station, Providence, R.I. 02901, filed September 5, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Westerly, R.I., over U.S. Highway 1 to Pawcatuck, Conn., thence over Connecticut Highway 2 to junction Interstate Highway 95 Interchange at Pawcatuck, Conn., thence over Interstate Highway 95 to junction U.S. Highway 1 at Groton, Conn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Westerly, R.I., over U.S. Highway 1 to Mystic, Conn., thence over Connecticut Highway 215 to Fort Hill, Conn., thence over U.S. Highway 1 to New London, Conn., and return over the same route.

No. MC 89037 (Deviation No. 7), CONTINENTAL PACIFIC LINES, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed September 4, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From

North Mount Shasta, Calif., Interchange of Interstate Highway 5, thence over Interstate Highway 5 to the Arbuckle Junction, Calif., Interchange of Interstate Highway 5, with the following access routes: (1) From Interstate Highway 5 over access road to Redding, Calif.; (2) from Interstate Highway 5 over access road to Anderson, Calif.; (3) from Interstate Highway 5 over access road to Red Bluff, Calif.; (4) from Interstate Highway 5 via access road to Corning, Calif.; (5) from Interstate Highway 5 over access road to Orland, Calif.; (6) from Interstate Highway 5 over access road to Willows, Calif.; and (7) from Interstate Highway 5 over access road to Arbuckle, Calif., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From San Francisco, Calif., over U.S. Highway 40 to Sacramento, Calif., thence over California Highway 16 to Woodland, Calif., thence over U.S. Highway 99W to Red Bluff, Calif., thence over U.S. Highway 99 to Seattle, Wash., and return over the same route.

By the Commission.

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

[F.R. Doc. 68-11349; Filed, Sept. 17, 1968; 8:50 a.m.]

[Notice 1219]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 13, 1968.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 110411 (Sub.-No. 5) (Republication), filed January 8, published in the FEDERAL REGISTER, issue of January 25, 1968, republished August 28, 1968, and subsequently republished as corrected, this issue. Applicant: J. C. BAKER, doing business as NORTHEAST ARKANSAS TRANSPORTATION COMPANY, 408 South Main Street, Leachville, Ark. 72438. Applicant's representative: Lance Hanshaw, Justice Building, Little Rock, Ark. 72201. By application filed January 8, 1968, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier, by motor vehicle, over irregular routes, of meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from St. Louis, Mo., to points in Clay, Craighead, Crittenden, Cross, Greene, Independence, Jackson, Lawrence, Lee, Lonoke, Mississippi, Monroe, Poinsett, Prairie, Randolph, St. Francis, Sharp, White, and Woodruff Counties, Ark., under continuing contract with Krey Packing Co., St. Louis Independent Packing Co., and Swift & Co. The application was referred to the Board for disposition and the modified procedure has been followed.

A notice of the Commission, dated August 21, 1968, and served August 29, 1968, requires that the report and order of the Commission, Review Board No. 2, dated July 31, 1968, and served August 19, 1968, be modified as follows: That operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from St. Louis, Mo., to points in Clay, Craighead, Crittenden, Cross, Greene, Independence, Jackson, Lawrence, Lee, Lonoke, Mississippi, Monroe, Poinsett, Prairie, Randolph, St. Francis, Sharp, White, and Woodruff Counties, Ark., under contract with Krey Packing Co., St. Louis Independent Packing Co., Swift & Co., and Hunter Packing Co., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a permit authorizing such operation should be granted, (1) upon receipt from applicant of a written request for the coincidental cancellation of his outstanding Permit No. MC-110411, (2) after elapse of 30 days from the date of republication in the FEDERAL REGISTER of a corrected statement of the authority sought herein, and provided that no petitions for leave to intervene are received during such period, and

(3) Provided that the permit authorized herein shall be subject to the right of the Commission to impose such terms, conditions, or limitations in the future as it may find necessary to insure that applicant's operations shall conform to the provisions of section 210 of the Interstate Commerce Act. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127047 (Sub-No. 6) (Republication), filed December 6, 1967, published FEDERAL REGISTER issue of December 21, 1967, and republished this issue. Applicant: ED RACETTE & SON, INC., 5409 North Broadway, Wichita, Kans. 67214. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. By application filed December 6, 1967, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes of water treating compounds, in containers, from Minneapolis, Minn., to points in Iowa on and south of U.S. Highway 30; points in Nebraska, Missouri, and Kansas; points in Texas on and north of U.S. Highway 80; points in Colorado east of the Continental Divide; and points in Laramie, Goshen, Platte, and Albany Counties, Wyo. A report and order recommended by David S. Letts, Hearing Examiner, served July 30, 1968, effective August 29, 1968, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of water treating compounds, in containers, from Minneapolis and Lakeville, Minn., to points in Iowa on and south of U.S. Highway 30, points in Nebraska, Missouri, and Kansas, points in Texas on and north of U.S. Highway 80, points in Colorado east of the Continental Divide, and points in Laramie, Goshen, and Albany Counties, Wyo.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128744 (Notice of filing of petition to add additional contracting party), filed August 26, 1968. Petitioner: SPRUILL TRANSPORT COMPANY, INC., Windsor, N.C. Petitioner's representative: Vaughan S. Winborne, 1108 Capital

Club Building, Raleigh, N.C. 27601. Petitioner holds authority in Permit No. MC 128744 to conduct operations as a motor contract carrier, over irregular routes, transporting: Gasoline, kerosene, distillate fuel oil, commercial medium fuel oil, and diesel fuel, in bulk, in tank vehicles, from Norfolk, Va., to points in Hartford, Gates, Bertie, Martin, Northampton, Halifax, and Washington Counties, N.C., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Spruill Oil Co., Inc., of Ahoskie, N.C., and the Bertie-Martin Oil Co., Inc., of Windsor, N.C. By the instant petition, petitioner seeks to add another contracting shipper, Spruill & Sons Oil Co., Inc., Roper, Washington County, N.C. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128988 (Notice of filing of petition to add contracting shipper), filed August 21, 1968. Petitioner: JO/KEL, INC., Post Office Box 22265, Los Angeles, Calif. Petitioner is authorized in permit MC 128988 to transport as a motor contract carrier: "Plumbing fixtures and supplies and air-conditioning and heating units (except articles which, because of size, shape or weight, require the use of special equipment or special handling), from St. Louis, Mo., Port Huron, Mich., Philadelphia, Greensburg, and York, Pa., Braintree, Mass., Houston, Tex., East St. Louis, Ill., and Fort Smith, Ark., to points in Arizona, California, and Nevada; and return shipments of the above specified commodities, from points in Arizona, California, and Nevada, to St. Louis, Mo., Port Huron, Mich., Philadelphia, Greensburg, and York, Pa., Braintree, Mass., Houston, Tex., East St. Louis, Ill., and Fort Smith, Ark. Plumbing fixtures and supplies, from Kohler, Wis., Spartanburg, S.C., and Camden, N.J., to points in Arizona, California, and Nevada, with no transportation for compensation on return except as otherwise authorized. Air-conditioning units, from Maspeth, Long Island, N.Y., to points in Arizona, California, and Nevada, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Pacific Coast Iron Pipe & Fitting Co. at Van Nuys, Calif.: By the instant petition, petitioner seeks to add York, division of Borg-Warner, York, Pa., as a contracting shipper. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 105925 (Sub-No. 1), filed August 16, 1968. Applicant: PLAINFIELD TRANSPORTATION CO., INC., Federal Road, Danbury, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, other than household goods and office furniture and equipment and other than commodities which necessitate the use of dump trucks, tank trucks or special equipment, between points in Connecticut. NOTES: (1) The purpose of this instant application is to convert the certificate of registration MC 120861 Sub 1 to a certificate of public convenience and necessity, authorizing the same operations as were previously performed under certificate of registration; (2) applicant also states it would tack in Hartford, New Haven, and Fairfield Counties, Conn., with its presently held authorities to permit through service between New York, N.Y., and Newark, N.J., and points within 15 miles of Newark on the one hand, and, on the other, points in Connecticut; and (3) this application is a matter directly related to docket No. MC–F–10230 published FEDERAL REGISTER issue of August 28, 1968. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 109397 (Sub-No. 160), filed August 16, 1968. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Interstate Business Route I–44, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Classes A, B, and C explosives*, and *blasting supplies, materials, and agents*, between the sites of magazines of Atlas Powder Co. at or within 10 miles of each of the following: Baxter Springs and Pittsburg, Kans., and Atlas and Webb City, Mo., on the one hand, and, on the other, points in Arizona; (2) *ammonium nitrate* (other than for use as a fertilizer) from Neosho, Mo., to points in Louisiana and Texas (except Houston, Tex., and points within 50 miles of Houston Tex.); and (3) *ammonium nitrate* (other than for use as a fertilizer) from Neosho, Mo., to points in Arizona, New Mexico, and Oklahoma, and Houson, Tex., and points within 50 miles of Houston. NOTE: The foregoing requests for authority eliminates certain duplication between Van Beekum permits MC 89520 and Sub 14 and that presently held by applicant authorizing explosive operations between Kansas, Missouri, Texas, and New Mexico. Applicant also desires to point out that certain duplication would result through tacking the above authority with its pending Sub 158 requesting explosives operations between New Mexico and Arizona. Applicant is agreeable to a restriction that only a single operating right will be authorized on a grant of the above authority. This application is a matter directly related to Docket No. MC–F–10223, published in FEDERAL REGISTER issue of August 28, 1968. If a hearing is deemed necessary, applicant does not specify a location.

TRANSFER APPLICATION UNDER SECTION 212(b)

MC–FC–70331. Authority sought by transferee, A & R TRUCKING CORP., Post Office Box 907, White River Junction, Vt. 05001, for transfer of the contract carrier operating rights of transferor, HARRY A. DECATO, d.b.a. DECATO BROS. TRUCKING CO., Heater Road, Lebanon, N.H. 03766. Applicant's attorney: Andre J. Barbeau, 795 Elm Street, Room 510, Manchester, N.H. 03101. Operating rights in permit No. MC–111735 to be transferred: *Liquid sugar, sugar syrup, and invert sugar*, from Boston, Mass., to points in Maine, New Hampshire, and Vermont. The above-entitled transfer application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing at a time and place to be fixed for the purpose of determining whether, during the 1-year period prior to the filing of the above-entitled application, the operations conducted under the subject operating rights may have been performed by transferee without appropriate authority, whether transferee is fit to acquire said rights, whether the subject rights are dormant, and whether the transaction satisfies the Rules and Regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce (49 CFR Part 1132). Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for intervention, where the petitioner wishes the hearing to be held, the number of witnesses it expects to present, and the estimated time required for presentation of its evidence.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10228. (Correction) (TRI-STATE MOTOR TRANSIT CO.—Purchase (Portion)—GOTTULA TRUCKING & TRANSPORTATION, INC.), published in the August 28, 1968, issue of the FEDERAL REGISTER, on page 12161. This notice to show authority proposed to be

purchased to read: *"to transport general freight from and to Pueblo and to and from all other points in the State of Colorado"*, in lieu of "to transport general freight between Pueblo and Boone, Colo." NOTE: This notice does not alter the due date for filing protest.

No. MC–F–10243. Authority sought for control and merger by GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. 54601, of the operating rights and property of NORTH BRADDOCK MOTOR LINES, INC., 575 Baldridge Avenue, North Braddock, Pa., and for acquisition by W. LEO MURPHY, EUGENE W. MURPHY, JOHN A. MURPHY, all also of La Crosse, Wis., and MICHAEL P. MURPHY, 10301 South Harlem Avenue, Chicago Ridge, Ill., of control of such rights and property through the transaction. Applicants' attorneys: Drew L. Carraway, 618 Perpetual Building, Washington, D.C. 20004, and Carl Brandt, Grant Building, Pittsburgh, Pa. Operating rights sought to be controlled and merged: *General commodities*, except those of unusual value, and except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Pittsburgh, Pa., and New York, N.Y., from Pittsburgh, Pa., to Boston, Mass., in truckload lots only. GATEWAY TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in Michigan, Ohio, Illinois, Indiana, Minnesota, Missouri, Wisconsin, Iowa, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10244. Authority sought for control by RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. 80221, of ZIP, INC., Post Office Box 1071, Salt Lake City, Utah 84110, and for acquisition by THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY, 1531 Stout Street, Denver, Colo. 80217, of control of ZIP, INC., through the acquisition by RIO GRANDE MOTOR WAY, INC. Applicants' attorneys: Warren D. Braucher, 604 Rio Grande Building, Denver, Colo. 80217, and Lawrence O. Marty, Post Office Box 231, Green River, Wyo. 82935. Operating rights sought to be controlled: *General commodities*, except those of unusual value, classes A and B explosives, commodities requiring the use of special equipment, and road oil, asphalt, fuel oil, and chemicals, in bulk, in tank vehicles, as a *common carrier*, over regular routes, between Linwood, Utah, and Rock Springs, Wyo., serving the intermediate point of Green River, Wyo., and points within 15 miles of certain specified highways, and points in Daggett County, Utah, as off-route points, between Linwood, Utah, and Salt Lake City, Utah, serving the intermediate point of Ogden, Utah, and points in Daggett County, Utah, as off-route points; between Green River, Wyo., and Urie, Wyo., serving no intermediate points, and serving the termini for the purpose of joinder only, with restriction. RIO GRANDE MOTOR WAY, INC., is authorized to operate as a *common carrier* in Colorado, New Mexico, and Utah. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10245. Authority sought for (1) purchase by MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050, of a portion of the operating rights of MILLER TRANSPORTERS, INC., Post Office Box 1123, Jackson, Miss. 39205, and for acquisition by THE MATLACK CORPORATION, also of Lansdowne, Pa., of control of such rights through the purchase; and (2) purchase by MILLER TRANSPORTERS, INC., Post Office Box 1123, Jackson, Miss. 39205, of a portion of the operating rights of MATLACK, INC., 10 west Baltimore Avenue, Lansdowne, Pa. 19050, and for acquisition by H. D. MILLER, also of Jackson, Miss., of control of such rights through the purchase. Applicants' attorneys: Maxwell Howell, 1511 K Street NW., Washington, D.C. 20005, and Phineas Stevens, Post Office Box 22567, Jackson, Miss. 39205. Operating rights sought to be transferred: (1) (This authority was granted pursuant to order in MC–F–9704, dated Dec. 19, 1967, and consumated Jan. 2, 1968.) *Acetic acid and methanol*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Crossett, Ark., to points in Louisiana south of U.S. Highway 84; *muriatic (hydrochloric) acid*, in bulk, in tank vehicles, from Pine Bluff, Ark., to Bossier City, La.; *liquid sulphur*, in bulk, in tank vehicles, from Macedonia, Ark., to Bossier City, La., from McKamie, Ark., to West Monroe, La.; *molten sulphur*, in bulk, in tank vehicles, from Macedonia, Ark., to Tulsa, Okla., from McKamie, Ark., to Tulsa, Okla.; and (2) *petroleum and petroleum products*, as defined in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from points in Concordia, Catahoula, and Tensas Parishes, La., to points in Adams County, Miss. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10246. Authority sought for purchase by NORTHEASTERN TRUCKING COMPANY, 2508 Starita Road, Post Office Box 1493, Charlotte, N.C. 28201, of the operating rights and certain property of HELDERMAN TRUCKING COMPANY, INC., Route 5, Lexington, N.C. 27292, and for acquisition by JOHN F. GUIGNARD and WILLIAM H. GUIGNARD, both also of Charlotte, N.C., of control of such rights and property through the purchase. Applicants' attorney and representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005, and Thomas H. Suddarth, Jr., Court House Square, Lexington, N.C. 27292. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–99101 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of North Carolina. NORTHEASTERN TRUCKING COMPANY, is authorized to operate as a *common carrier* in Illinois, New York, New Jersey, Pennsylvania, South Carolina, Maryland, North Carolina, Virginia, Florida, Connecticut, New Hampshire, Massachusetts, Rhode Island, Tennessee, Kentucky, Alabama, Georgia, Ohio, Indiana, West Virginia, Maine, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: MC–64112 Sub-41 is a matter directly related.

No. MC–F–10247. Authority sought for merger into EARL BRAY, INC., 1401 North Little Street, Cushing, Okla. 74023, of the operating rights and property of WRIGHT MOTOR LINES, INC., 1401 North Little Street, Cushing, Okla. 74023, and for acquisition by MARY BRAY COCHRAN, FRANK E. COCHRAN, and SAM E. CARPENTER, all also of Cushing, Okla., of control of such rights and property through the transaction. Applicants' attorneys: Marion F. Jones and Leslie R. Kehl, both of 420 Denver Club Building, Denver, Colo. 80202. Operating rights sought to be merged: *Petroleum products*, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in all points in the United States (except Alaska and Hawaii), with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC–114364 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. EARL BRAY, INC., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b). NOTE: MC–112822 Sub-83 is a matter directly related. EARL BRAY, INC., controls WRIGHT MOTOR LINES, INC., through ownership of capital stock pursuant to authority granted in Docket No. MC–F–6984, effective March 25, 1959, and consummated April 1, 1959.

No. MC–F–10248. Authority sought for merger into ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901, of the operating rights and property of C.E.I. & I. EXRESS, INC., 1245 South West Street, Indianapolis, Ind. 46225, and for acquisition by ARKANSAS BEST CORPORATION, also of Fort Smith, Ark., of control of such rights and property through the transaction. Applicants' attorney: Thomas Harper, Post Office Box 43, Kelley Building, Fort Smith, Ark. 72901. Operating rights sought to be merged: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities

requiring special equipment, as a *common carrier*, over regular routes, between Cincinnati, Ohio, and Indianapolis, Ind., serving all intermediate points, and serving points in Marion County, Ind., except Julietta and Indianapolis, Ind., as intermediate and off-route points; over one alternate route for operating convenience only. ARKANSAS-BEST FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Ohio, Texas, Indiana, Missouri, Oklahoma, Illinois, Kansas, Arkansas, Louisiana, Mississippi, Tennessee, Wisconsin, and Iowa. Application has not been filed for temporary authority under section 210a(b). NOTE: ARKANSAS-BEST FREIGHT SYSTEM, INC.,* controls C.E.I. & I. EXPRESS, INC., through ownership of capital stock pursuant to authority granted in Docket No. MC-F-9828, effective May 7, 1968, and consummated May 31, 1968.

No. MC-F-10249. Authority sought for purchase by SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321, of a portion of the operating rights of DANIEL HAMM DRAYAGE COMPANY, 121 Tyler Street, St. Louis, Mo. 63102, and for acquisition by SPECIALIZED SERVICES, INC., also of Atlanta, Ga., of control of such rights through the purchase. Applicant's attorneys': Guy H. Postell, 1273 West Peachtree Street, NE., Atlanta, Ga. 30309, and Earnest Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Operating rights sought to be transferred: *Boats, heavy machinery, piling, pipe, structural steel, columns, smokestacks* requiring special equipment and facilities, as a *common carrier*, over irregular routes, between points in Arkansas, Indiana, and Iowa, between points in Missouri and Illinois, on the one hand, and, on the other points in Arkansas, Indiana, and Iowa; *commodities*, the transportation of which, because of their size or weight, require the use of special equipment, between points in Arkansas, Indiana, Iowa, Kentucky, Tennessee, and Ohio, between points in Missouri and Illinois, on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kentucky, Tennessee, and Ohio; and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Arkansas, Indiana, Iowa, Kentucky, Ohio, and Tennessee, between points in Illinois and Missouri, on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kentucky, Ohio, and Tennessee, with restrictions. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, New Mexico, Arizona, Oklahoma, Kansas, Iowa, Maine, Vermont, Nebraska, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10250. Authority sought for purchase by SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box 1000, Staunton, Va. 24401, of a portion of the operating rights of BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Norfolk, Va. 23502, and for acquisition by R. R. SMITH, and R. P. HARRISON, both of Post Office Box 1000, Staunton, Va., of control of such rights through the purchase. Applicants' attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Operating rights sought to be transferred: *The commodities*, classified (a) meats, meat products, and meat byproducts, (b) dairy products, and (c) articles distributed by meat packinghouses, in the appendix to the report in *Modification of Permits-Packing House Products*, 46 M.C.C. 23, as a *common carrier* over irregular routes, from Madison, Wis., to points in North Carolina, Virginia, District of Columbia, and to Baltimore, Md., and points within 5 miles thereof, except (b) dairy products from Madison, Wis.; *frozen foods*, from Crozet, Va., to points in Illinois, Virginia, and Wisconsin, from Crozet, Va., to points in Minnesota; from Cleveland, Ohio, to points in Connecticut, Deleware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, with restriction; *meats, meat products, and meat byproducts*, and *articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Armour & Co. near Sterling, Ill., to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia, with restriction.

Meats and syrup, flour, cheese, and cheese products when transported in mixed loads with meats, from Fort Atkinson, Wis., to points in Pennsylvania, Virginia, West Virginia, Maryland, New York, and the District of Columbia; *meats, meat products, and meat byproducts*, and *articles distributed by meat packinghouses*, as described in section A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Madison, Wis., to Charleston, W. Va.; and *frozen foods*, except frozen meats, from the plantsites and storage facilities of Stokely-Van Camp, Inc., at Albert Lea, Fairmont, Mankato, Winnebago, and Worthington, Minn., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, with restriction. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, West Virginia, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 68-11350; Filed, Sept. 17, 1968; 8:50 a.m.]

[Notice 690]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 13, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protest are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30887 (Sub-No. 156 TA), filed September 10, 1968. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Reisterstown, Md. 21136. Applicant's representative: W. Wilson Corroum, Post Office Box 55, Reisterstown, Md. 21136. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets, powder or granules, dry*, in bulk, from Baltimore, Md., to Lynchburg, Va., for 180 days. Supporting shipper: Wayne T. Bryant, Bulk Truck Transportation, Monsanto Co., 800 North Lindberg Boulevard, St. Louis, Mo. 63166. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 66951 (Sub-No. 9 TA), filed September 10, 1968. Applicant: OYLER MOTOR TRANSIT CO., INC., 2364 Berdel Place, SE. 44701, Post Office Box 944, Canton, Ohio. Applicant's representative: James Duvall, 810 Hartman Building, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*,

by motor vehicle, over irregular routes, transporting: *Steel pallet racks, steel angles, steel storage cabinets, steel tote pans, steel work benches with steel or wooden tops, steel desks, steel pipe fittings, bent steel plates, steel bolts and nuts and fabricated steel products,* from plantsites of Republic Steel Corp., Manufacturing Division, Canton, Ohio, to points in Connecticut, Massachusetts, New Jersey, New York, Rhode Island, and Pennsylvania, for 120 days. Supporting shipper: Republic Steel Corp., Manufacturing Division, Youngstown, Ohio 44505. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 113784 (Sub-No. 32 TA), filed September 10, 1968. Applicant: CANAL CARTAGE (1968), LIMITED, 36 James Street South, Hamilton, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry carbon paste,* in bulk, in dump vehicles, from the port of entry on the international boundary between United States and Canada at Buffalo, N.Y., to Ashtabula, Ohio, for 150 days. Supporting shipper: Union Carbide Canada, Ltd., 123 Eglinton Avenue East, Toronto 12, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 121 Ellicott Street (Room 518), Buffalo, N.Y. 14203.

No. MC 125708 (Sub 98 TA), filed September 10, 1968. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Grinding media,* in dump vehicles, from Kansas City, Mo., to points in Illinois, Indiana, Maryland, Michigan, New York, Ohio, Pennsylvania, and Wisconsin, for 150 days. Supporting shipper: Armco Steel Corp., 7000 Robert Street, Kansas City, Mo. 64125. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 125708 (Sub-No. 99 TA), filed September 10, 1968. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses (except meats, meat products, meat byproducts, and dairy products, commodities in bulk, and frozen foods), from points in Alabama, Illinois, Kansas, Louisiana, and Michigan, to St. Louis, Mo., for 180 days. Supporting shipper: General Grocer Co., Box 7049, Main Post Office, St. Louis, Mo. 63177. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 128572 (Sub-No. 2 TA), filed September 9, 1968. Applicant: VAN HORN TRANSFER & STORAGE COMPANY, 1421 Harrison Avenue, Panama City, Fla. 32401. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies* for the account of Western Electric Co., Inc., from Panama City, Fla., to points in Bay, Calhoun, Franklin, Walton, Gulf, Washington, Jackson, Holmes, Liberty, Wakulla, Gadsden, and Leon Counties, Fla., and return, restricted to traffic having a prior or subsequent out-of-State movement, for 180 days. Supporting shipper: Western Electric Co., Inc., 3300 Lexington Road, Winston-Salem, N.C. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 129107 (Sub-No. 1 TA), filed September 10, 1968. Applicant: R. H. HARDING CO., INC., 100 Centre Drive, Rochester, N.Y. 14623. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used automobiles, used pickup trucks, used panel trucks, used jeeps, and used station wagons,* in truckaway service, between Rochester, N.Y. and Butler, Ebensburg, Gibsonia, and Manheim, Pa., and Bordentown, N.J., for 180 days. Supporting shipper: There are approximately seven statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard, West, Syracuse, N.Y. 13202.

No. MC 133122 (Sub-No. 1 TA), filed September 9, 1968. Applicant: DAVE KUHLMAN, 1719 Second Avenue, Scottsbluff, Nebr. 69361. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer, zinc sulfate, and manganese sulfate,* from Coffeyville, Kans., to Alamosa, Fort Morgan, Longmont, Loveland, and Monte Vista, Colo.; Bayard, Lyman, Minatare, Mitchell, Morrill, Ogallala, and Scottsbluff, Nebr.; and Torrington and Wheatland, Wyo.; for 150 days. Supporting shipper: Pure Gas & Chemical Co., Denver, Colo. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133152 TA, filed September 10, 1968. Applicant: MID-FLORIDA VAN LINES, INC., U.S. No. 1 North in Cideo Park, Post Office Box 338, Cocoa, Fla. 32922. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used household goods,* between points in Brevard, Volusia, Indian River, Okeechobee, Osceola, Martin, and St. Lucie Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond said points, and *further restricted* to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of said traffic, for 180 days. Supporting shippers: Air Force Eastern Test Range, Base Procurement Branch (ETMKP–1), Patrick Air Force Base, Fla. 32925; Cti-Container Transport International, Inc., 17 Battery Place, New York N.Y. 10004; Perfect Pak Co., 1001 Westlake Avenue North, Seattle, Wash. 98109; Express Forwarding & Storage Co., Inc., 17 Battery Place, New York, N.Y. 10004. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

MOTOR CARRIER OF PASSENGERS

No. MC 129768 (Sub-No. 3 TA) (Correction), filed August 26, 1968, published FEDERAL REGISTER, issue of September 4, 1968, and republished as corrected this issue. Applicant: EDWARD S. JOHNSON, doing business as JOHNSON'S LIMOUSINE SERVICE, Post Office Box 215, Frederica, Del. 19946. Applicant's representative: F. D. Hammond, Post Office Box 53, Dover, Del. 19901. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* limited to transportation of not more than 11 passengers in any one vehicle, in special operations, between points in Kent County, Del., on the one hand, and, on the other, Philadelphia, Pa.; Baltimore, Md.; Washington, D.C.; and New York, N.Y., for 180 days. NOTE: The purpose of this republication is to correct the supporters. Supporters: The application is supported by seven individuals whose statements of support may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Old Post Office Building, Salisbury, Md. 21801.

By the Commission.

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

[F.R. Doc. 68–11351; Filed, Sept. 17, 1968; 8:51 a.m.]

[Notice 211]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 13, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations

prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70701. By order of August 30, 1968, the transfer board approved the transfer to Geo. F. Callahan, Goodland, Kans., of the operating rights in certificate No. MC–37140 issued April 3, 1964, to Edwin Peters, Goodland, Kans., authorizing the transportation of: Emigrant movables, farm machinery, and implements and parts, and livestock, between points in Kansas and Colorado. John E. Jandera, 641 Harrison, Topeka, Kans. 66603; attorney for applicants.

No. MC–FC–70735. By order of August 30, 1968, the Transfer Board approved the transfer to Eldridge Drayage, Inc., East St. Louis, Ill., of certificate No. MC–14581, issued February 26, 1957, to Georgia Lucille Eldridge, doing business as Eldridge Drayage, East St. Louis, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk and other specified commodities, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone. Paul P. Waller, Jr., 435 Missouri Avenue, East St. Louis, Ill. 62201; attorney for applicants.

No. MC–FC–70744. By order of August 30, 1968, the Transfer Board approved the transfer to Saylors Oil Co., Inc., 2305 South Main Street, Anderson, S.C. 29621, of the operating rights in certificates Nos. MC–89631 and MC–89631 (Sub-No. 1) issued June 19, 1941, and March 14, 1942, respectively to John H. Saylors, 2305 South Main Street, Anderson, S.C., authorizing the transportation of: Petroleum and petroleum products, between points in Georgia and South Carolina.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–11352; Filed, Sept. 17, 1968; 8:50 a.m.]

[Notice 211A]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 13, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70352. By order of August 20, 1968, Division 3, acting as an Appellate Division approved the transfer to Bond Transportation Co., a corporation, Kansas City, Mo., of a portion of the operating rights in certificate in No. MC–79619, issued July 13, 1967, to Eagle Express, Inc., Kansas City, Mo., authorizing the transportation of: General commodities with the usual exceptions, over a regular route, between Odessa, Mo., and Kansas City, Mo. Tom B. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–11353; Filed, Sept. 17, 1968; 8:50 a.m.]

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