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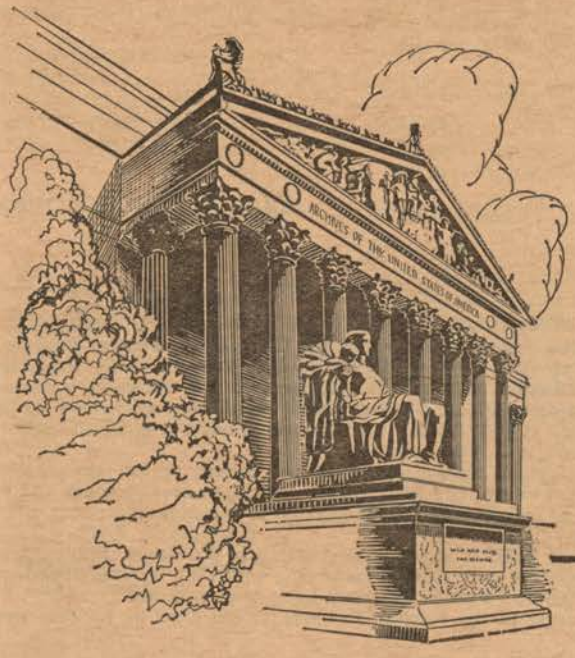

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Title 7—AGRICULTURE

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

[Amdt. 8]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Miscellaneous Amendments

The regulations for the operation of the National School Lunch Program (28 F.R. 1247), as amended (28 F.R. 11531, 29 F.R. 311, 29 F.R. 14619, 30 F.R. 15402, 31 F.R. 14924, 32 F.R. 33, 32 F.R. 12083) are amended as follows:

1. In § 210.8 a new paragraph (a–1) is added as follows:

§ 210.8 Requirements for participation.

* * * * *

(a–1) Each school participating in the Program shall develop a policy statement covering the criteria used in the attendance units under its jurisdiction in determining the eligibility of children for a free or reduced price lunch. Such statement shall include a plan for collecting payments from paying children and accounting for free or reduced price lunches which will protect the anonymity of the children receiving free or reduced price lunches in order that such children shall not be identified as such to their peers. As a minimum, such criteria shall include the level of family income (including welfare grants), the number in the family unit, and the number of children in the family in attendance. Such policy statement shall be written, publicly announced and applied equitably to the children in all such attendance units.

* * * * *

2. In § 210.13 a new paragraph (a–1) is added as follows:

§ 210.13 Special responsibilities of State Agencies.

* * * * *

(a–1) *Free or reduced price lunch policy statement.* Each State Agency, or CFPDO where applicable, shall require each school participating in the Program to develop and file for review a written policy statement covering criteria used in the attendance units under its jurisdiction to determine the eligibility of children for a free or reduced price lunch, and covering a plan of collecting payments from paying children and accounting for free or reduced price lunches which will protect the anonymity of the children receiving free or reduced price lunches. Each State Agency, or CFPDO where applicable, shall be responsible for reviewing the content of, and monitoring performance under such policy statement, consonant with the requirements issued by the Secretary on this subject.

* * * * *

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

Approved: October 18, 1968.

[SEAL] JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68–12919; Filed, Oct. 22, 1968; 8:52 a.m.]

[Amdt. 3]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Miscellaneous Amendments

The regulations for the operation of the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses (32 F.R. 33) as amended (32 F.R. 13215, 33 F.R. 14513) are amended as follows:

1. In § 220.7 a new paragraph (a–1) is added as follows:

§ 220.7 Requirements for school participation.

* * * * *

(a–1) Each school participating in the School Breakfast Program shall develop a policy statement covering the criteria used in the attendance units under its jurisdiction in determining the eligibility of children for a free or reduced price breakfast. Such statement shall include a plan for collecting payments from paying children and accounting for free or reduced price breakfasts which will protect the anonymity of the children receiving free or reduced price breakfasts in order that such children shall not be identified as such to their peers. As a minimum, such criteria shall include the level of family income (including welfare grants), the number in the family unit, and the number of children in the family in attendance. Such policy statement shall be written, publicly announced and applied equitably to the children in all such attendance units.

* * * * *

2. In § 220.24 a new paragraph (a–1) is added as follows:

§ 220.24 Special responsibilities of State Agencies.

* * * * *

(a–1) Each State Agency, or CFPDO where applicable, shall require each school participating in the School Breakfast Program to develop and file for review a written policy statement covering criteria used in the attendance units under its jurisdiction to determine the eligibility of children for a free or reduced price breakfast, and covering a plan of collecting payments from paying children and accounting for free or reduced price breakfasts which will protect the anonymity of the children receiving free or reduced price breakfasts. Each State Agency, or CFPDO where applicable, shall be responsible for reviewing the content of, and monitoring performance under such policy statement, consonant with the requirements issued by the Secretary on this subject.

* * * * *

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

Approved: October 18, 1968.

[SEAL] JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68–12920; Filed, Oct. 22, 1968; 8:52 a.m.]

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

PART 932—HANDLING OF OLIVES GROWN IN CALIFORNIA

Subpart—Rules and Regulations

MISCELLANEOUS AMENDMENTS

Notice was published in the FEDERAL REGISTER issue of September 26, 1968 (33 F.R. 14464), that the Department was giving consideration to a proposed amendment of the rules and regulations (§§ 932.108, 932.129, 932.150, 932.151, 932.152, 932.154, and 932.160 of this part), hereinafter designated as Subpart—Rules and Regulations, currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932; 33 F.R. 11265), regulating the handling of olives grown in California. The amended marketing agreement and order are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was submitted by the Olive Administrative Committee, established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof.

During the time provided in said notice for written data, views, or arguments in connection with said proposal, the Olive Administrative Committee submitted further recommendations and considerations with respect thereto concerning two revisions of the proposal. The committee recommended that the exception provided in § 932.155(c) to permit shipment for repackaging of olives not meeting normal flavor requirements of U.S. Grade C due to excessive sodium chloride be made applicable to olives

that meet any modification of such grade made effective pursuant to the applicable provisions of § 932.52. Such provision would avoid the necessity for amending such paragraph in the event of such grade modification. The Committee also expressed the view that the time by which sales reports are required to be filed, under § 932.161(b), may be too restrictive. As published in the notice, such paragraph would require handlers to file this report not later than the 10th day of the month following that to which the report is referable. The committee indicated that a later filing time would serve the purposes of the committee. Objection to the 10-day filing time was made by a handler on the basis that due to the nationwide scope of its sales operations, the required data cannot be assembled and filed within the time allowed. Such handler requested that 30 days be allowed for filing the report. Said §§ 932.155(c) and 932.161(b) are changed accordingly.

After consideration of all relevant matter presented, including that in the notice, the recommendations, considerations, and information submitted by the committee, and other available information, it is hereby found that the amendment, as hereinafter set forth, of said rules and regulations is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act and contribute to more effective operations under said marketing agreement and order.

Therefore, said rules and regulations are hereby designated as Subpart—Rules and Regulations and are hereby amended in the following respects:

1. Paragraph (e) of § 932.150 is amended by adding at the end thereof a new sentence reading as follows:

§ 932.150 Changes in the percentage tolerances for canned whole ripe olives.

* * * * *

(e) * * * The provisions of this section shall terminate on August 31, 1969.

2. Paragraph (a) of § 932.151 is amended to read as follows:

§ 932.151 Incoming regulations.

(a) *Inspection stations.* Natural condition olives shall be sampled and size-graded only at inspection stations which shall be a plant of a handler or other place having facilities for sampling and size-grading such olives: *Provided,* That such location and facilities are satisfactory to the Inspection Service and the committee: *Provided further,* That upon prior application to, and approval by, the committee, a handler may have olives size-graded at an inspection station other than the one where the lot was sampled.

* * * * *

3. Paragraph (d)(2) of § 932.152 is amended to read as follows:

§ 932.152 Outgoing regulations.

* * * * *

(d) * * *

(2) All such packaged olives shall be kept separate and apart from other packaged olives and shall be so identified by control cards or other means satisfactory to the Inspection Service and the committee that their identity is readily apparent. Such packaged olives may be reprocessed under supervision of the Inspection Service. Any such packaged olives that are not so reprocessed may be disposed of only in accordance with § 932.155.

4. A new § 932.155 is added reading as follows:

§ 932.155 Special purpose shipments.

(a) The disposition of packaged olives covered by § 932.152(d) which are not reprocessed in accordance therewith shall be in conformity with the applicable provisions of this section.

(1) Under supervision of the Inspection Service, such packaged olives may be disposed of for use in the production of olive oil or dumped.

(2) Such packaged olives may be disposed of to a charitable organization for use by such organization; and any handler who wishes to so dispose of olives shall first file a written application with, and obtain written approval thereof from, the committee. Each such application shall contain at least: (i) The name and address of the handler and the charitable organization; (ii) the physical location of the charitable organization's facilities; (iii) the quantity in cases, the variety, size, can size, and can code of the packaged olives; and (iv) a certification from the charitable organization that such olives will be used by the organization and will not be sold.

(b) Prior to approval of any such application, the committee shall make such investigation as it deems necessary to verify the information therein. The committee may deny any application if it finds that the required information is incomplete or incorrect, or has reason to believe that the intended receiver is not a charitable organization, or that the handler or the organization has disposed of packaged olives contrary to a previously approved application. The committee shall notify the applicant and the organization in writing of its approval, or denial, of the application. Any such approval shall continue in effect so long as the packaged olives covered thereby are disposed of consistent therewith. The committee shall notify the handler and the organization of each such termination of approval. The handler shall furnish the committee upon demand such evidence of disposition of the packaged olives covered by an approved application as may be satisfactory to the committee.

(c) In accordance with the provisions of § 932.55(b), any handler may use processed olives in the production of packaged olives for repackaging, and ship packaged olives for repackaging, if the packaged olives grade U.S. Grade C, as defined in the then current U.S. Standards for Canned Ripe Olives, or such modification thereof as shall be prescribed pursuant to § 932.52, except for the requirement that the packaged olives possess a normal flavor: *Provided,* That the failure to possess a normal flavor is due only to excessive sodium chloride.

5. A new § 932.161 is added reading as follows:

§ 932.161 Reports.

(a) *Reports of olives received.* Each handler shall submit to the committee, on a form provided by the committee, for each week (Sunday through Saturday, or such other 7-day period for which the handler has submitted a request and received approval from the committee) and not later than the fourth day after the close of such week, a report showing by size designation and culls the respective quantities of each variety of olives received. In addition thereto, he shall also report the seasonal totals to date of the report.

(b) *Sales reports.* Each handler shall submit to the committee, on a form provided by the committee, for each month and not later than the 30th day following the end of that month, a report showing his total sales of packaged olives by States of destination. Sales shall be reported by States separately in following categories: (1) Whole and whole pitted canned ripe olives in consumer size containers; (2) whole and whole pitted canned ripe olives in institutional size containers; (3) chopped and minced canned ripe olives in all types of containers; and (4) halved and sliced canned ripe olives in all types of containers. The quantity in each category shall be reported in terms of the equivalent number of cases of 24 No. 300 (300 x 407) size cans.

(c) *Report of handler's utilization of limited size olives.* Each handler shall submit to the committee, on a form provided by the committee, upon completion of the handler's canning season, but not later than August 1st of each crop year, a report showing the quantities of limited canning size olives used in (1) whole and whole pitted style canned ripe olives; (2) halved; (3) sliced; (4) chopped and minced; (5) Spanish olives; (6) Sicilian style olives; (7) Greek style olives; (8) olive oil; (9) olives dumped; and (10) any other use (specify such use).

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give further notice and good cause exists for making this amendment effective at the time hereinafter set forth and for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) seasonal handling of California olives is currently in progress and to be of maximum benefit the provisions of this amendment (i) contained in §§ 932.151, 932.152, and 932.155, should become effective as soon as possible to promptly afford handlers greater flexibility and efficiency in their operations, and (ii) contained in § 932.161 should become effective as soon as possible to assure timely submission and

continuity, on a seasonal basis, of information relative to sales of packaged olives; (2) the amendment of § 932.150 merely specifies the future termination date thereof and no useful purpose would be served by delaying the effective time of this amendatory action; (3) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto, and (4) this amendment relieves some restrictions that are currently in effect.

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

Dated October 17, 1968, to become effective upon publication in the FEDERAL REGISTER.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–12868; Filed, Oct. 22, 1968; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PAYMENTS

PART 1483—WHEAT AND FLOUR

Subpart—Flour Export Program (GR–346) Terms and Conditions

In order to incorporate all amendments into one document and to make various program and editorial changes the Flour Export Program (GR–346) Terms and Conditions (25 F.R. 5816) as amended by 25 F.R. 9939, 25 F.R. 10758, 27 F.R. 1753, 27 F.R. 4863, 27 F.R. 10351, 29 F.R. 4667, 29 F.R. 12010, 30 F.R. 6771, 30 F.R. 15319, 31 F.R. 7817, 31 F.R. 14504, and 32 F.R. 6342 are hereby revised to read as follows:

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1483.289 Amendment and termination.
1483.290 Written approval by the Vice President, Director, or Contracting Officer.

AUTHORITY: The provisions of this subpart are issued under authority of secs. 4 and 5, 62 Stat. 1070 and 1072, sec. 102, 68 Stat. 454, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1702.

GENERAL

§ 1483.201 General statement.

(a) This subpart contains the regulations governing the Flour Export Program of Commodity Credit Corporation (hereinafter referred to in this subpart as "CCC") under which an exporter of flour milled in the United States or Puerto Rico from wheat produced in the United States (excluding Alaska and Hawaii) may obtain an export payment and under which wheat from CCC stocks may be made available for export in the form of flour at market prices (without an export allowance) as determined by CCC and when the flour is exported may qualify for an export payment. The program is designed to (1) assure that U.S. wheat flour is generally competitive in world markets, (2) avoid disruption of world market prices, (3) fulfill any international obligations of the United States, (4) aid the price support program by strengthening the domestic market price of wheat to producers, (5) reduce the quantity of wheat which would otherwise be taken into CCC's stocks under its price support program, and (6) promote the orderly liquidation of CCC stocks of wheat. This program will be administered by the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture. Information pertaining to the program may be obtained from one of the offices listed in § 1483.285 or § 1483.287.

§ 1483.202 General conditions of eligibility.

(a) An exporter who wishes to qualify for an export payment under these regulations shall submit an offer to export flour as provided in this subpart. Export payment rates shall be based on rates announced by CCC. Rates payable by CCC shall be in such amounts as CCC determines will make flour competitive in world markets, avoid disruption of world market prices and fulfill any applicable international obligations of the United States. The offer submitted by the exporter and its acceptance by CCC shall constitute a contract under which the exporter agrees to export the quantity of flour to which the offer relates in consideration of the undertaking of CCC to make an export payment, subject to the terms and conditions of this subpart. Payment under this subpart will be made to an exporter on the net quantity of flour exported in accordance with his contract with CCC.

(b) An exportation of flour milled in whole or in part outside the United States or Puerto Rico or an exportation of flour milled in whole or in part from wheat produced outside the United States (excluding Alaska and Hawaii) is not eligible for an export payment under this subpart. However, if the Director determines that any such flour is exported unintentionally, payment may be made on that portion of the flour which, it is established to his satisfaction, was milled in the United States or Puerto Rico from wheat produced in the United States (excluding Alaska and Hawaii).

(c) To be eligible for an export payment under this subpart, the exporter shall submit a Form CCC–413, "Application for Flour Export Payment" supported by documentary evidence as required in § 1483.253, which has not been used, or will not subsequently be used as evidence of export in connection with (1) any other Form CCC–413, (2) any other export program under which CCC has made or has agreed to make an export allowance, or (3) any other export program which involves the acquisition of wheat from CCC for export as flour at prices which reflect any export allowance. Nothing herein shall be construed as precluding (i) a bill of lading or other documentary evidence filed under this subpart from being used as evidence in connection with proof of export required in another export program of CCC, including the barter program, if CCC determines that such use will not result in any duplication of an export payment or allowance, or (ii) the exportation of flour under this program pursuant to sales under Public Law 480, or (iii) the use in support of a Form CCC–413 of documentary evidence which is submitted under § 1483.277 in connection with purchases of wheat from CCC under this subpart to be exported in the form of flour.

(d) Exportation of flour by or to a U.S. Government agency as defined in § 1483.207(o) shall not qualify as an exportation for the purpose of this subpart.

(e) Export payments shall be made at rates provided in the announcement referred to in § 1483.204. The rate applicable to flour for which domestic marketing certificates are acquired and surrendered to CCC under the Processor Wheat Marketing Certificate Regulations shall be the daily announced rate plus a special export payment rate as provided in the announcement referred to in § 1483.204, which represents the refund in whole or in part of the cost of such certificates.

(f) If exportation is of a prepared flour mix, blended or fortified food product or wheat flour-soy product, as defined

in § 1483.207(i), payment shall be made only on the net weight of the mix or product after deduction of the entire weight of the components. To be eligible for payment, the mix or product must be packed in unit containers weighing 50 pounds or more; the flour mix or blended or fortified food product must also contain not less than 40 percent by weight of straight-grade flour and the wheat flour-soy product must contain not less than 40 percent by weight of bulgur or not less than 38 percent by weight of cooked straight-grade flour.

§ 1483.203 Financial responsibility.

CCC reserves the right if it does not have adequate information as to the financial ability of the offeror to meet the obligations he would incur in this subpart (a) to refuse to consider an offer to purchase CCC wheat for export in the form of flour or (b) to refuse to consider an offer to export flour for an export payment. If a prospective offeror is in doubt as to whether CCC has adequate information as to his financial responsibility, he should either submit a financial statement to the ASCS Commodity Office (see § 1483.287) prior to making an offer to purchase CCC wheat for export in the form of flour or communicate with such office or with the office specified in § 1483.285 prior to making an offer to export flour for an export payment under this subpart to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by the offeror of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted the offeror will comply with the applicable provisions of this subpart and will furnish a performance bond or other performance security acceptable to CCC.

§ 1483.204 Announcement of rates and export periods.

Export payment rates will be announced from Washington, D.C., at approximately 4:01 p.m. (see § 1483.207 (q)), and will remain in effect through 4 p.m., on the expiration date stated in the announcement. Different payments rates may be announced for different coasts or ports of export, destinations and export periods. Each announcement will also specify the final date of exportation of flour covered by offers which are submitted during the period the announced rate is in effect. Announcements will be released through the press and ticker service, and will be available at the office specified in § 1483.285, at the Agricultural Stabilization and Conservation Service Office at Kansas City, Mo., and the Office of the General Sales Manager, Foreign Agricultural Service, located in San Francisco and New York. (See § 1483.287)

§ 1483.205 Transactions eligible for payment.

CCC will consider as eligible for an export payment an exportation which otherwise meets the requirements of this subpart if such exportation is pursuant to a commercial sales transaction between an exporter and a buyer as follows: (a) A sale for dollars (other than a sale as described below); (b) a sale under Public Law 480; (c) a sale financed under the CCC Export Credit Sales Program Regulations; (d) a sale for exportation under the Barter Program Terms and Conditions involving flour milled from wheat acquired from private stocks as defined in such terms and conditions; (e) a sale financed with funds authorized by the Agency for International Development; and (f) such other sales as may be determined by CCC to be in the interest of the program: *Provided*, That no sale shall be eligible for an export payment unless the documentary evidence of export satisfies the requirements of § 1483.202(c). CCC will determine from the information given by the exporter in his notice of sale made pursuant to § 1483.231 as to the category of each sales transaction. After a notice of sale is transmitted to CCC and CCC has registered the sale pursuant to § 1483.232 a request by the exporter to change the category of the sale will not be approved unless, because of special circumstances, it is determined by the Director to be in the best interest of CCC.

§ 1483.206 Export rate factors.

(a) The rate factors in this paragraph shall be applied to the announced payment rate to determine the rate applicable to a particular exportation of flour:

	Rate Factor
Wheat flour (including clears and excluding malted wheat flour), derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent type of extraction operation	1.000
Semolina and farina	1.000
Malted wheat flour	.936
Bulgur (87 percent type of extraction operation)	.829
Wheat flour, derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 90 percent type of extraction operation	.835
Whole wheat flour, graham flour and cracked, crushed and ground wheat	.766
Rolled wheat (92.8 percent type of extraction operation)	.810

(b) Flour of a specified percent type of extraction operation will be eligible for the applicable rate factor only if the flour exported constitutes a component of the percent of flour extracted under such operation. No part of the mill-run middlings or mill-feed byproducts from any milling operation shall be eligible for an export payment.

(c) If any flour does not conform to an extraction rate specified in paragraph (a) of this section, the exporter may request that a rate factor be determined by the Director before or after exportation.

§ 1483.207 Definition of terms.

As used in this subpart and in announcements, forms and documents pertaining hereto, the terms defined in this section shall have the following meaning unless the context otherwise requires:

(a) "CCC" means the Commodity Credit Corporation, U.S. Department of Agriculture.

(b) "Contracting Officer" means a Contracting Officer, CCC, to whom the Director has delegated the function for which a Contracting Officer has responsibility under this subpart.

(c) "Day" means calendar day.

(d) "Designated country" means any destination outside the United States, excluding Puerto Rico and any country or area for which an export license is required under the regulations issued by the Bureau of International Commerce, U.S. Department of Commerce, unless a license for exportation or transshipment thereto has been obtained from such bureau.

(e) "Director" means the Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, Washington, D.C., or his designee.

(f) "Domestic marketing certificate" means a domestic wheat marketing certificate issued under the wheat marketing allocation program and required by the Processor Wheat Marketing Certificate Regulations (33 F.R. 14676 and any amendments thereto) to be purchased by persons engaged in the processing of wheat into food products.

(g) "Export" and "exportation" mean, except as hereinafter provided, a shipment of flour destined to a designated country, (1) from the United States, or Puerto Rico or (2) from an Eastern Canadian port if the flour had been moved from the United States and its identity had been preserved until shipped from Canada. The flour shall be deemed to have been exported on the date of the applicable on-board bill of lading and at the time provided in the ocean carrier's lay-time statement or acceptable similar document, or if shipment to the designated country is by truck or railcar, on the date and the time the shipment clears the U.S. Customs. If the flour is lost, destroyed, or damaged after loading on board an export carrier, exportation shall be deemed to have been made as of the date of the on-board bill of lading and at the time provided in the carrier's lay-time statement or acceptable similar documents, or the latest date and time appearing on the loading tally sheet or similar document if the loss, destruction, or damage occurs subsequent to loading aboard carrier but prior to issuance of the on-board bill of lading and lay-time statement: *Provided, however*, That if the "lost" or "damaged" flour remains in the United States (including Puerto Rico), it shall be considered as reentered flour. If flour exported from Canada is reentered into Canada and subsequently reexported, or an equivalent quantity of other flour is exported in replacement of such flour, the flour shall be considered as having been exported at the time of the reexportation and not at the time of the original exportation. Exportation by or to a U.S. Government agency shall not qualify as

an exportation under the provisions of this subpart.

(h) "Exporter" means a person who is engaged in the business of milling or buying and selling flour for export, maintains a bona fide business office for such purpose in the United States, and has an agent in such office upon whom service of process may be made.

(i) "Flour" means wheat flour processed in the United States or Puerto Rico from wheat as defined in the Official Grain Standards of the United States and produced in the United States (excluding Alaska and Hawaii), and shall include straight-grade wheat flour (including durum flour), whole wheat flour, graham flour, malted wheat flour, semolina, farina, bulgur, rolled wheat, cracked wheat, crushed wheat, ground wheat, prepared flour mixes, blended or fortified food products, wheat flour-soy food products and denatured flour. As used herein, (1) "bulgur" means the food product prepared from wheat by scouring, tempering, cooking (steaming under pressure), drying and removing the bran coat, (2) "rolled wheat" means the food product prepared from wheat, without material removal of the bran and germ, by pressing the wheat into flakes of reasonably uniform size, (3) "cracked wheat" means the food product prepared by cracking or cutting cleaned wheat into angular fragments, (4) "crushed and ground wheat" means the food product prepared by crushing or grinding cleaned wheat, (5) "prepared flour mixes" means the food product which consists of a blend of not less than 40 percent by weight of straight-grade wheat flour with components, (6) "blended or fortified food products" means the food product which consists of a blend of not less than 40 percent by weight of straight-grade wheat flour with components such as millrun middlings, vitamins and mineral supplements, (7) "wheat flour-soy food product" means the food product which consists of a blend of not less than 38 percent by weight of cooked straight-grade wheat flour or not less than 40 percent by weight of bulgur with components such as millrun middlings, soy flour, soybean oil, minerals and vitamins, (7) "denatured flour" means flour other than as described in items (5), (6), and (7) of this paragraph to which a denaturant, such as lamp black, ground walnut or pecan shell powder has been added, (8) "components" means any ingredients which are directly incorporated into the end product of flour as defined herein and in the case of prepared flour mixes, blended or fortified food products and wheat flour-soy food products, any ingredients other than straight-grade wheat flour, cooked straight-grade flour or bulgur, as applicable, (9) "straight-grade wheat flour" means flour derived from conventional milling practices generally accepted in the milling industry as representing a 72 percent type of extraction operation and shall not include any byproducts of the milling operation. The quantity of flour exported which is eligible for payment shall be determined (1) by deducting from the net weight of the flour exported, the weight of any component in excess of one-half of 1 percent of the combined net weight of the flour and components, and (2) in the case of prepared flour mixes, blended or fortified food products and wheat flour-soy food products and flour to which a denaturant has been added by deducting from the net weight of the flour exported, the entire weight of the components. The flour shall be flour which is not in conflict with the laws of the country to which it is intended for export.

(j) "General Sales Manager" means the General Sales Manager, Foreign Agricultural Service, or his designee.

(k) "Ocean carrier" means the vessel on which flour is exported under this program from the United States, Puerto Rico, or Canada, excluding any vessel on which flour is shipped between the United States, Puerto Rico, or Canada.

(l) "Person" means an individual, partnership, corporation, association or other legal entity.

(m) "Sales under Public Law 480" or "P. L. 480" means sales for foreign currencies or sales on credit pursuant to a purchase authorization and the regulations issued under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, 83d Congress), as amended.

(n) "United States", unless otherwise qualified, means all of the 50 States and the District of Columbia.

(o) "United States Government Agency" means any corporation, wholly owned by the Federal Government and any department, bureau, administration or other unit of the Federal Government excluding the Army and Air Force Exchange Service, Navy Exchange, and the Panama Canal Company. Sales of flour to foreign buyers, including foreign governments though financed with funds made available by a U.S. agency, such as the Agency for International Development or the Export-Import Bank, are not sales to a U.S. Government Agency, provided such flour is not for transfer to a U.S. Government Agency.

(p) "Vice President" means the Executive Vice President of the Commodity Credit Corporation who is the Administrator of the Agricultural Stabilization and Conservation Service, or his designee.

(q) "4:00 p.m. and 4:01 p.m." means 4 p.m. and 4:01 p.m. e.s.t., except that when Washington, D.C. is on daylight saving time, 4 p.m. and 4:01 p.m. means 4 p.m. and 4:01 p.m. d.s.t.

Export Payments on Flour

§ 1483.230 General.

(a) An exporter who wishes to receive an export payment under this subpart on an export of flour pursuant to a sale to a foreign buyer must file an offer to export consisting of a notice of sale as provided in § 1483.231 and, in addition to other applicable provisions of this subpart, must comply with the provisions of § 1483.230 to § 1483.239. If the sale is under Public Law 480, the notice of sale shall also constitute the exporter's request for approval of the price by the General Sales Manager for financing under the regulations issued pursuant to Public Law 480. An exporter who wishes to receive an export payment on an export of flour pursuant to a dollar sale for which he had received advice from the foreign buyer at or before the time of sale that the importing country expects to obtain financing from CCC under Public Law 480, shall be subject to the provisions of these regulations applicable to sales made under Public Law 480, except that the approval of the price by the General Sales Manager will not be a condition precedent to the issuance of a notice of registration of such a sale.

(b) A notice of sale may be filed only with respect to a bona fide sales transaction with the foreign buyer named in the notice of sale. The foreign buyer may be an affiliate of the U.S. exporter in which case the sale must be a bona fide sales transaction in which the affiliate is acting in its own behalf as an independent buyer and not on behalf of the exporter. The foreign sale shall not be a "wash sale" or any other type of intercompany transaction which does not result in an actual exportation and payment against the specific sale on which the export payment rate was based.

(d) A notice of sale may be filed representing a sale to a foreign buyer for export to any designated country whether or not such buyer is located in the designated country. A notice of sale may also be filed representing a sale by an exporter to a foreign buyer who simultaneously resells to another foreign buyer. In such case the second foreign buyer may be the buyer named in the notice of sale.

§ 1483.231 Notice of sale.

(a) The exporter shall file the notice of sale with the office specified in § 1483.285 on the date of the sale or as soon as possible thereafter. The notice of sale should normally be filed in writing, such as by telegram, telex, or teletypewriter although telephone may be used. Telephoned notices must be confirmed immediately in writing, such as by letter, telegram, telex, or teletypewriter.

(b) In order for the exporter to be assured of the current payment rate, the notice of sale must be filed or the telephone call made not later than 4 p.m. of the expiration date for such rate as shown in the rate announcement.

(c) The time of filing the notice of sale will be considered to be as follows:

(1) In case of a telephonic notice, the time transmission of the telephonic message to the Contracting Officer, CCC, begins.

(2) In case the notice of sale is filed by telegram, the time the message is accepted by the dispatching telegraph office. CCC will accept as the time of filing, the time which appears on the telegram.

(3) In case the notice of sale is filed by telex or teletypewriter, the time transmission of the message to CCC begins.

(4) If the notice of sale is otherwise filed in writing, the time the notice of

sale is received by the office specified in § 1483.285.

(d) If the time of filing the notice of sale cannot be established and two payment rates are in effect on the day of filing, the time of filing the notice of sale will be deemed to be the time the lower of the two payment rates was in effect.

(e) If the sale is under Public Law 480 and the price of flour is disapproved by the General Sales Manager, or the Notice of Sale is otherwise unacceptable, the exporter will be so notified by telegraph and the notice of sale will not be registered. If the price of the flour is disapproved, the exporter shall have 5 calendar days following the date of the notice of sale within which to submit a new price which is acceptable to the General Sales Manager. During such five pay period, CCC will not recognize, for the purpose of this subpart and for financing under Public Law 480, any new sale between the same exporter and foreign buyer in substitution of the original transaction. If an acceptable price is not submitted within such 5-day period, the original Notice of Sale, any subsequent notification of price adjustments made within such period and the related contract between the exporter and the foreign buyer shall, for the purpose of this subpart and for financing under Public Law 480, be considered null and void. Any subsequent negotiations after expiration of such 5-day period which result in a contract between the same exporter and foreign buyer shall be considered as a new sale for the purpose of this subpart and for financing under Public Law 480 and shall be subject to the exporter's filing a new notice of sale and submission of new evidence of sale.

(f) (1) The Notice of sale must contain the following:

(i) Date of sale.

(ii) Name of buyer or buyers. (Where the sale involves more than one buyer the notice of sale may contain the name of one buyer and the word "others". Brokers or agents of either the seller or foreign buyer shall not be named as the buyer.)

(iii) Designated country.

(iv) Contract quantity expressed in net hundredweight (exclude the weight of the bags or containers and the weight of any component in excess of one-half of 1 percent of the combined weight of the flour and components; or in the case of a prepared flour mix, blended or fortified food product, wheat flour-soy food product and denatured flour, exclude the entire amount of components and denaturant).

(v) If the sale is to a foreign government, the contract loading tolerance, if any, expressed in percentage but not in excess of 5 percent more or less.

(vi) Delivery period specified in the contract.

(vii) If the sale is made on an f.a.s. or f.o.b. price basis the coast or coasts of export provided for in the contract with the foreign buyer; if the sale is made on a c. & f. or c.i.f. price basis, the coast or coasts of export from which it is anticipated exportation will be made.

(viii) The sales price need not be shown. However, in the case of a sale of flour to any country or territory which is a member of the Wheat Trade Convention of the International Grains Arrangement, during the period such arrangement is in force, the notice of sale should indicate that the buyer and seller agree that the price of the flour is consistent with the prices for wheat specified in or determined under the arrangement. This agreement may be indicated by the code word "AKORD".

(ix) If the sale involves the exportation of flour milled from private stocks of wheat pursuant to a CCC barter transaction or the CCC Export Credit Sales Program or if the sale is made subject to payment with funds authorized by the Agency for International Development, the CCC barter contract number, the CCC financing approval number or the AID approval number, whichever is applicable. If such number is not available, the exporter must specify the type of transaction pursuant to which the exportation is to be made and that the number will be furnished when available.

(x) Such additional information in individual cases as may be requested by CCC.

(2) For sales made under Public Law 480, the exporter shall furnish the following additional information.

(i) Public Law 480 purchase authorization number, or in the case of export as described in § 1483.230(a), the letter of conditional reimbursement number (LCR No.).

(ii) Sales contract or order number if any.

(iii) Time of sale.

(iv) Complete description of flour including the brand name, if any, minimum protein, maximum ash basis 14 percent moisture, class of wheat from which milled and extraction rate. If the flour was milled from more than one class of wheat, so indicate by including the word "Blend" and furnish the predominant class of wheat in the blend.

(v) Sale price per net hundredweight not including the weight of any bags or other containers, but including in the price any commission and other charges necessary to the sale.

(vi) Delivery terms (f.o.b., f.a.s., c. & f. etc.).

(vii) Port or ports of export and any options to be exercised by exporter or foreign buyer. (This information is to be furnished instead of the information required by subparagraph (1)(vii) of this paragraph.)

(viii) Complete packaging description and material specification.

(ix) Name and address of sales agent, if any.

(x) Import license number when required by the applicable purchase authorization or letter of conditional reimbursement.

§ 1483.232 Notice of registration.

(a) Upon receiving a notice of sale complying with the applicable provisions of this subpart and in the case of sales under Public Law 480, if the price of the flour is approved by the General Sales Manager, CCC will register the sale and will issue a notice of registration by telegraph unless it is determined that to do so would not be in the best interest of the program. Such registration shall create a contract between the exporter and CCC. The contract resulting from such registration shall consist of the exporter's notice of sale, CCC's notice of registration, the applicable terms and conditions of this subpart, including any amendments hereto and supplemental announcements hereunder, which are in effect at the time of filing the Notice of Sale.

(b) In the telegram of registration CCC may utilize the code letters "REP" to signify "Registered as Eligible for Payment" and if the sale is under Public Law 480, CCC also may utilize the code letters "PAF–480" to signify that the price of the flour has been approved by the General Sales Manager for financing under the regulations issued pursuant to Public Law 480. The notice of registration will include a registration number which shall be shown on Form CCC–362, "Declaration of Sale", on Form CCC–413, "Application for Flour Export Payment" and in all correspondence with CCC in reference to the transaction.

(c) An exporter shall notify the Director promptly in every case where he is unable to fulfill his obligations under his contract with CCC because of failure to export, the reentry in any form or product into the United States, Puerto Rico, or Canada of flour previously exported by him or his failure to discharge fully any other obligation assumed by him under this subpart.

§ 1483.233 Determination of export payment rates.

The export payment rate applicable to the sale shall be the rate in effect at the time of sale to the foreign buyer as determined under § 1483.234 or the time of filing notice of sale with CCC as determined under § 1483.231(c), whichever rate is the lower, for the export period which covers the delivery period under the exporter's sale to the foreign buyer.

§ 1483.234 Determination of time of sale.

A sale shall not be considered as made until the purchase price has been established, and time of sale shall be the earliest time the exporter has knowledge that a firm contract exists with the foreign buyer under which a firm dollar and cent price has been established. The supporting evidence of sale submitted by the exporter in the form prescribed in § 1483.235 will be the basis for determining the time of sale. For the purpose of this subpart, some of the factors which are determinative of time of sale, are as follows:

(a) Time of the exporter's filing a cablegram or mailing of a written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Time of receipt by the exporter of a cablegram or other written acceptance from the foreign buyer of a definite offer by the exporter to sell or the time of receipt by the exporter of a cablegram or other written notification from his agent

that the foreign buyer has accepted a definite offer by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or time of mailing of a written confirmation by the exporter of the booking of a shipment or shipments to be made pursuant to a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter has the right under the terms of the standing order to create a firm contract of sale by issuing a confirmation.

For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller; otherwise, it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(d) Time of a telephone conversation during which the buyer and the exporter agreed verbally to the terms of a contract to purchase and sell. The documents to substantiate the telephone conversation or the contract confirming the verbal agreement signed by both the exporter and foreign buyer must show the time at which the exporter and foreign buyer verbally agreed to the terms of the contract.

(e) Any contract provisions which entail provisional or basic or maximum or minimum prices to be adjusted at a future date may affect the time of sale for purposes of this subpart.

(f) If the contract would be firm but for the fact that it is conditioned upon receipt of advice of the approval by CCC for financing under Public Law 480, such condition shall be disregarded for the purpose of determining the time of sale. On any sale where the price of the flour originally reported by the exporter is disapproved by the General Sales Manager, the exporter shall have 5 calendar days following the date of the notice of sale within which to submit a new price which is acceptable to the General Sales Manager. If within this period an acceptable price is submitted, the time of sale will be regarded as the time of the original sale and the export payment applicable to the flour exported under this subpart will be the rate in effect at time of original sale or the time of giving the original notice of sale, whichever rate is the lower.

(g) If export is by ocean carrier and time of sale cannot be determined under other provisions of this section, or by any other means, the sale will be deemed to have been made at the time of export as defined in § 1483.207(g). If export is by truck or rail and the time of sale cannot be determined on the basis of the factors set forth in this section or by any other means, the sale will be deemed to have been made at the time of clearance through U.S. Customs.

(h) If the time of day at which the sale was made is not established and two payment rates are in effect on the date of sale, the time of sale will be deemed to occur at the time the lower of the two rates was in effect.

(i) If a sale is made through an intermediary, for purposes of determination of the applicable export payment rate, no substantially greater lapse of time for concluding the sales transaction may be recognized than would have elapsed had the exporter been dealing directly with the foreign buyer.

(j) If the applicable purchase authorization provides that the sale is not eligible for Public Law 480 financing until the purchaser has obtained an import license, the sale shall not be considered made until, in addition to other factors specified in this section, the exporter has received the import license number applicable to the flour.

(k) In any unusual cases involving factors other than those described above, an exporter should make a written request for a determination in writing from the office specified in § 1483.285 in advance of making the sale as to the effect of such factors on the time of sale.

§ 1483.235 Declaration of sale and evidence of sale.

(a) *Place and time of submission and required copies.* (1) The exporter shall prepare Form CCC–362, "Declaration of Sale", and should mail or deliver it to the office specified in § 1483.285 as soon as possible after receiving the notice of registration from CCC. Supplies of Form CCC–362 may be obtained from the Kansas City ASCS Commodity Office.

(2) If the sale is not under Public Law 480, the exporter must furnish an original and two copies of Form CCC–362. The original must be signed in an original signature by the exporter or his authorized representative. One copy of Form CCC–362 will be returned to the exporter signed by a Contracting Officer, CCC, confirming approval of the sale under this subpart for an export payment.

(3) If the sale is under Public Law 480, the exporter must furnish an original and five copies of Form CCC–362. The original must be signed in an original signature by the exporter or his authorized representative. Two copies of Form CCC–362 will be returned to the exporter signed by a Contracting Officer, CCC, confirming approval of the sale under this subpart for an export payment and countersigned by the General Sales Manager, or his designee, confirming approval of the sale for financing under the regulations issued pursuant to Public Law 480.

(4) If more than one set of Form CCC–362 is furnished for a sale, the letters A, B, C, etc. shall be added to the registration numbers on the respective Form CCC–362.

(b) *Information required.* (1) Enter on Form CCC–362 the following:

(i) Registration number.

(ii) Exporter's contract or order number, if any.

(iii) Date and time of filing Notice of Sale.

(iv) Date and time of sale.

(v) Name and address of buyer or buyers. (Brokers or agents of either the seller or buyer shall not be named as a buyer.)

(vi) Designated country.

(vii) Contract quantity, expressed in net hundredweight (exclude the weight of the bags or containers and the weight of any component in excess of one-half of 1 percent of the combined weight of the flour and components or in the case of a prepared flour mix, blended or fortified food product, wheat flour-soy food product and denatured flour, exclude the entire amount of components and denaturant).

(viii) If the sale is to a foreign government, the contract loading tolerance, if any, expressed in percentage but not in excess of 5 percent more or less.

(ix) Class of wheat from which the flour was milled, type of extraction operation, and the approximate ash content. For example: "Hard Red Spring—72% extraction—0.48 ash". In addition, for flour milled from more than one class of wheat show the most predominant class of wheat contained in the blend. For example: "Blend Hard Red Winter—72% extraction—0.48 ash".

(x) Sales price per net hundredweight and delivery terms (indicate delivery terms as f.o.b., f.a.h., c. & f., etc.

(xi) Delivery period specified in the contract.

(xii) If the sale is made on a f.a.s. or f.o.b. price basis, the coast or coasts of export provided for in the contract with the foreign buyer; if the sale is made on a c. & f. or c.i.f. price basis, the coast or coasts of export from which it is anticipated exportation will be made.

(xiii) Export payment rate per hundredweight as determined under these regulations.

(xiv) If the sale involves the exportation of flour milled from private stocks of wheat pursuant to a CCC barter transaction or the CCC Export Credit Sales Program or if the sale is made subject to payment with funds authorized by the Agency for International Development, the CCC barter contract number, the CCC financing approval number or the AID approval number, whichever is applicable.

(xv) Such additional information in individual cases as may be requested by CCC.

(2) For sales pursuant to Public Law 480, the exporter shall show the following additional information in the appropriate spaces on Form CCC–362.

(i) Public Law 480 purchase authorization number, or in the case of an export as described in § 1483.230(a) the letter of conditional reimbursement number.

(ii) Contract loading tolerance, if any, expressed in percentage, but not in excess of 5 percent more or less.

(iii) Complete description of flour, including brand name, if any, minimum protein, maximum ash basis 14 percent moisture, class of wheat from which milled and extraction rate. If the flour was milled from a blend of wheat to indicate by showing the word "blend" and furnish the predominant class of wheat in the blend. (This information is to be furnished in lieu of the information required by subparagraph (1)(ix) of this paragraph.)

(iv) Sales price per net hundredweight not including the weight of any bags or other containers, but including in the price any commission and other

charges necessary to the sale. (This information is to be furnished in lieu of the information required by subparagraph (1)(x) of this paragraph.)

(v) Delivery terms (f.o.b., f.a.s., c. & f., etc.).

(vi) Port or ports of export and any options to be exercised by the exporter or the foreign buyer. (This information is to be furnished in lieu of the information required by subparagraph (1)(xii) of this paragraph.)

(vii) Name and address of sales agent, if any.

(viii) Import license number when required by the applicable purchase authorization or letter of conditional reimbursement.

(ix) Complete packaging description and packaging material specifications.

(c) *Name in which filed.* Form CCC–362 must be filed in the name of the exporter who sold the flour to the foreign buyer. If the sale is made under a trade name Form CCC–362 may be filed under the trade name provided the name of the actual exporter and the relationship of the actual exporter to the trade name is clearly established on Form CCC–362 and all related documents, such as:

American Milling Co. (Trade Name), U.S. Milling Co., /s/ John Smith, Secretary.

(d) *Evidence of sale.* (1) Supporting evidence of sale, in one copy only, must be filed with Form CCC–362. Such evidence may be in the form of a certified true copy of the signed contract between exporter and buyer or certified true copies of an offer and the acceptance of such offer or other documentary evidence of sale.

(2) For transactions involving an intermediate party, the evidence required shall consist of certified true copies of all documents evidencing the sales which are exchanged between the exporter, the intermediate party and the buyer shown on Form CCC–362, provided such evidence includes all information required under paragraph (b) of this section and any additional documentation specifically requested by CCC.

(3) For all transactions the supporting evidence of sale shall include, in addition to the documents specified in subparagraphs (1) and (2) any subsequent amendment to the contract between the exporter and foreign buyer. One copy of each amendment shall be submitted to CCC as soon as it is made.

§ 1483.236 Flour exported prior to sale.

(a) An exporter must comply with the requirements of this section if he wishes to qualify for an export payment on flour which has been exported prior to sale. Such exporter must, in addition to the other requirements of this subpart, (1) comply with the requirements of paragraph (b) of this section, and (2) file a notice of sale pursuant to § 1483.231 within the export period in which the exportation occurred unless an extension in time to submit the notice of sale is approved in writing by CCC for good cause shown by the exporter. The exporter must state in the notice of sale that the flour covered by such notice has been exported and must include the time and date of export.

(b) Unless otherwise approved in writing by CCC only flour which is loaded on an export carrier which also carries other flour exported by the same exporter shall be eligible for an export payment under this section. In the case of full cargo shipments by the exporter, the unsold portion of the flour shall not exceed one-third of the total cargo. In the case of part cargo lots, the unsold portion shall not exceed 2,000 metric tons. The exporter should obtain separate bills of lading for both the quantity of flour exported prior to sale and the balance of the flour loaded by him.

(c) The export payment rate applicable to flour exported prior to sale shall be the export payment rate in effect at the time of export, time of sale or time of filing the notice of sale, whichever rate is the lowest, for the then current export rate period which applies to the coast of export from which the flour was exported. If the time of day of export is not established and two payment rates are in effect on such day, the time of export will be deemed to have occurred at the time the lower of the two rates was in effect.

§ 1483.237 Loading tolerance.

A loading tolerance of not to exceed 2 percent more or less shall apply to the contract quantity given in the notice of sale except that for sales to foreign Governments a loading tolerance of not to exceed 5 percent more or less may be given in the notice of sale, provided such tolerance is specified in the sale between the exporter and foreign buyer, or if no loading tolerance is specified in the sale, a loading tolerance of 2 percent more or less shall be applicable. Payment shall not be made on any quantity exported which is in excess of the contract quantity as shown on Form CCC–362, "Declaration of Sale" plus the applicable loading tolerance as provided herein, unless (a) a new notice of sale is filed for such excess quantity meeting the requirements of § 1483.231, (b) a new notice of registration is issued in connection therewith, and (c) the exporter furnishes such other documents as may be required by CCC for such exports. If the contract quantity shown in Form CCC–362 less the applicable loading tolerance, as provided herein, is not exported, the exporter shall be subject to the provisions of § 1483.239 for failure to export in accordance with his contract with CCC.

§ 1483.238 Contract amendments.

(a) (1) Except as provided in this paragraph, exportation of flour as to which a notice of registration has been issued under § 1483.232 shall be made only to the designated country and buyer named in Form CCC–362, "Declaration of Sale" and the exporter shall not export, transship or cause the flour to be transshipped to any other country.

(2) Exportation to a designated country other than the country named in Form CCC–362 may be made provided (i) the exporter furnishes a certification to CCC that such exportation was requested by the buyer shown in Form CCC–362, that such exportation constitutes delivery against the exporter's sale to the foreign buyer on which the Notice of Registration was issued and is not in connection with a different sale, and that the exporter knows of no circumstances with respect to such exportation which would impair the integrity of such sale and (ii) the exporter obtains the written approval of CCC to export the flour to a designated country other than that shown in Form CCC–362.

(3) Exportation may be made to a consignee or notify party other than the buyer shown in Form CCC–362 provided the exporter furnishes the certification as provided in subparagraph (2) of this paragraph and obtains written approval of CCC.

(b) The provisions of the exporter's sale to the foreign buyer may be amended if approval in writing is obtained from CCC subject to any decrease in the export payment rate as may be determined by CCC: *Provided, however,* That a change in the export period shall be subject to the provisions of § 1483.239. Any amendment to a sale under Public Law 480 for which a notice of registration has been issued shall subject the terms of the original sale and the amendment to reexamination by the General Sales Manager for the purpose of financing under Public Law 480.

§ 1483.239 Exportation requirements.

(a) To be eligible for an export payment, the exporter shall export or cause exportation of flour, as to which a notice of registration under § 1483.232 was issued, to the designated country specified in § 1483.238, in accordance with his contract with CCC. An extension of the export period will be granted to the exporter to the extent he establishes to the satisfaction of CCC that he had taken the necessary action to enable him to export within the required period but exportation had been delayed due to causes solely without his fault or negligence and that no financial advantage has accrued or will accrue to the exporter as a result of the delay.

(b) The exporter shall promptly furnish to CCC evidence of export as described in § 1483.253.

(c) Except as provided in § 1483.237 the failure of the exporter to export in accordance with the provisions of his contract with CCC shall constitute a default of his obligations to CCC. Exportation to the designated country specified in § 1483.238 without transshipment through Canada (unless transshipment is via an Eastern Canadian port) is a condition precedent to any right to payment under this subpart. Exportation to other than such designated country, or transshipment through Canada (unless transshipment is via an Eastern Canadian port) shall not entitle the exporter to any payment under this subpart.

(d) If the flour is exported in a different export period than the export period which covers the delivery period specified in the notice of sale, or such extension as

granted under paragraph (a) of this section, the export payment shall be reduced at a rate of 2 cents per hundredweight per day on the net hundredweight of flour not exported timely, and beginning on the date when the exporter is no longer entitled to any payment under this provision, liquidated damages shall accrue at the rate of 2 cents per hundredweight for each day of delay on the net hundredweight of flour not exported timely: *Provided, however,* That such liquidated damages for delay in timely exportation shall not exceed 50 cents per hundredweight for each net hundredweight of flour not timely exported: *And provided further,* That any export payment due the exporter on the flour not timely exported shall not exceed the payment which would have been received had the exporter's offer been accepted for exportation in the period of actual exportation. An exportation which has not been made at the time there has accrued a total amount of liquidated damages of 50 cents per hundredweight shall be deemed not to have been made at all. If the exporter has failed to export the required quantity of flour, the exporter shall pay to CCC liquidated damages at the rate of 50 cents per hundredweight on the net hundredweight of flour not exported. In the case of a sale under Public Law 480, if the exporter has failed to export the required quantity of flour and if a replacement purchase is made from the United States by the importing country, the exporter shall pay to CCC on demand the actual damages to CCC resulting from such failure or if a replacement purchase is not made, the exporter shall pay liquidated damages at the rate of 50 cents per hundredweight on the net hundredweight of flour not exported. Notwithstanding the foregoing, damages for failure to export shall not apply to the extent the exporter establishes to the satisfaction of CCC that his failure to export was due to causes solely without his fault or negligence and that no financial advantage has accrued or will accrue to the exporter as a result of such failure. Damages for failure to export shall be in lieu of damages for late exportation. The failure of the exporter to export the required quantity of flour will cause serious and substantial losses to CCC, such as damages to CCC's export and price support programs, the incurrence of storage, administrative and other costs. Inasmuch as it will be difficult, if not impossible, to establish the exact amount of such losses, the exporter in submitting his notice of sale agrees that the liquidated damages provided for in this section for failure to comply with his contract with CCC are reasonable estimates of the probable actual damages which may be incurred by CCC in the event of such failure. The exporter further agrees that he will make payment to CCC of any damages due under this section promptly on demand.

(e) In addition to the foregoing paragraphs of this section, an exporter who fails to export in accordance with his contract with CCC for causes due to his fault or negligence may be suspended or debarred from participating in this program or in any other program of CCC for such period and subject to such terms and conditions as may be provided pursuant to the Suspension and Debarment Regulations of CCC (31 F.R. 4950, Mar. 25, 1966, and any amendments thereto).

(f) If any quantity of flour exported pursuant to the exporter's contract with CCC is reentered in any form or product into the United States (including Puerto Rico) whether or not such reentry is caused by the exporter, or if any quantity of flour exported is transshipped or caused to be transshipped in any form or product by the exporter to any country that is not a designated country, the exporter shall be in default, shall refund any payment made by CCC with respect to such quantity of flour and shall also pay to CCC with respect to any such flour which is reentered into the United States (including Puerto Rico) in any form or product, liquidated damages of 50 cents per hundredweight on such flour. If the flour exported is reentered in some other form or product, the exporter agrees that the flour equivalent of such reentered flour shall be determined on such basis as may be specified by CCC. To the extent the exporter establishes that the reentry was due to causes without his fault or negligence, he shall not be in default and shall not be liable for such liquidated damages but shall return to CCC any payment received with respect to such flour. If the reentered flour is subsequently reexported, it shall be eligible for export payment in accordance with the other provisions of these regulations or other regulations which may provide for an export payment on such exportation. To the extent the exporter establishes that such reentered flour was lost, damaged, or destroyed, the physical condition is such that the reentry into the United States will not impair CCC's price support program, and no person received or will receive any export payment with respect to any reexportation which may occur to the flour, in any form or product, the exporter shall not be in default, shall not be liable for such liquidated damages and shall not be required to return to CCC any payment received with respect to such flour.

Documents Required for Export Payments

§ 1483.251 Application for flour export payment.

An exporter who wishes to obtain an export payment under this subpart shall submit an original and two (2) copies of Form CCC–413, "Application for Flour Export Payment" together with the documentary evidence as provided in § 1483.253 to the Kansas City ASCS Commodity Office. The exporter should submit the documentation as soon as possible after exportation. Supplies of Form CCC–413 and detailed instructions regarding its preparation and submission may be obtained from the Kansas City ASCS Commodity Office.

§ 1483.252 Export payments.

(a) *Amount and manner of making payments.* All export payments made by CCC on any contract under this subpart shall be in cash. Upon receipt of Form CCC–413 and satisfactory documentary evidence, the Kansas City ASCS Commodity Office will determine the amount of payment due the exporter by multiplying the number of net hundredweight of flour exported in accordance with the exporter's contract with CCC by the applicable export payment rate.

(b) *Payee.* Except as provided in § 1483.283, the export payment will be made only to the exporter with whom CCC has a contract to make an export payment and who has complied with the provisions of this subpart.

§ 1483.253 Evidence of export.

With each Form CCC–413 the exporter must furnish the following documentary evidence which complies with the requirements of § 1483.202(c).[1]

(a) If export is by water or air, a nonnegotiable copy or photostat of the carrier bill of lading issued at point of export signed by an agent of the carrier. The bill of lading must show (1) the identification of the export carrier, (2) the date and place of issuance, (3) the weight of the flour, (4) the number of containers, (5) the weight of the containers (or a certification from the exporter as to the weight of the containers), (6) that the flour is destined for the designated country as provided in these regulations and (7) the purchase authorization number if export is pursuant to Public Law 480. If loss, damage or destruction of the flour occurs subsequent to loading aboard the export carrier, but prior to issuance of a bill of lading, a copy of a loading tally sheet or acceptable similar document may be substituted for the bill of lading. If the country of destination shown on the bill of lading differs from that in the exporter's contract with CCC, there must be furnished a copy of the Shipper's Export Declaration, authenticated by the appropriate U.S. Customs Official, showing that the country of destination is the country to which the flour is required to be exported or, if export is made from an Eastern Canadian port, a copy of a document, in lieu of the Shipper's Export Declaration, authenticated by an appropriate Canadian Customs Official showing the country of destination is the country to which the flour is required to be exported.

(b) If export is by rail or truck, a copy of the Shipper's Export Declaration, authenticated by an appropriate U.S. Customs Official which identifies the shipment(s), date of clearance into the foreign country and the weight of the flour. If the weight of the flour shown on the Shipper's Export Declaration in-

[1] Exportation must also conform to the requirements in the regulations and Purchase Authorizations issued under Public Law 480 (83d Congress), as amended, in order to be eligible for Public Law 480 financing.

cludes the weight of the containers, a certification by the exporter giving the weight of the containers.

(c) A certification signed by the exporter, or if the exporter did not mill the flour, a certification by the miller of the flour stating (1) the class of wheat from which the flour was milled, (2) the extraction rate of the flour, (3) the maximum ash content of the flour, (4) that the flour was the product of a conventional U.S. milling process which would normally produce flour at the extraction rate shown, (5) that the flour was milled in the United States or Puerto Rico from wheat produced in the United States (excluding Alaska and Hawaii), (6) the address of the mill in which the flour was produced, (7) if exportation is of a flour mix, blended or fortified food product or wheat flour-soy product, the percentage of flour, by weight, contained in the mix or product and the size of the unit container in which the mix or product is packed and (8) if domestic marketing certificates have been or will be acquired to cover the wheat used in processing the flour and the marketing year in which the wheat was processed.

(d) (1) A certification of the weight of any component added to the flour in excess of one-half of 1 percent of the combined net weight of the flour and component; (2) or in the case of prepared flour mixes, blended or fortified food products, wheat flour-soy food products and flour to which a denaturant has been added a certification of the weight of the entire amount of components and denaturant.

(e) If export is from an Eastern Canadian port:

(1) A signed or certified true copy of the bill of lading or other document covering the movement of the flour from the United States to the export carrier described in the on-board bill of lading issued at the point of export in Canada; and (2) a signed or certified true copy of a document evidencing the preservation of the identity of the flour until exported from Canada.

(f) If export is made by vessel, plane, truck, or other carrier operated by a U.S. Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in paragraphs (a) and (b) of this section, a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of export carrier, description of the flour, weight of the flour, weight and number of containers (or a certification from the exporter as to the weight of the containers), and destination. In addition, there shall be supplied a certification by the exporter that exportation is not by or to a U.S. Government agency (unless it is the A&AF Exchange Service, Navy Exchange or the Panama Canal Company), and such other information required in paragraph (a) of this section as may be applicable.

(g) If export of the flour has been made by anyone or transshipment made or caused by anyone to one or more of the countries or areas to which a validated license is required by the Bureau of International Commerce, U.S. Department of Commerce, the bill of lading or other evidence required by CCC shall identify, by number, the license issued by the Bureau of International Commerce, U.S. Department of Commerce.

(h) If a single bill of lading or other evidence of export covers more than the net quantity of flour which is applied against the exporter's contract with CCC, and the excess quantity covered by the evidence is to be used as evidence of export in connection with a different contract with CCC under this subpart or under any other export program of CCC under which CCC has paid or agreed to pay an export allowance or sold wheat at competitive world prices, each copy of the evidence of export shall be accompanied by a certification identifying all contracts with CCC to which the evidence of export has been or will be applied and the quantity to be applied to each contract.

(i) (1) If export is to the Army and Air Force Exchange Service and Navy Exchanges, a certificate of exportation. If export is to the Army and Air Force Exchange Service, the certificate shall be signed by the Chief or Assistant Chief, Transportation Division, AAFES. The certificate for exports to Navy Exchanges is obtainable from the U.S. Navy Ship's Store Office, Third Avenue and 29th Street, Brooklyn, N.Y., and must be signed, as appropriate, by one of the following authorized officials:

(i) Director, Water Freight Division, U.S. Naval Supply Center, Oakland, Calif.

(ii) Director, Traffic Branch Division, U.S. Naval Supply Center, Bayonne, N.J.

(iii) Director, Land-Air Freight Division, U.S. Naval Supply Center, Norfolk, Va.

(2) A certified statement from the exporter that the flour for which export payment is claimed is the same flour described in the exporter's contract with CCC.

(j) If export is to the Army and Air Force Exchange Service, Navy Exchanges or the Panama Canal Company, a certified statement by an authorized official or employee of such Service, Exchange or Company, that such Service, Exchange or Company has received in its purchase price paid or to be paid for the flour exported, the benefit of the export allowance under this subpart.

(k) If the shipper or consignor named in the evidence of export is other than the exporter, a waiver by such shipper or consignor in favor of the exporter of any interest in the application for payment. Such waiver must clearly identify the document submitted as evidence of export.

(l) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Director that the exporter has fully complied with his obligations under his contract with CCC.

(m) Such additional evidence of export as may be required by CCC.

CCC Sales of Wheat for Export in the Form of Flour

§ 1483.270 Submission of offers.

The following provisions of this subpart contain the terms and conditions under which CCC makes wheat available for export in the form of flour at market prices (without an export allowance) as determined by CCC. An exportation of flour in fulfillment of a contract for the purchase of such wheat may qualify for an export payment if it complies with the other applicable provisions of this subpart. An offer to purchase CCC wheat for export in the form of flour under this subpart may be submited in writing such as by letter, or telegram, or orally to the office shown in the CCC monthly sales announcement from which the exporter desires delivery. The offeror must specify the class, grade, quality, and quantity desired, and the desired point of delivery. CCC reserves the right to determine the classes, grades, qualities, and quantities and point of delivery for which offers will be considered, and to reject any offer in whole or in part.

§ 1483.271 Creation of contracts.

Preliminary negotiations for purchase of wheat under this subpart shall be confirmed by written confirmation of sale which shall be issued by the ASCS Commodity Office in duplicate. One copy shall be signed and returned by the exporter whose offer to purchase wheat is accepted by CCC. Such exporter is hereinafter called "the purchaser." The confirmation of sale, together with the terms and conditions of this subpart and any amendments in effect on the date of sale, shall constitute the sales contract. Any provision of prior negotiations not contained in the confirmation of sale shall be of no effect. The term "date of sale", as used in § 1483.270 to § 1483.279, inclusive, shall mean the date that the parties concluded their preliminary negotiations, and such date will be specified in the confirmation of sale.

§ 1483.272 Price.

The contract price of the wheat shall be the market price as determined by CCC (without an export allowance) at the time the parties completed their preliminary negotiations on the sale, for the class, grade, quality (including protein) and point of delivery of the wheat. Such price shall be specified in the confirmation of sale.

§ 1483.273 Payment terms and financial arrangements.

(a) The amount due CCC for wheat purchased hereunder shall be paid by the purchaser to the ASCS Commodity Office in one (or a combination) of the following ways:

(1) By payment in cash, certified check, or cashier's check.

(2) By requesting CCC to draw a sight draft through a named bank with warehouse receipts attached.

(3) By requesting that CCC surrender the warehouse receipts to him in a simultaneous exchange for an acceptable remittance delivered at the ASCS Commodity Office.

(b) Payment for the wheat shall be made (1) prior to delivery of the wheat by CCC on purchases which provide for delivery within 5 days following the date of the sale, and (2) on all other purchases, not less than 5 days prior to delivery of the wheat by CCC, but in no event later than 30 days following the date of sale, unless CCC consents in writing to a different period. If the purchaser fails to make such payment within such period, CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 1483.274 **Delivery.**

(a) The method, time, and place of delivery of the wheat by CCC will be as specified in the confirmation of sale.

(b) If the wheat is to be delivered instore, delivery shall be accomplished by delivery to the purchaser of endorsed warehouse receipts, or other evidence of title. Delivery may be made by posting warehouse receipts in the mail. In the case of instore delivery, the terms of continued storage thereafter shall be for determination between the purchaser and warehouseman.

(c) If the wheat is to be delivered other than instore, the details thereof shall be specified in the confirmation of sale.

(d) Title and risk of loss and damage shall pass to the purchaser upon delivery. All charges thereafter accruing, including warehouse and loading-out charges, in the case of instore delivery, shall be for the account of the purchaser: *Provided*, That if delivery is not made within 30 days after the date of sale, the purchaser shall pay CCC for warehouse charges on the wheat not delivered, at the rate specified in the confirmation of sale for the period beginning on the 31st day to and including the date of delivery or, if the purchaser fails to take delivery, to and including the final date for delivery specified in the confirmation of sale or any written extension thereof: *Provided further*, That the purchaser shall not be responsible for such charges accruing after such 30-day period as a result of delay on the part of CCC in making delivery which is not attributable to the fault or negligence of the purchaser.

(e) If on deliveries other than instore the purchaser fails to take delivery of the wheat within the delivery period specified in the confirmation of sale, or any written extension thereof, CCC may at its option deliver the wheat instore in a warehouse of its choice by delivery of endorsed warehouse receipts, or CCC shall have the right to deem the purchaser in default and the purchaser shall be liable to CCC for any loss or damage resulting from such default.

§ 1483.275 **Specifications.**

(a) If the wheat is to be delivered instore, CCC shall deliver warehouse receipts, or other evidence of title, representing the kind of wheat and the quantity, class, grade, and quality stated in the confirmation of sale, and CCC shall have no responsibility in the event of failure of the warehouseman to deliver in accordance with the warehouse receipts or other evidence of title.

(b) If the wheat is to be delivered other than instore, the kind of wheat and the quantity, class, grade and quality delivered shall be that stated in the confirmation of sale. Determinations as to the class, grade, and quality of the wheat delivered shall be made on the basis of official inspection at point of delivery unless otherwise specified in the confirmation of sale. The method of determining the quantity delivered shall be as stated in the confirmation of sale. If the wheat delivered is within the quality tolerance, if any, specified in the confirmation of sale, such delivery shall be accepted by the purchaser. If the wheat is not within the quality tolerance, if any, specified in the confirmation of sale, the wheat may be rejected by the purchaser at the time of delivery or accepted subject to an adjustment in price for grade and quality differences in accordance with current market premiums and discounts, as determined by CCC. In case of rejection, CCC shall, upon request of the purchaser, replace such rejected quantity. The purchaser may reject any overdeliveries in quantity. Overdeliveries in quantity accepted by the purchaser shall be paid for at the contract price unless a different price has been agreed to between CCC and the purchaser. In the case of underdeliveries, the value of the underdelivery shall be refunded to the purchaser in cash. In the case of overdeliveries, the purchaser shall pay cash to CCC. If the value of wheat delivered exceeds the payment in cash by $3 or less, no adjustment will be necessary. If the payment exceeds the value of wheat delivered by $3 or less, a payment will not be made by CCC unless requested by the purchaser.

§ 1483.276 **Export requirements.**

(a) The purchaser shall, on or after the date of sale and not later than 90 days after delivery by CCC of the wheat to him, or within such extension of that period as may for good cause be approved by the Director, ASCS Commodity Office, in writing pursuant to § 1483.278(c), cause exportation to a designated country of the flour equivalent of the wheat delivered by CCC. The flour exported shall not be reentered by anyone in any form or product into the United States, including Puerto Rico, nor shall the pufchaser cause the flour exported to be transshipped in any form or product to any country excluded by § 1483.207(d).

(b) The purchaser shall, within 30 days after exportation, furnish to the ASCS Commodity Office evidence of such exportation as required in § 1483.277. The failure of the purchaser to furnish to the ASCS Commodity Office evidence of exportation as required in § 1483.277 not later than 30 days after the final date required for exportation of the flour shall constitute prima facie evidence of failure to export. Documents supporting a Form CCC–413, "Application for Flour Export Payment" on the flour exported will be accepted as evidence of export required on wheat purchased from CCC if they satisfy the provisions of § 1483.277 and if the Form CCC–413 is accompanied by a letter in duplicate specifying the documents which are submitted as evidence of export and the CCC sales contract number to which they relate.

(c) The flour exported must have been milled in the United States or Puerto Rico from wheat produced in the United States (excluding Hawaii and Alaska). The flour exported shall be milled under a conventional milling practice that is generally accepted in the milling industry in the United States as representing a 72 percent type of extraction operation and such extraction rate shall be the rate as to which the purchaser must certify in § 1483.277(c), unless specific arrangements have been made with CCC for the export of flour produced under a different type of extraction operation and such extraction rate has been specified in the confirmation of sale. The wheat equivalent of each type of flour shown in Column A shall be the number of bushels of wheat prescribed as the conversion factor for such type of flour in Column B. The exporter shall export 100 pounds of flour for each unit of wheat equivalent shown in Column B.

(A) *Type of flour*	(B) *Bushels of wheat equivalent per 100 pounds of flour (conversion factor)*
Wheat flour (including clears and excluding malted wheat flour) derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent type of extraction operation	2.218
Semolina and farina	2.218
Malted wheat flour	2.075
Bulgur (87 percent type of extraction operation)	1.838
Wheat flour, derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 90 percent type of extraction operation	1.851
Whole wheat flour, graham flour and cracked, crushed and ground wheat	1.700
Rolled wheat (92.8 percent type of extraction operation)	1.796

If flour of an extraction rate other than those for which conversion factors are specified in column B above is to be exported under the contract, the quantity of flour that must be exported shall be as stated in the confirmation of sale and shall equal at least that quantity of flour which could be produced from the quantity of wheat acquired from CCC when milled at the extraction rate stated in the confirmation of sale. It is not required that the flour exported be milled from the identical wheat delivered by CCC or from wheat of the same class and grade. The flour must have been milled in a mill located in the same wheat market area, as determined by CCC, as the area in which the wheat acquired hereunder was delivered by CCC, unless

the confirmation of sale specifies that the flour may be milled in a different area.

(d) Exportation by or to a U.S. Government agency (unless exportation is by or to the Army and Air Force Exchange Service, Navy Exchanges, or the Panama Canal Company) shall not qualify as an exportation under the provisions of this subpart.

(e) The flour shall not be exported by anyone or transshipped by the purchaser or caused to be transshipped by the purchaser to one or more countries or areas to which a license is required by the Bureau of International Commerce, U.S. Department of Commerce, unless a license for such shipment or transshipment thereto has been obtained from such Bureau.

§ 1483.277 Evidence of export.

Evidence of export submitted by the purchaser shall consist of the following documentation, as applicable: [1]

(a) If export is by water or air, a nonnegotiable copy or photostat of the carrier bill of lading issued at point of export signed by an agent of the carrier. The bill of lading must show (1) identification of the export carrier, (2) the date and place of issuance, (3) the weight of the flour, (4) the number of containers, (5) the weight of the containers (or a certification from the exporter as to the weight of the containers), (6) the designated country to which the flour was shipped and (7) the CCC sales contract number. If loss, damage or destruction of the flour occurs subsequent to loading aboard the export carrier, but prior to issuance of a bill of lading, a copy of a loading tally sheet or acceptable similar document may be substituted for the bill of lading.

(b) If export is by rail or truck, an unauthenticated copy of Shipper's Export Declaration (or photostat of an unauthenticated copy) which identifies the shipment(s), date of clearance into the foreign country, weight of the flour and the CCC sales contract number. If the weight of the flour shown on the Shipper's Export Declaration includes the weight of the containers, a certification by the exporter shall be provided giving the weight of the containers. The unauthenticated copy, or photostat copy, shall bear the following statement certified by the purchaser:

"The authenticated copy of this Shipper's Export Declaration was forwarded to the Kansas City ASCS Commodity Office with Form CCC–413, "Application for Flour Export Payment" under Registration No. _____.

(c) A certification signed by the purchaser, or if the purchaser did not mill the flour, a certification by the miller of the flour stating (1) the class of wheat from which the flour was milled, (2) the extraction rate of the flour exported, (3) the maximum ash content of the flour, (4) that the flour was the product of a conventional U.S. milling process which would normally produce flour at the extraction rate shown, (5) that the flour exported was milled in the United States or Puerto Rico from wheat produced in the United States (excluding Alaska and Hawaii), (6) the address of the mill in which the flour was produced and (7) if exportation is of a flour mix, blended or fortified food product or wheat flour-soy product, the percentage of flour, by weight, contained in the mix or product and the size of the unit container in which the mix or product is packed.

(d) A certification of the weight of any components added to the flour in excess of one-half of 1 percent of the combined net weight of the flour and components and in the case of flour mixes, blended or fortified food products and wheat flour-soy product, the weight of the entire amount of components. If the flour exported is flour to which a denaturant has been added, a certification of the weight of the denaturant and the weight of any other components.

(e) If export is from an Eastern Canadian port:

(1) A signed or certified true copy of the bill of lading or other document covering the movement of the flour from the United States to the export carrier described in the on-board bill of lading issued at the point of export in Canada, and

(2) A signed or certified true copy of a document evidencing the preservation of the identity of the flour until exported from Canada.

(f) If export is by vessel, plane, truck or other carrier operated by a U.S. Government agency, then in lieu of the bill of lading or Shipper's Export Declaration required in paragraphs (a) and (b) of this section, a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of export carrier, description of the flour, weight of the flour, weight and number of containers (or a certification from the exporter as to the weight of the containers) and destination. In addition, a certification by the exporter that exportation is not by or to a U.S. Government agency (unless it is the A&AF Exchange Service, Navy Exchanges, or the Panama Canal Company), and such other information required in paragraph (a) of this section as may be applicable.

(g) If export of the flour has been made by anyone or transshipment made or caused by anyone to one or more of the countries or areas to which a validated license is required by the Bureau of International Commerce, U.S. Department of Commerce, the bills of lading or other evidence required by CCC shall identify, by number, the license issued by the Bureau of International Commerce, U.S. Department of Commerce.

(h) If a single bill of lading or other evidence of export covers more than the net quantity of flour which is applied against the exporter's contract with CCC, and the excess quantity covered by the evidence is to be used as evidence of export in connection with a different contract with CCC under this subpart or under any other export program of CCC under which CCC has paid or agreed to pay an export allowance or sold wheat at competitive world prices, each copy of such evidence of export shall be accompanied by a certification identifying all contracts with CCC to which the evidence of export has been or will be applied and the quantity to be applied to each contract.

(i) If export is to the Army and Air Force Exchange Service and Navy Exchanges, a certificate of exportation. If export is to the Army and Air Force Exchange Service, the certificate shall be signed by the Chief or Assistant Chief, Transportation Division, AAFES. The certificate for exports to Navy Exchanges is obtainable from the U.S. Navy Ship's Store Office, Third Avenue and 29th Street, Brooklyn, N.Y. The certificate must be signed as appropriate, by one of the following authorized officials:

(1) Director, Water Freight Division, U.S. Naval Supply Center, Oakland, Calif.

(2) Director, Traffic Branch Division, U.S. Naval Supply Center, Bayonne, N.J.

(3) Director, Land-Air Freight Division, U.S. Naval Supply Center, Norfolk, Va.

(j) If the shipper or consignor named in the evidence of export is other than the exporter, a waiver by such shipper or consignor in favor of the exporter of any interest in the evidence of export. Such waiver must clearly identify the document submitted as evidence of export.

(k) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Director, ASCS Commodity Office that the exporter has fully complied with his obligations under his contract with CCC.

(l) Such additional evidence of export as may be required by CCC.

§ 1483.278 Adjusted contract price.

(a) Wheat is made available under this subpart for export in the form of flour at prices below the statutory minimum required under section 407 of the Agricultural Act of 1949, as amended, for sales for unrestricted use upon condition that the purchaser complies with all applicable provisions of §§ 1483.276 and 1483.277. If the flour is not exported as required by this subpart excluding, however, the requirements as to time of exportation, or if the flour is reentered into the United States, including Puerto Rico, in any form or product, the contract price with respect to the quantity of wheat involved shall be adjusted upward by the amount that such contract price is exceeded by the price which is the higher of the following in effect on the date of sale:

(1) CCC's statutory minimum sales price for domestic unrestricted use for the same class, grade, and quality of the wheat, as determined by CCC, or

(2) The sales price announced by CCC for sales for domestic unrestricted use of the same class, grade, and quality of

[1] Exportation must conform to the requirements in the regulations and Purchase Authorizations issued under Public Law 480 (83d Congress), as amended, in order to be eligible for Public Law 480 financing.

the wheat, or if no such sales price has been announced, the domestic market price as determined by CCC.

(b) The total amount of any upward adjustment in contract price or liquidated damages arising under this section shall be paid by the purchaser to CCC promptly upon demand, plus interest on such upward adjustment at the rate of 6 percent per annum from the date of sale. Any upward adjustment of the contract price will not be made if CCC determines that:

(1) The flour has been reentered (in any form or product) into the United States or Puerto Rico due to causes without the fault or negligence of the purchaser, an equivalent quantity of flour was, pursuant to written approval of CCC, subsequently exported to a designated country within the period specified by CCC, and the purchaser submitted evidence of such exportation in accordance with § 1483.277 hereof; or

(2) The flour placed in transit to an export location for export under this announcement or reentered (in any form or product) into the United States including Puerto Rico was lost, damaged, destroyed, or deteriorated and the physical condition thereof was such that its entry into domestic market channels will not impair CCC's price support operation: *Provided,* That if insurance proceeds or other recoveries such as from carriers, exceed the costs incurred by the purchaser in connection with such flour prior to the time of its loss, the amount of such excess shall be paid to CCC.

(c) (1) Failure of the purchaser to export the flour within the time provided in this announcement will cause serious and substantial damages to CCC's price support and other programs. Since it will be difficult to prove the amount of such damage, the purchaser shall pay to CCC by way of compensation, and not as a penalty, liquidated damages for delay in exportation not excused under subparagraph (2) of this paragraph at the rate of 1 cent per calendar day per bushel for the number of bushels of wheat for which an equivalent in the form of flour is not exported commencing on the 91st day after delivery of the wheat or the day following any extension in time for exportation granted under subparagraph (2) of this paragraph and ending on the date of actual exportation: *Provided, however,* That the total amount of purchase price plus liquidated damages shall not exceed the adjusted sales price plus interest thereon from the date of sale determined as provided in this section. It is mutually agreed that such damages are a reasonable estimate of the probable actual damages. The purchaser agrees to pay such liquidated damages on demand.

(2) An extension of time for exportation may be granted, either before or after the final date for exportation, subject to such terms and conditions as CCC may prescribe, if (i) the purchaser gives CCC prompt written notice of a delay in exportation and the cause thereof, and (ii) the Director, ASCS Commodity Office, determines in writing that the delay in exportation is due solely to causes without the fault or negligence of the purchaser. Any extension of time for exportation will be equivalent to the period of time lost because of the excused delay.

§ 1483.279 Inability to perform.

CCC shall not be responsible for damages for any failure to deliver, or delay in delivery of the wheat due to any cause without the fault of negligence of CCC, including, but not restricted to, failure of warehousemen to meet delivery instructions. In case of delay in delivery due to any such causes, CCC shall make delivery to the purchaser as soon as practicable.

Miscellaneous Provisions

§ 1483.281 Covenant against contingent fees.

The exporter or purchaser warrants that no person or selling agency has been employed or retained to solicit or secure a contract under this subpart upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the exporter or purchaser for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right to annul any such contract without liability or in its discretion in the case of export payment contracts to deduct from the export payment or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee or in the case of purchase contracts to require the purchaser to pay such amount in addition to the contract price.

§ 1483.282 Performance security.

CCC reserves the right to require any exporter or purchaser of wheat from CCC to furnish a surety bond acceptable to CCC conditioned upon his faithful performance of all provisions of his contract with CCC under this subpart or in lieu of such bond a certified check, cashier's check, or other acceptable security, including an irrevocable letter of credit in a form approved by CCC against which CCC may draw with a statement that the money is due CCC. Such bond or other security shall be in an amount determined by CCC.

§ 1483.283 Assignments and setoffs.

(a) No assignment shall be made by an exporter of any contract with CCC under this subpart or of any rights thereunder, except that the exporter may assign the payments due him under a Form CCC–413, "Application for Flour Export Payment" to any bank, trust company, Federal lending agency, or other financing institution, and, subject to the approval of the Contracting Officer, CCC, assignment may be made to any other person: *Provided,* That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment together with a signed copy of the instrument of assignment, in accordance with the instructions on Form CCC–251, "Notice of Assignment", which must be used in giving notice of assignment to CCC: *And provided further,* That any such assignment shall cover all amounts payable and not already paid under the contract and shall not be made to more than one party and shall not be subject to further assignment except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing. The Form CCC–252, "Instrument of Assignment" may be executed or the assignee may use his own form of assignment. Forms CCC–252 may be obtained from the Contracting Officer, CCC, or ASCS Commodity Offices.

(b) If the exporter is indebted to CCC or any other agency of the United States, the amount of such indebtedness may be set off against the amount of the payment due him under a Form CCC–413, "Application for Flour Export Payment." In the case of an assignment and notwithstanding such assignment, CCC may set off (1) any amount due CCC under this subpart and any amount due CCC for domestic marketing certificates under the Processor Wheat Marketing Certificate Regulations, (2) any amounts for which the exporter is indebted to the United States for taxes, with respect to which a notice of lien was filed in accordance with the provisions of the Internal Revenue Code of 1954 (26 U.S.C. 6323) or any amendments or modifications thereof, prior to acknowledgement by CCC of receipt of the notice of assignment and (3) any amounts, other than the amounts specified in subparagraphs (1) and (2) of this paragraph, due CCC or any other agency of the United States, if the assignee was advised of such amounts prior to the time of acknowledgment by CCC of receipt of the notice of assignment.

(c) In the case of an assignment pursuant to paragraph (a) of this section, any indebtedness of the exporter to any agency of the United States which may not be set off pursuant to this section may be set off against any amount due and payable under this subpart which remains after the deduction of amounts (including interest and other charges) due the assignee under the assignment. Setoff as provided in this section shall not deprive the exporter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 1483.284 Records and accounts.

Each exporter of flour and purchaser of wheat from CCC under this subpart shall maintain accurate records of sales and deliveries of flour exported or to be exported under this subpart and of purchases of wheat under this subpart. Such records, accounts, and other documents relating to any contract under this subpart shall be preserved for 3 years after final payment under the contract and shall be available during regular business hours for inspection and audit by authorized employees of the U.S. Department of Agriculture.

§ 1483.285 Place of submission of offers and reports.

(a) Notices of sale including notices of sale under Public Law 480 and related reports required to be submitted under this subpart unless otherwise specified in the regulations in this part should be addressed as follows:

Chief, Wheat Subsidy and Market Branch, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Delivery to the above office of telegraphic notices of sale will be expedited if addressed as follows:

Substaff, USDA (AG) Washington, D.C., TWX 710 822 9424 or 710 822 9425, Telex 089 491.

(c) Exporters calling this office by long distance telephone may do so by direct dialing 202 DUdley 8–3261, 8–3262, 8–3927, or 8–3928. Exporters filing telephonic notices of sale should call 202 DUdley 8–7305, 8–7306, 8–3363, or 8–3364.

§ 1483.286 Additional reports.

The exporter shall file such additional reports as may be required from time to time by the Director, subject to the approval of the Bureau of the Budget.

§ 1483.287 ASCS offices and General Sales Manager offices.

Information concerning this program may be obtained from one of the following offices:

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: EMerson 1–0860.

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60604. Telephone: Area Code 312, 353–6581.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: 334–2051.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: 226–3361.

FOREIGN AGRICULTURAL SERVICE—GENERAL SALES MANAGER

Representative of General Sales Manager, 80 Lafayette Street, New York, N.Y. 10013. Telephone: 264–8439, 8440, 8441.

Representative of General Sales Manager, Appraisers Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: 556–6185.

§ 1483.288 Officials not to benefit.

No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise from any provision of this subpart but this provision shall not be construed to extend to a contract made with a corporation for its general benefit.

§ 1483.289 Amendment and termination.

This subpart may be amended or terminated by filing of such amendment or termination with the FEDERAL REGISTER for publication. Any such amendment or termination shall not be applicable to export payment contracts or purchase contracts made before the effective time and date of such amendment or termination.

§ 1483.290 Written approval by the Vice President, Director, or Contracting Officer, CCC.

Where this subpart specifies certain requirements which are to be approved in writing by the Vice President, Director, or Contracting Officer, CCC, and the exporter wishes to obtain such approval, a request should be filed in writing with the office specified in § 1483.285, sufficiently in advance of expiration of the period for performance of the requirement in order for the exporter to ascertain before said period expires whether his request will be approved. Approval may also be granted for good cause shown by the exporter after the time specified for performance of the requirement.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: This revision shall become effective at 4:01 p.m., e.s.t., on November 1, 1968, but shall not affect any contracts between exporters and CCC entered into under GR–346, Revision I (25 F.R. 5816, as amended), prior to such time.

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

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

NOTICE TO EXPORTERS

(As of March 4, 1965)

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department Regulations for more detailed information if desired and for any changes that may be made herein.

[F.R. Doc. 68–12860; Filed, Oct. 18, 1968; 10:20 a.m.]

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

SUBCHAPTER A—ADMINISTRATIVE PROVISIONS

PART 608—ORGANIZATION, FUNCTIONS AND AVAILABILITY OF INFORMATION

Chapter VI of Title 12 of the Code of Federal Regulations is amended by adding a new Part 608 to set forth a description of the organization and functions of the Farm Credit Administration and the means by which information is made available, as follows:

Sec.
608.1 Organization.
608.2 Functions.
608.3 Availability of information and records.

AUTHORITY: The provisions of this Part 608 issued under sec. 17, 39 Stat. 375, as amended, sec. 2, 42 Stat. 1459, sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665, 831, 1101.

§ 608.1 Organization.

(a) *Farm Credit Administration.* The Farm Credit Administration is an independent agency in the executive branch of the Government. It consists of the Federal Farm Credit Board, the Governor, and other officers and employees. The central offices of the Farm Credit Administration are located in the South Agriculture Building, 14th Street and Independence Avenue SW., Washington, D.C. Its mailing address is Farm Credit Administration, Washington, D.C. 20578. The hours of business are 9 a.m. to 5:30 p.m., Monday through Friday, excluding holidays.

(1) The Federal Farm Credit Board is a part-time, policymaking board which consists of 13 members, 12 of whom are appointed by the President with the advice and consent of the Senate. In making the appointments, one from each of the 12 farm credit districts, the President receives and considers nominations from each district by the Federal land bank associations, the production credit associations, and the stockholders of the banks for cooperatives. The 13th member of the Board is designated by the Secretary of Agriculture as his representative on the Board.

(2) The Governor of the Farm Credit Administration is its chief executive officer. He is appointed by the Federal Farm Credit Board, and serves at its pleasure. Pending retirement of Government capital in the banks and associations supervised by the Farm Credit Administration, the appointment of the Governor is subject to the approval of the President, and during such period the President has the power to require removal of the Governor. Under the general supervision of the Federal Farm Credit Board, the Governor is responsible for the execution of the laws creating the powers, functions, and duties of the Farm Credit Administration.

(3) The Governor of the Farm Credit Administration is assisted in executing his responsibilities by four Deputy Governors, one of whom also is Director of Land Bank Service, one also is Director of Production Credit Service, and one also is Director of Cooperative Bank Service.

(i) The Land Bank Service regulates and supervises the Federal land banks and Federal land bank associations under 39 Stat. 360, as amended (12 U.S.C. 641–808, 831–1012);

(ii) The Production Credit Service regulates and supervises the Federal intermediate credit banks and the production credit associations under 42 Stat. 1454, as amended, 48 Stat. 259, as amended (12 U.S.C. 1021–1129, 1131c–1131j, 1138–1138e);

(iii) The Cooperative Bank Service regulates and supervises the banks for cooperatives and the Central Bank for Cooperatives under 48 Stat. 257, as amended (12 U.S.C. 1134–1138e).

(4) In addition to the three Services, the Farm Credit Administration includes the following divisions: Accounting and Budget Division; Examination Division; Finance Division; Legal Dvision; Personnel and Administrative Services Division; and Research and Information Division.

(i) The Accounting and Budget Division, headed by the Comptroller, maintains administrative accounts of the Farm Credit Administration, performs budgetary functions, formulates the accounting and financial reporting policies for the banks and the associations, and reviews and analyzes their financial conditions, earnings, and related operations.

(ii) The Examination Division, headed by the Chief Examiner, examines the banks and the associations supervised by the Farm Credit Administration.

(iii) The Finance Division, headed by the Chief thereof, advises with and assists officials of the Farm Credit Administration and the Farm Credit banks in developing and carrying out the banks' financing programs.

(iv) The Legal Division, headed by the General Counsel, performs legal services for the Federal Farm Credit Board, the Governor, and members of his staff, and consults with and coordinates the work of attorneys employed by the banks.

(v) The Personnel and Administrative Services Division, headed by the Chief, plans and directs the personnel program for the Farm Credit Administration and coordinates and advises in the administration of the personnel programs in the farm credit districts. It also provides administrative services to the Farm Credit Administration.

(vi) The Research and Information Division, headed by the Chief thereof, makes studies of economic and credit factors affecting the making of sound and useful loans, carries on information, member relation, and educational programs to inform farmers of the use and availability of credit, provides visual aids and duplicating services for the Farm Credit Administration, and arranges and conducts training in agricultural credit and credit cooperatives for foreign officials and students.

(b) *Farm credit districts.* The United States is divided into 12 farm credit districts. In each district there are a Federal land bank and a number of Federal land bank associations, a Federal intermediate credit bank and a number of production credit associations, and a bank for cooperatives. Additionally, there is a Central Bank for Cooperatives located in the District of Columbia. The three banks in each district maintain their offices together. The city in which their offices are located in each district and the area comprising each district are as follows:

District No.	Location of Offices	Area in District
1	Springfield, Mass.	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Ne York, and New Jersey.
2	Baltimore, Md. (Branch office at San Juan, P.R.).	Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia, and Puerto Rico.
3	Columbia, S.C.	North Carolina, South Carolina, Georgia, and Florida.
4	Louisville, Ky.	Ohio, Indiana, Kentucky, and Tennessee.
5	New Orleans, La.	Alabama, Mississippi, and Louisiana.
6	St. Louis, Mo.	Illinois, Missouri, and Arkansas.
7	St. Paul, Minn.	Michigan, Wisconsin, Minnesota, and North Dakota.
8	Omaha, Nebr.	Iowa, Nebraska, South Dakota, and Wyoming.
9	Wichita, Kans.	Oklahoma, Kansas, Colorado, and New Mexico.
10	Houston, Tex.	Texas.
11	Berkeley, Calif.	California, Nevada, Utah, Arizona, and Hawaii.
12	Spokane, Wash.	Washington, Oregon, Montana, Idaho, and Alaska.

Each district has a part-time, policy-making farm credit board of seven members who are, ex officio, directors of each of the three banks in that district. The Central Bank for Cooperatives has a separate board of 13 directors. Each bank has its own officials.

(1) In each district, the Federal land bank associations, the production credit associations, and the cooperatives which borrow from the banks for cooperatives, as separate groups are each entitled to elect two members of the district farm credit board. The seventh member of a district board is appointed by the Governor of the Farm Credit Administration with the advice and consent of the Federal Farm Credit Board. Activities of the three banks in each district are coordinated through the district farm credit board and a committee composed of the bank presidents.

(2) From each district, the board of directors of the bank for cooperatives elects a director of the Central Bank. The thirteenth director of the Central Bank is appointed by the Governor with the advice and consent of the Federal Farm Credit Board.

(c) *Federal land banks.* The 12 Federal land banks, one in each farm credit district, were organized in 1917 under the Federal Farm Loan Act (39 Stat. 360, as amended; 12 U.S.C., Ch. 7, Subch. I). The Federal land banks were established as permanent institutions designed to provide long-term farm mortgage credit for agriculture in accordance with the Federal Farm Loan Act. The banks, together with the Federal land bank associations, constitute the Federal Land Bank System which is cooperatively and completely farmer-owned. The principal function of the Federal land bank is to make first mortgage loans on farm lands to eligible applicants. Farmers and ranchers may obtain land bank loans for periods not in excess of 40 years for general agricultural purposes and other requirements of the owner of the land mortgaged, under rules and regulations of the Farm Credit Administration. The land banks obtain their loan funds principally from sales to the investing public of their consolidated farm loan bonds. These bonds are not guaranteed by the Government either as to principal or interest, and are collaterialized by the notes and mortgages of borrowers. Farmers and ranchers may obtain land bank loans only through Federal land bank associations which own all of the capital stock of the Federal land banks.

(1) The Federal land bank associations endorse loans made by the Federal land bank and elect the loan applicants to association membership. All of the stock of the Federal land bank associations, which presently number 667, is owned by their member-borrowers. The member-borrower purchases capital stock in the Federal land bank association in an amount equal to 5 percent of his loan. The association in turn purchases a like amount of capital stock in the Federal land bank. When the loan is repaid, the capital stock in the bank and the association is retired. Each Federal land bank association is managed by a board of directors elected by and from the membership. Loan applications may be submitted to the manager of the Federal land bank association in the community in which the farm offered as security is located.

(d) *Federal intermediate credit banks.* The 12 Federal intermediate credit banks, one in each farm credit district, were established as permanent institutions under the Federal Farm Loan Act as amended by the Agricultural Credits Act of 1923 (42 Stat. 1454, as amended; 12 U.S.C., Ch. 7, Subch. III). The capital stock of the Federal intermediate credit banks is owned, in part, by the Government and otherwise by production credit associations. When the capital stock owned by the Government is fully retired, all of the capital stock of the banks will be owned by the production credit associations. The Federal intermediate credit banks are primarily banks of discount for agricultural and livestock lending institutions. The banks are authorized to make loans to, and discount agricultural paper for, production credit associations and various other financing institutions, such as State and national

banks, agricultural credit corportions, livestock loan corporations and similar lending groups. The interest of such other financing institutions in the Federal intermediate credit banks is evidenced by participation certificates issued by the banks. The Federal intermediate credit banks obtain their loan funds principally from sales to the investing public of their consolidated collateral trust debentures. These debentures are not guaranteed by the Government either as to principal or interest.

(1) Production credit associations are corporations organized under the Farm Credit Act of 1933 (48 Stat. 259, as amended; 12 U.S.C., Ch. 7, Subch. IV, VI). The production credit associations originally were capitalized by the Government. Presently, only three of the production credit associations, which now number 455, have any Government capital in them. The production credit associations make short- and intermediate-term loans to farmers and ranchers for general agricultural purposes and other requirements of the borrowers. Upon obtaining a loan, the borrower is required to purchase class B capital stock in the production credit associations in an amount equal to 5 percent of his loan. The associations do not lend Government funds. They obtain most of their funds by rediscounting farmers' notes with the Federal intermediate credit banks. To obtain a production credit association loan, a farmer or rancher may apply to the local production credit association or one of its field offices.

(2) Incorporated financing institutions, such as State and national banks, agricultural credit corporations, livestock loan corporations and similar lending groups, may obtain loans or advances from the Federal intermediate credits banks. A loan or advance must be secured by collateral approved by the Governor of the Farm Credit Association, except that such loan or advance may not be made upon security of collateral other than a note or other such obligations of farmers and ranchers eligible for discount or purchase under the Federal Farm Loan Act, as amended, unless such loan or advance is made to enable the financing institutions to make or carry loans to farmers or ranchers for agricultural purposes.

(e) *Banks for cooperatives.* The banks for cooperatives, one in each farm credit district and a Central Bank for Cooperatives in the District of Columbia, were organized under the Farm Credit Act of 1933 (48 Stat. 257, as amended; 12 U.S.C., Ch. 7, Subchs. V, VI). The banks provide credit on a sound business basis to farmer cooperatives. The Central Bank for Cooperatives services district banks for cooperatives by making direct loans to them and participating in loans that exceed their respective lending limits. The banks for cooperatives originally were capitalized by the Government. Today, however, farmer cooperatives own all of the capital stock of a number of district banks and are increasing their investment in the other banks by purchasing capital stock in proportion to their credit interest payments and through the receipt of patronage refunds from the banks in the form of such stock. It is anticipated that in the near future all of the banks for cooperatives will be completely owned by the farmer cooperatives which borrow from them. The banks for cooperatives obtain their loan funds principally from sales to the investing public of their consolidated collateral trust debentures. These debentures are not guaranteed by the Government either as to principal or interest. The banks for cooperatives make loans only to cooperative associations in which farmers act together in marketing farm products, purchasing farm supplies, or financing farm business services.

§ 608.2 Functions.

(a) *Farm Credit Administration.* The Farm Credit Administration supervises and coordinates the cooperative credit system for agriculture. This system provides long- and short-term credit to farmers and their cooperative marketing, purchasing, and farm business service organizations.

(1) The Land Bank Service supervises the 12 Federal land banks and the Federal land bank associations which were established pursuant to the Federal Farm Loan Act.

(2) The Production Credit Service supervises the 12 Federal intermediate credit banks which were established pursuant to the Federal Farm Loan Act, as amended by the Agricultural Credits Act of 1923, and the production credit associations which were established pursuant to the Farm Credit Act of 1933.

(3) The Cooperative Bank Service supervises the 12 banks for cooperatives and the Central Bank for Cooperatives which were established pursuant to the Farm Credit Act of 1933.

§ 608.3 Availability of information and records.

The Farm Credit Administration publishes regulations in Part 604 of this title concerning the availability of information and records of the Farm Credit Administration and of the banks and associations of the Farm Credit System. The regulations state in detail what information may be released and how records not generally available may be obtained. The regulations further provide that other official records in the custody of the Farm Credit Administration or a particular bank or association may be made available to persons directly and properly concerned upon written application to the Farm Credit Administration or to the particular bank or association.

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 68-12876; Filed, Oct. 22, 1968; 8:48 a.m.]

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

PART 650—PRODUCTION CREDIT ASSOCIATIONS

Subpart A—Loans to Members

As prescribed by the farm credit board in each of the 12 farm credit districts with the approval of the Farm Credit Administration pursuant to section 23 of the Farm Credit Act of 1933, as amended (12 U.S.C. 1131g), § 650.164 of Title 12 of the Code of Federal Regulations (31 F.R. 16253) is amended to read as follows:

§ 650.164 Excess loans.

(a) Except with the prior approval of the Bank, no borrower shall become obligated to the association whether as maker, comaker, endorser, or guarantor, in excess of 15 percent of the unimpaired capital and surplus of the association, or such lesser amount as may be specified for any association by the Bank; nor shall such obligation of the borrower exceed 35 percent of the association's unimpaired capital and surplus without the approval of the Bank and the Farm Credit Administration.

(b) The term "obligation" as used in paragraph (a) of this section includes all paper upon which one borrower is liable, whether as maker, comaker, endorser, or guarantor, and includes the total commitment in the case of new or repeat loans, and the unpaid balance, undisbursed commitment, and any proposed additional credit in the case of all other loans.

(Sec. 23, 48 Stat. 261, as amended; 12 U.S.C. 1131g)

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 68-12877; Filed, Oct. 22, 1968; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 68-EA-105; Amdt. 39-671]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Helicopters

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive which will require deactivation of the automatic flight control system (AFCS) on Sikorsky S-61A, L and N type helicopters.

This airworthiness directive is necessitated as a result of the inability of the disconnect switch on the pilot's cyclic

control stick to disable all AFCS circuits and damp the AFCS control valve.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 [31 F.R. 13697], § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

SIKORSKY. Applies to S-61A, S-61L, S-61N Type Helicopters

(a) Within the next 10 hours time in service after the effective date of this Airworthiness Directive unless already accomplished, deactivate the automatic flight control system (AFCS) by disconnecting the power sources to the AFCS system and the channel monitor panel as follows:

(1) Pull circuit breakers for electric power to the channel monifor panel and the AFCS system and safety the circuit breaker buttons in the tripped position.

(2) Disconnect electrical connectors at the aux. servos and secure to wire bundle. Electrically ground all three pins on each plug on the aux. servos.

(b) For Models S-61L and S-61N, the AFCS may be reactivated when Sikorsky Service Bulletin No. 61B55-10A, dated October 4, 1968, or later FAA approved revision, or equivalent alteration approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) For Model S-61A, the AFCS may be reactivated when an alteration approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region is incorporated.

This amendment is effective October 24, 1968, and supersedes the telegram dated September 17, 1968, on this subject.

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

Issued in Jamaica, N.Y., on October 14, 1968.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 68-12848; Filed, Oct. 22, 1968; 8:46 a.m.]

[Airspace Docket No. 68-SW-69]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Waco, Tex., control zone.

James Connally Air Force Base was closed at 0001 G.m.t., August 31, 1968, and all instrument approach procedures therefor were canceled concurrently. The airport has been transferred to the James Connally Technical Institute (State of Texas) which proposes private use of the airport which is renamed James Connally Airport. Although instrument approach procedures have been approved for the institute's use, the criteria for a control zone will not be met. Therefore, it is necessary to amend the Waco, Tex., control zone by revoking the controlled airspace which was provided for instrument approach/departure procedures at James Connally AFB.

Since this amendment lessens the burden on the public, notice and public procedures hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately as hereinafter set forth.

In § 71.171 (33 F.R. 2132, 9254) the Waco, Tex., control zone is amended to read:

WACO, TEX.

That airspace within a 5-mile radius of Waco Municipal Airport (lat. 31°36'40" N., long. 97°13'40" W.), within 2 miles each side of the Waco VORTAC 330° radial extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 2 miles each side of the Waco ILS localizer north course extending from the 5-mile radius zone to the OM.

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

Issued in Fort Worth, Tex., on October 9, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68-12849; Filed, Oct. 22, 1968; 8:46 a.m.]

[Airspace Docket No. 68-AL-17]

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

Alteration of Transition Area

On August 29, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 12191) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the transition area at Sitka, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., December 12, 1968, as hereinafter set forth.

In 71.181 (33 F.R. 2137) the Sitka, Alaska, transition area is amended as follows:

SITKA, ALASKA

That airspace extending upward from 700 feet above the surface within 3 miles northwest and 2 miles southeast of the Sitka RR southwest course, extending from the RR to 8 miles southwest of the RR; within 2 miles each side of the Biorka Island VORTAC 148° radial, extending from the VORTAC to 8 miles southeast of the VORTAC; within 2 miles each side of the Sitka RR southeast course, extending from the RR to 8 miles southeast of the RR; and within 2 miles each side of the LDA northwest course, extending from 10 miles northwest to 22 miles northwest of the LDA; and that airspace extending upward from 1,200 feet above the surface within 9 miles southwest and 22 miles northeast of the Biorka Island VORTAC 308° radial, extending from the VORTAC to 33 miles northwest of the VORTAC, and within 9 miles northwest and 6 miles southeast of the Biorka Island VORTAC 027° and 207° radials, extending from 8 miles northeast to 19 miles southwest of the VORTAC.

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

Issued in Anchorage, Alaska, on October 10, 1968.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 68-12850; Filed, Oct. 22, 1968; 8:46 a.m.]

[Airspace Docket No. 68-SW-72]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Stuttgart, Ark., transition area.

The Special Procedure No. 1 instrument approach procedure at Stuttgart, Ark., was canceled effective October 1, 1968, and it is therefore necessary to amend the Stuttgart, Ark., transition area by revoking the controlled airspace based on the Little Rock VORTAC 098° true radial which was provided for that procedure.

Since this amendment lessens the burden on the public, notice and public procedures hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (33 F.R. 2260), the Stuttgart, Ark., transition area is amended by deleting "* * * and within 2 miles each side of the Little Rock VORTAC 098° radial extending from the 5-mile radius area to 20 miles east of the Little Rock VORTAC; * * *."

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

Issued in Fort Worth, Tex., on October 11, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68-12851; Filed, Oct. 22, 1968; 8:46 a.m.]

[Airspace Docket No. 68-SW-70]

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

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Graham, Tex., transition area.

On March 29, 1968, a final rule was published in the FEDERAL REGISTER (33 F.R. 5143) stating the Federal Aviation Administration was designating the Graham, Tex., transition area, effective May 23, 1968.

On June 14, 1968, a final rule was published in the FEDERAL REGISTER (33 F.R. 8733) to alter the airspace description of the Graham, Tex., transition area.

This transition area was established to provide airspace protection for aircraft executing instrument approach/departure procedures to be predicated on the Graham RBN, a privately owned facility. The sponsor subsequently elected to operate the facility as a VFR aid only. Therefore, the requirement for this controlled airspace no longer exists.

Since this amendment lessens the burden on the public, notice and public procedures hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as herein set forth.

In Section 71.181 (33 F.R. 2137, 5143, 8733) the Graham, Tex., transition area is revoked.

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

Issued in Forth Worth, Tex., on October 9, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68-12853; Filed, Oct. 22, 1968; 8:46 a.m.]

[Airspace Docket No. 68-CE-96]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area/ Military Climb Corridor

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke the Mount Clemens, Mich. (Selfridge AFB), Restricted Area/Military Climb Corridor R-4203.

The U.S. Air Force has stated that the requirement for the Selfridge AFB restricted area/military climb corridor no longer exists.

Since restricted area/military climb corridor R-4203 was designated solely for use of the military, revocation thereof will reduce the burden on the public. Therefore, notice and public procedure hereon are unnecessary and this amendment may be made effective in less than 30 days. In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 15, 1968, as hereinafter set forth.

In § 73.42 (33 F.R. 2322) R-4203 Mount Clemens, Mich. (Selfridge AFB), Restricted Area/Military Climb Corridor is revoked.

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

Issued in Washington, D.C., on October 15, 1968.

H. B. HELSTROM,
Acting Director, Air Traffic Service.

[F.R. Doc. 68-12852; Filed, Oct. 22, 1968; 8:46 a.m.]

[Airspace Docket No. 67-EA-111]

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area

On September 25, 1968, F.R. Doc. No. 68-11605 was published in the FEDERAL REGISTER (33 F.R. 14405) altering the boundary description of the Warren Grove, N.J., Restricted Area R-5002. A review of that Document disclosed that the revised description of R-5002 was incomplete in that extension of the 9,000-foot altitude line to intersect the realigned boundary was inadvertently omitted. The purpose of this action is to correct that discrepancy.

Since this amendment is editorial in nature and does not designate or revoke airspace, it is contrary to the public interest to comply with the notice and public procedures provisions of the Administrative Procedure requirements of the Government Organization and Employee Act and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, F.R. Doc. No. 68-11605 (33 F.R. 14405) is amended, effective 0901 G.m.t., November 14, 1968, as hereinafter set forth.

In § 73.50 (33 F.R. 2328) Restricted Area R-5002 Warren Grove, N.J., the designated altitudes are amended as follows:

1. "surface to 9,000 feet MSL southeast of a line between lat. 39°43'45" N., long. 74°18'00" W., and lat. 39°39'00" N., long. 74°24'10" W." is deleted.

2. "surface to 9,000 feet MSL southeast of a line between lat. 39°43'45" N., long. 74°17'57" W., and lat. 39°38'25" N., long. 74°24'56" W." is substituted therefor.

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

Issued in Washington, D.C., on October 15, 1968.

H. B. HELSTROM,
Acting Director, Air Traffic Service.

[F.R. Doc. 68-12854; Filed, Oct. 22, 1968; 8:46 a.m.]

[Airspace Docket No. 68-WA-22]

PART 73—SPECIAL USE AIRSPACE

Change in Using Agency of Restricted Airspace

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to make editorial changes in the description of the Using Agency of Restricted Areas R-2914, R-2915A, R-2915B, and R-2917.

The Department of the Air Force has informed the Federal Aviation Administration that the title of the command that uses R-2914, R-2915A, R-2915B, and R-2917 has been changed to Armament Development and Test Center (ADTC).

These amendments are editorial in nature and do not alter the extent of the airspace concerned and furthermore, no additional burden is imposed on any persons. Therefore, it is contrary to the public interest to comply with the notice and public procedures provision of the Administrative Procedure requirements of the Government Organization and Employees Act and that good cause exists for making these regulations effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

Section 73.29 (33 F.R. 2308) is amended as follows:

"Using Agency. Commander, Air Proving Ground Command, Eglin AFB, Florida" is deleted and "Using Agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.," is substituted therefor in the following restricted areas:

(1) R-2914 Valparaiso, Fla.
(2) R-2915A Eglin AFB, Fla.
(3) R-2915B Eglin AFB, Fla.
(4) R-2917 DeFuniak Springs, Fla.

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

Issued in Washington, D.C., on October 15, 1968.

H. B. HELSTROM,
Acting Director, Air Traffic Service.

[F.R. Doc. 68-12855; Filed, Oct. 22, 1968; 8:46 a.m.]

[NTSB Regulation No. PR-5]

Chapter III—National Transportation Safety Board

PART 435—DISCLOSURE OF AIRCRAFT ACCIDENT INVESTIGATION INFORMATION

Revision and Reissuance of Part

The National Transportation Safety Board (Board) believes it desirable to amend and reissue Part 435 of its procedural regulations so that the provisions concerning the disclosure of aircraft accident information will be consistent with the requirements of the Freedom of Information Act, 5 U.S.C. 552, and the Board's regulations issued thereunder (Part 401 of the Board's organizational regulations, 14 CFR Part 401). The Board also believes it desirable that this part be amended to reflect existing Board policies and practices in connection with its granting permission to its employees to testify in certain civil, administrative, and judicial proceedings.

Basically, the revised part provides that all aircraft accident information which can be made available to the public in accordance with Part 401 of the Board's rules, will be made available on inquiry: *Provided*, That the furnishing of the information will not interfere with the Board's or its employees' performance of the Board's accident investigation and accident prevention functions. Information which will not be made public will include information received on a confidential basis (trade secrets and the like), interagency and intra-agency

memoranda and letters, information received as a result of Board participation in a foreign accident investigation, and all other matters exempted from disclosure by section 3 of the Administrative Procedure Act, 5 U.S.C. 552. Because a significant portion of factual information which is requested can be obtained by the Board only after the expenditure of considerable time and effort, and hence is not usually readily available at the time requests are received, applicants are therefore advised in the amended regulation that the information sought may not be immediately forthcoming. However, their attention is directed to the fact that prior to the issuance of the Board's final report, all factual information which can be made available to the public is incorporated in the Board's public file where it is available for inspection and copying.

The revised part also provides that Board employees will, when authorized to do so by the General Counsel, testify only by way of deposition or written interrogatories in civil litigation arising out of the accident investigated. Moreover, the Board employee will testify only once in connection with the accident, and hence, where multiple suits arise out of the accident, counsel are duty bound to advise all other interested parties and their counsel that the deposition will be held, and afford such parties and their counsel an opportunity to participate in the proceeding. The part is also revised so as to restrict the Board employee's testimony to factual matters only, where such testimony is given in connection with a criminal proceeding.

Since this regulation constitutes a rule of agency procedure, notice and public procedure thereon are not required.

In consideration of the foregoing, the National Transportation Safety Board hereby adopts revised Part 435 of the Procedural Regulations (14 CFR Part 435) effective upon publication in the FEDERAL REGISTER, to read as follows:

Sec.
435.1 Purpose.
435.2 Finding as to the public interest.
435.3 Release of information concerning accidents.
435.4 Disclosure of information by testimony in suits or actions for damages arising out of aircraft accidents.
435.5 Disclosure of information by testimony in State and local investigations.
435.6 Release and disclosure of information pertaining to aircraft incidents not classified as accidents.

AUTHORITY: The provisions of this Part 435 issued under sec. 5, 12, 102, 202(a), 204(a), 701, 72 Stat. 740, 80 Stat. 935, 936, 949; 49 U.S.C. 1302, 1322, 1324, 1441, 1654.

SOURCE: The provisions of this Part 435 contained in PR-96, 30 F.R. 14920, Dec. 2, 1965, unless otherwise noted. Redesignated at 32 F.R. 16491, Dec. 1, 1967.

§ 435.1 Purpose.

This part prescribes the policies and procedures of the Board with respect to the release of information coming into the possession of the Board or its staff in the course of conducting an investigation of aircraft accidents or in connection with accident prevention activities which can be disclosed to the public under Part 401 of this Chapter (Board's organization regulations). This part does not apply to aircraft accident investigations conducted by officials and employees of a foreign country. This part also establishes procedures for the disclosure of aircraft accident information by testimony of Board employees in suits or actions for damages arising out of aircraft accidents and in State or local investigations and criminal proceedings.[1]

§ 435.2 Finding as to the public interest.

All accident reports and underlying papers in the Bureau of Aviation Safety are in the custody of the Executive Director of the Board, subject to access by employees of the Board for purposes relating to their official duties. Employees have no control of such reports and papers, and no discretion with regard to permitting the use of them for any other purpose except as provided in this part.

§ 435.3 Release of information concerning accidents

(a) Requests for preliminary or final factual information in the Board's possession, which the Board can make public in accordance with Part 401 of its organization regulations, should be directed to the Board's Office of Public Affairs, the Executive Director of the Board, the Director of the Board's Bureau of Aviation Safety, the investigator in charge of any Board accident investigation, the Supervisory Investigators in charge of the Board's Regional Field Offices,[2] or such other persons as the Director of the Board's Bureau of Aviation Safety may designate.

(b) Upon receipt of such written or oral requests, the information will be made available to the applicant: *Provided*, That the furnishing of the written or oral information will not disrupt the course of the accident investigation or otherwise interfere with the Board or its employees in the performance of the accident investigation and accident prevention functions. Applicants are advised that in many instances the obtaining of certain factual information requires the expenditure of considerable time and effort and that the information they request, therefore, may not be readily available at the time the inquiry is received by the Board. The applicant should also note that all public information in the Board's public file of the accident ultimately is made available for inspection and copying. Requests for inspection, copying and copies of such public matter should be directed to the Board's Executive Director, and copies will be furnished in accordance with the fee schedule contained in Part 401 of the Board's regulations.

§ 435.4 Disclosure of information by testimony in suits or actions for damages arising out of aircraft accidents.

Section 701(e) of the Federal Aviation Act (49 U.S.C. 1441(e)) precludes the use of the Board's reports in any suit or action for damages arising out of an accident. The purpose of section 701(e) would be defeated if expert opinion testimony of Board employees, and their evaluations, conclusions, and recommendations which are reflected in the ultimate views of the Board expressed in its report concerning the cause of the accident and the prevention of future accidents, are admitted in evidence or used in any way in private litigation arising out of an aircraft accident. For the same reason, the use of employees' factual reports in private litigation arising out of accidents would defeat the purpose of section 701(e). Furthermore, the use of Board employees as experts to give opinion testimony in court would impose a serious administrative burden on the Board's investigative staff. Accordingly, no Board employee or former Board employee shall make public, by testimony in any suit or action arising out of an aircraft accident, information obtained by him in the performance of his official duties, except in accordance with the following provisions:

(a) *Testimony of employees and former employees.* Employees may serve as witnesses for the purpose of testifying to the facts observed by them in the course of accident investigations in those suits or actions for damages arising out of aircraft accidents in which an appropriate showing has been made that the facts desired to be adduced are not reasonably available to the party seeking such evidence by any other method, including the use of discovery procedures against the opposing party. Employees and former employees shall testify only as to facts actually observed by them in the course of accident investigations and shall respectfully decline to give opinion evidence as expert witnesses, their evaluations and conclusions, or testify with respect to recommendations resulting from accident investigations on the grounds that section 701(e) and this part prohibit their giving such testimony. Litigants are expected to obtain their expert witnesses from other sources.

(b) *Use of reports.* An employee or former employee may use his factual report solely to refresh his memory, and shall decline to read any portion thereof into the record or refer to it or comment with respect to its contents.

(c) *Testimony by deposition and written interrogatories.* Testimony of employees will be made available for use in suits or actions for damages arising out

[1] The procedures of the Federal Aviation Administration for the disclosure of information with respect to the testimony of its employees as witnesses in legal proceedings and the release or disclosure of FAA files and documents are contained in Part 185 of the Federal Aviation Administration's regulations (14 CFR Part 185).

[2] The Board's regional offices are located in: Anchorage, Alaska; Chicago, Ill.; Denver, Colo.; Fort Worth, Tex.; Kansas City, Mo.; Los Angeles, Calif.; Miami, Fla.; New York, N.Y.; Oakland, Calif.; Seattle, Wash.; Washington, D.C.

of accidents through depositions or written interrogatories only. Normally, depositions will be taken and interrogatories will be answered at the Board's office to which the employee is assigned, at a time arranged with the employee reasonably fixed so as to avoid substantial interference with the performance of the duties of the employee concerned. Employees will not be permitted to appear and testify in court in suits or actions for damages arising out of accidents. Employees will be authorized to testify only once in connection with any investigation they have made of an accident. Consequently, when more than one law suit arises from the accident, it shall be the duty of counsel seeking the Board employee's deposition to ascertain the identity of all parties to the multiple law suits and their counsel and to advise them of the fact that a deposition has been granted so that they may be afforded an opportunity to participate therein.

(d) *Request for testimony of employees.* (1) A request for testimony of a Board employee relating to an aircraft accident by deposition, interrogatories, or appearance in court in actions other than those described in paragraph (c) hereof, shall be addressed to the General Counsel, who may approve or deny the request. Such request shall set forth the title of the case, the court, and the reasons for desiring the testimony, and shall limit the testimony sought to that available under the provisions of paragraph (a) of this section. The General Counsel shall attach to his approval such reasonable conditions as he may deem appropriate in order that the testimony shall be limited to factual matters as provided in paragraph (a) of this section, shall not interfere with the performance of the duties of the witnesses as set forth in paragraph (c) of this section, and shall otherwise conform to the policies of this part. Upon completion of a deposition, a copy of the transcript of testimony will be furnished at the expense of the party requesting the deposition to the General Counsel for the Board's files.

(2) A subpoena should not be served upon a Board employee in connection with the taking of his deposition.

(e) *Request for testimony of former employees.* It is not necessary to request approval for testimony of a former Board employee.

(f) *Procedure in the event of a subpoena.* If an employee has received a subpoena to appear and testify, a request for approval of his deposition shall not be approved until the subpoena has been withdrawn. If any employee receives a subpoena to produce accident reports or underlying papers or to give testimony at a time and place specified therein as to accident information, the employee shall immediately notify the Director, Bureau of Aviation Safety. He shall give the data identifying the accident; the title of the case, the name of the judge, if available, and the title and address of the court; the date on which he is directed to appear; the name, address and telephone number, if available, of the attorney representing the party who caused the issuance of the subpoena; the scope of the testimony, if known, and whether or not the evidence is available elsewhere. The Director will immediately, upon receipt of notice that an employee has been subpoenaed, inform the General Counsel. The General Counsel will make arrangements with the court to have the employee excused from testifying.

§ 435.5 Disclosure of information by testimony in State and local investigations.

Employees and former employees may testify in a coroner's inquest, grand jury, and criminal proceedings by a State or local government only as to the facts actually observed by them in the course of accident investigations and shall not give opinion evidence as expert witnesses or testify with respect to recommendations resulting from accident investigations.

§ 435.6 Release and disclosure of information pertaining to aircraft incidents not classified as accidents.

Information secured by the Board in the investigation of an aircraft incident not classified as an aircraft accident may be released or disclosed upon request, but only in accordance with the provisions of §§ 435.1 to 435.5.

By the National Transportation Safety Board.

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Chairman.

OCTOBER 18, 1968.

[F.R. Doc. 68-12875; Filed, Oct. 22, 1968; 8:48 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release IC-5510]

PART 271—INTERPRETIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Staff Interpretive and No-Action Positions Taken Recently Relating to Property Rights of an Investment Company and Its Investment Adviser in the Company's Name and Status of Arrangement Funding Qualified Self-Employed Individual's Retirement Plans With Life Insurance Contracts and Investment Company Securities

The Securities and Exchange Commission today called attention to two areas in which the staff had taken interpretive and no-action positions under the Investment Company Act of 1940 ("Act"). The first area relates to property rights of an investment company and its investment adviser in the company's name. The second area relates to questions of the applicability of the Act to arrangements which fund self-employed individual's retirement plans, qualified under section 401 of the Internal Revenue Code of 1954, with life insurance contracts and investment company securities.

The staff interpretive and no-action positions summarized in this release were taken in response to inquiries directed to the staff. While the Commission believes that the information obtained in connection with requests for interpretive or no-action positions is exempt from the disclosure requirements of the Public Information Act, 5 U.S.C. 552, it has tentatively concluded that it may be appropriate to disclose certain interpretive and no-action positions taken by members of its staff and where necessary, the general facts upon which those positions are based. While the views expressed by the staff as set forth in this release are those of persons who are continually working with the provisions of the statutes and rules involved and can be relied upon as representing the views of the division in which they originate, the public is cautioned that the opinions expressed in this release are not, and do not purport to be an official expression of the Commission's views.

1. *Property rights of an investment company and its investment adviser in the company's name.* Generally speaking, an investment company's name is the property of the company, and, in many cases, it is a valuable asset of the company. See Taussig v. Wellington Fund, Inc., 313 F. 2d 472 (3d Cir. 1963). Consequently, the staff, in reviewing registration statements filed under the Act or under the Securities Act of 1933, examines any reservation of a right by an investment adviser either (i) to withdraw from the investment company the use of its name or (ii) to grant the use of a similar name to another investment company or business enterprise. In its examination, the staff considers all the circumstances of the relationship between the investment company and its investment adviser including their reputations with the investing public, the similarity of their names, and the nature of the right reserved. An outline of various situations, as well as the guidelines followed by the staff, is set out below.

Example No. 1. An investment adviser, which is either well known or little known to the investing public, has a name which is similar to that of an investment company which it serves. The investment company is itself either well known or little known to the investing public. (E.g., ABC Adviser advises ABC Fund.)

The staff generally follows these guidelines:

a. If the investment adviser has become well known before the investment company and whether or not the investment advisory contract reserves such a right,[1] the investment adviser may withdraw from the investment company the use of its name. However,

[1] Indeed, if the investment advisory relationship is terminated where the investment adviser is well known and the investment company is little known, section 35(d) of the Act may require that the investment company adopt a name other than one which is similar to that of an adviser no longer responsible for advising the investment company.

in doing so, the adviser must agree to submit the question of continuing the investment advisory contract to a vote of the investment company's shareholders at the time.

b. If the investment adviser has become well known before the investment company and the investment advisory contract reserves such a right, the investment adviser may grant the use of a similar name to another investment company or business enterprise. If the investment advisory contract does not reserve such a right, the investment adviser may nevertheless assert such a right, provided that the adviser agrees to submit the question of continuing the investment advisory contract to a vote of the investment company's shareholders at the time.

c. If the investment company has become well known before the investment adviser, the investment company is deemed to have established a property right in its own name, and the investment adviser may not either withdraw from the investment company the use of its name or grant the use of a similar name to another investment company or business enterprise, even if such rights are reserved in the investment advisory contract.[2] However, the investment adviser may grant the use of a similar name to another investment company or business enterprise if the investment company sells the privilege of using its name to the adviser, either for cash or other property or services or in return for a reduction in the investment advisory fee, and the transaction is approved both by the investment company's shareholders, in accordance with the proxy rules, and by the Commission pursuant to an application under section 17(b) of the Act exempting the transaction from section 17(a) of the Act.

Example No. 2. An investment adviser, either well known or little known to the investing public, has a name which is markedly different from that of an investment company which it serves. The investment company is itself either well known or little known to the investing public. (E.g., ABC Adviser advises XYZ Fund.)

The staff generally follows these guidelines:

a. The investment adviser may not withdraw from the investment company the use of its name.

b. The investment adviser may grant the use of a similar name to another investment company or business enterprise only where the investment company sells the privilege of using its name to the adviser, either for cash or other property or services or in return for a reduction in the investment advisory fee, and the transaction is approved both by the investment company's shareholders, in accordance with the proxy rules, and by the Commission pursuant to an application under section 17(b) of the Act exempting the transaction from section 17(a) of the Act.

In all situations where the investment adviser reserves the right either to withdraw from the investment company the use of its name or to grant the use of a similar name to another investment company or business enterprise, the prospectus should clearly disclose the existing arrangement. Furthermore, any proxy statement, which is used for the purpose of soliciting the approval or disapproval of the investment company's shareholders to enter into, or continue, an investment advisory contract, should also disclose such an arrangement.

2. *Status of arrangement funding qualified self-employed individual's retirement plans with life insurance contracts and investment company securities.* An insurance company asked for the staff's comments on the applicability of the Act to an arrangement under which Self-Employed Individual's Retirement Plans ("Keogh Act plans"), qualified under section 401 of the Internal Revenue Code of 1954, would be funded by life insurance contracts and investment company securities. The staff took the position that the arrangement would not create a separate investment company and would not create a separate security and that no action would be recommended to the Commission on the basis of the following representations.

The mechanics by which payments will be made by the investor will be a single check to a bank which will serve as trustee for each of the investment companies whose securities are being sold to fund the plan. With his check, the investor will submit a simple form designating the amount to be invested in life insurance contracts and the amount to be invested in specified investment company securities. The bank, in turn, will follow these instructions by sending the premium money required for the life insurance contract to the insurance company and by purchasing the investment company securities. The life insurance contract will be delivered to the investor and will be held in his custody. The bank will hold the investment company securities in its ownership and custody as trustee and will render periodic accountings to the investor.

There are no special fees involved with the life insurance contract other than the standard premium charges to maintain the contract. However, the bank has a schedule of trustee fees for handling and holding the investment company securities.

The ratio between the amount of life insurance and the amount of investment company securities which can be purchased under the arrangement is provided for in the law governing Keogh Act plans, which restricts the insurance contract to not more than 50 percent of the total investment made each year by the investor. The arrangement allows the investor to invest up to 49 percent of his annual investment in one of several insurance plans and the balance in his choice of investment company securities.

The investor may discontinue his insurance contract at any time under the arrangement by requesting a paid-up contract for the value of his current cash accumulation. In discontinuing the life insurance contract, the investor may then place his total annual investment in his choice of investment company securities. He may discontinue the purchase of additional investment company securities at any time, but is prohibited by the law governing Keogh Act plans from liquidating, borrowing, pledging or purchasing an annuity or making any withdrawal except under limited circumstances. However, the total funds accumulated in either the life insurance contract or the investment company securities, or both, will be vested in him and will continue to draw interest, dividends, and capital gains, as they occur until he is able to commence his withdrawal program.

The life insurance contracts offered under the arrangement will contain substantially the same provisions and benefits in, and will be sold at a premium rate which is no higher than that charged on, a contract sold to an individual who is not purchasing under a Keogh Act plan. The insurance company will not offer any participating policies under the arrangement, and therefore no dividends will be paid on any of the life insurance contracts.

The investor will purchase his choice of investment company securities at the public offering price described in the prospectus of each investment company. (Each investor, of course, must be furnished with a prospectus of any fund offered him.) The investor will have all the rights of an open account holder, including the right to vote the securities, to have the dividends and distributions reinvested at the net asset value, and to liquidate all or part of his securities and reinvest the proceeds in other investment company securities or Government bonds if the proceeds or securities are held by the trustee as prescribed under the law governing Keogh Act plans. The only differences between the purchase of investment company securities under the arrangement and an open account purchaser are the restrictions on borrowing, pledging, or withdrawing the funds for the investor's use. Under the law governing Keogh Act plans, the investor has complete control over the flexibility of his investments within the trust, so that he may move his investment, for example, from one investment company to another as his investment judgment dictates.

With respect to the sales effort of the arrangement, the salesmen will not be employees either of the insurance company or of the specific investment companies. Before the insurance company will allow any individual to market the arrangement, he will have to prove his license as a National Association of Securities Dealers, Inc., representative and file for a life insurance license through the insurance company. The insurance company plans to advertise in trade journals, both for the life insurance contracts and the investment company securities, advising dual-licensed independent producers in both fields that the arrangement is available. The insurance company will give the staff an opportunity to comment on any advertising material before it is used.

[SEAL] ORVAL L. DUBOIS,
Secretary.

OCTOBER 8, 1968.

[F.R. Doc. 68-12841; Filed, Oct. 22, 1968; 8:45 a.m.]

[2] See Taussig v. Wellington Fund, Inc., 313 F. 2d 472, 477-78 (3d Cir. 1963).

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Miscellaneous Amendments

Pursuant to the authority contained in the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended as follows to delete obsolete material:

1. Section 2.48 *Purpose of holding public hearings* is amended by deleting from the first sentence "201(v) (2)(C) and (3) (procedure for listing habit-forming drugs and drugs having a potential for abuse),".

2. Section 2.52 *Definitions* is amended by deleting from paragraph (i) "201(v) (2)(C) and (3),".

3. Section 2.65 *Procedure for filing petitions* is amended by deleting from the first paragraph of the form in paragraph (b) "201(v) (2)(C) or (3),".

4. Section 2.66 *Proposals and petitions* is amended by deleting from paragraph (a) "201(v) (2)(C) and (3),".

5. Section 2.68 *Hearings under section 701(e) of the act* is amended by deleting from paragraph (a) "201(v) (2)(C) and (3),".

6. Section 2.121 *Redelegations of authority from the Commissioner to other officers of the Administration* is amended:

a. By changing in paragraph (b)(1) the semicolon after "Federal Import Milk Act" to a period and deleting thereafter "and the Director of the Bureau of Drug Abuse Control is authorized to designate officers and employees to hold informal hearings under sections 305 and 801(a) of the Federal Food, Drug, and Cosmetic Act.".

b. By deleting from paragraph (b)(4) "and the credentials for personnel of the Bureau of Drug Abuse Control, described in subparagraph (5) of this paragraph,".

c. By deleting subparagraph (5) from paragraph (b).

d. By deleting subparagraph (2) from paragraph (c) and removing the designation "(1)" from the remaining text.

e. By deleting subdivision (ii) from paragraph (d)(2).

f. By revising paragraph (e) to read as follows:

(e) *Delegations regarding disclosure of official records.* The Director of the Bureau of Regulatory Compliance and the Director of the Division of Case Supervision of that Bureau are authorized to make determinations to disclose official records and information in accordance with § 4.1 of this chapter.

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

Dated: October 11, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12891; Filed, Oct. 22, 1968; 8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Bread, Identity Standard; Order Listing Ethoxylated Mono- and Diglycerides as Optional Ingredient

In the matter of amending the definition and standard of identity for bread (21 CFR 17.1) to permit use of ethoxylated mono- and diglycerides as an optional ingredient:

Four comments were received in response to the notice of proposed rulemaking in the above-identified matter that was published in the FEDERAL REGISTER of May 24, 1968 (33 F.R. 7696), and set forth proposals by the Commissioner of Food and Drugs and the Ashland Chemical Co., 109 South Seventh Street, Minneapolis, Minn. 55440.

In the notice the name of the additive was "ethoxylated monoglycerides"; however, in the amendment below the name is changed to "ethoxylated mono- and diglycerides" to reflect accepted chemical nomenclature.

A food additive regulation (21 CFR 121.1221) is promulgated also in this issue of the FEDERAL REGISTER to provide for the safe use of ethoxylated mono- and diglycerides in bread.

On the basis of the information submitted in the petition, the comments received, and other relevant material, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposed amendment with the above-mentioned change. Additionally, an editorial change ("calcium stearyl-2-lactylate" is changed to "calcium stearoyl-2-lactylate") is included for consistency with § 121.1047, as amended.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the commissioner (21 CFR 2.120): *It is ordered,* That § 17.1(a)(15) be revised to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) * * *

(15) Calcium stearoyl-2-lactylate, lactylic stearate, sodium stearyl fumarate, succinylated monoglycerides, ethoxylated mono- and diglycerides, alone or in combination, complying with the provisions of §§ 121.1047, 121.1048, 121.1183, 121.1195, and 121.1221, respectively, of this chapter; but the total quantity of such ingredient or combination is not more than 0.5 part for each 100 parts by weight of flour used.

* * * * *

Due to cross-references, this amendment to the standard for bread (§ 17.1) upon becoming effective will make ethoxylated mono- and diglycerides a permitted ingredient of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2 through 17.5).

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

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

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

Dated: October 11, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12888; Filed, Oct. 22, 1968; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,3,5-Triiodobenzoic Acid

A petition (PP 8F0726) was filed with the Food and Drug Administration by the International Minerals and Chemical Corp., Libertyville, Ill. 60048, proposing the establishment of a tolerance of 0.15 part per million for negligible residues of the plant growth regulator 2,3,5-triiodobenzoic acid) and/or its dimethylamine salt (calculated as 2,3,5-triiodobenzoic acid) in or on the raw agricultural commodity soybeans.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner (21 CFR 2.120), § 120.219 is revised to read as follows to establish the tolerance regarding soybeans:

§ 120.219 2,3,5-Triiodobenzoic acid; tolerances for residues.

Tolerances for negligible residues of the plant growth regulator 2,3,5-triiodobenzoic acid and for its dimethylamina salt (calculated as 2,3,5-triiodobenzoic acid) in or on raw agricultural commodities are established as follows:

0.15 part per million in or on soybeans.
0.05 part per million in or on apples.

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

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: October 11, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12892; Filed, Oct. 22, 1968; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM STEAROYL-2-LACTYLATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2318) filed by American Potato Co., Post Office Box 592, Blackfoot, Idaho 83221, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of calcium stearoyl-2-lactylate as a conditioning agent in dehydrated potatoes as specified below. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1047(c)(3) is revised to read as follows:

§ 121.1047 Calcium stearoyl-2-lactylate.

* * * * *

(c) * * *

(3) As a conditioning agent in dehydrated potatoes in an amount not to exceed 0.5 percent by weight thereof.

* * * * *

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

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

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

Dated: October 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12894; Filed, Oct. 22, 1968; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ETHOXYLATED MONO- AND DIGLYCERIDES (POLYOXYETHYLENE (20) MONO- AND DIGLYCERIDES OF FATTY ACIDS)

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7J2146) filed by Ashland Chemical Co., Division of Ashland Oil & Refining Co., 733 Marquette Avenue, Minneapolis, Minn. 55440, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of ethoxylated mono- and diglycerides (polyoxyethylene (20) mono- and diglycerides of fatty acids) as a dough conditioner in yeast-leavened bakery products. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1221 Ethoxylated mono- and diglycerides (polyoxyethylene (20) mono- and diglycerides of fatty acids).

The food additive ethoxylated mono- and diglycerides (polyoxyethylene (20) mono- and diglycerides of fatty acids) may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive is manufactured by:

(1) Glycerolysis of edible fats primarily composed of stearic, palmitic, and myristic acids; or

(2) Direct esterification of glycerol with a mixture of primarily stearic, palmitic, and myristic acids;

to yield a product with less than 0.3 acid number and less than 0.2 percent water, which is then reacted with ethylene oxide.

(b) The additive meets the following specifications:

Saponification number, 65–75.
Acid number, 0–2.
Hydroxyl number, 65–80.
Oxyethylene content, 60.5–65.0 percent.

(c) The additive is used or intended for use as a dough conditioner in yeast-leavened bakery products in an amount not to exceed 0.5 percent by weight of the flour used.

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

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

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

Dated: October 11, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12887; Filed, Oct. 22, 1968; 8:49 a.m.]

PART 121—FOOD ADDITIVES

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

POLYAMIDE RESINS

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions (FAP 5B1710, 5B1711, 5B1712) filed by S. C. Johnson & Son, Inc., 1525 Howe Street, Racine, Wis. 53404, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of certain polyamide resins derived from dimerized vegetable oil acids, ethylenediamine, and 4,4-bis(4-hydroxyphenyl)-pentanoic acid in food-contact coatings on cellophane and polyolefin films and as components of food-contact resinous and polymeric coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended:

1. In § 121.2507(c) by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2507 Cellophane.

* * * * *

(c) * * *

List of substances	*Limitations (residue and limits of addition expressed as percent by weight of finished packaging cellophane)*
* * *	* * *
Polyamide resins having a maximum acid value of 5 and a maximum amine value of 8.5 derived from dimerized vegetable oil acids (containing not more than 10 percent of monomer acids), ethylenediamine, and 4,4-bis(4-hydroxyphenyl)pentanoic acid (in an amount not to exceed 10 percent by weight of said polyamide resins).	As the basic resin, for use only in coatings that contact food at temperatures not to exceed room temperature provided that the concentration of the polyamide resins in the finished food-contact coating does not exceed 5 milligrams per square inch of food-contact surface.
* * *	* * *

2. In § 121.2514(b)(3), by adding thereto a new subdivision, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

List of substances	*Limitations*
(xxxv) Polyamide resins having a maximum acid value of 5 and a maximum amine value of 8.5 derived from dimerized vegetable oil acids (containing not more than 10 percent of monomer acids), ethylenediamine, and 4,4-bis(4-hydroxyphenyl)pentanoic acid (in an amount not to exceed 10 percent by weight of said polyamide resins); as the basic resin, for use only in coatings that contact food at temperatures not to exceed room temperature provided that the concentration of the polyamide resins in the finished food-contact coating does not exceed 5 milligrams per square inch of food-contact surface.	

* * * * *

3. In § 121.2569(b)(3)(i), by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2569 Resinous and polymeric coatings for polyolefin films.

* * * * *

(b) * * *

(3) * * *

List of substances	*Limitations*
(i) Resins and polymers:	
* * *	* * *
Polyamide resins having a maximum acid value of 5 and a maximum amine value of 8.5 derived from dimerized vegetable oil acids (containing not more than 10 percent of monomer acids), ethylenediamine, and 4,4-bis(4-hydroxyphenyl)pentanoic acid (in an amount not to exceed 10 percent by weight of said polyamide resins); as the basic resin.	For use only in coatings that contact food at temperatures not to exceed room temperature provided that the concentration of the polyamide resins in the finished food-contact coating does not exceed 5 milligrams per square inch of food-contact surface.
* * *	* * *

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

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

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

Dated: October 11, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12895; Filed, Oct. 22, 1968; 8:50 a.m.]

PART 121—FOOD ADDITIVES

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

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2300) filed by General Mills, Inc., 2010 East Hennepin Avenue, Minneapolis, Minn. 55413, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of bis(hexamethylene)triamine and higher homologues as additional optional reactants in the production of polyamide resins used in food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting under the item "Polyamides derived from * * *" a new subitem, as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
Polyamides derived from dimerized vegetable oil acids and the following amines:	– – –
Bis(hexamethylene) triamine and higher homologues.	
* * *	* * *

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

sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated October 11, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12893; Filed, Oct. 22, 1968; 8:50 a.m.]

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Identity Test by Infrared Spectrophotometry

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following new section is added to Part 141 of the antibiotic drug regulations to set forth the subject test:

§ 141.521 Identity test by infrared spectrophotometry.

(a) *Apparatus*—(1) *Spectrophotometer.* A suitable spectrophotometer capable of recording the infrared absorption spectrum in the 2 to 15 micron range.

(2) *Hydraulic press.* A 30-ton hydraulic press with 12-inch square platens.

(b) *Sample preparation methods.* Use the sample preparation method specified in the individual section for each antibiotic.

(1) *Potassium bromide discs.* Quantities of materials specified are for a 13-millimeter die. Appropriate adjustments should be made in the quantities of materials when dies of other sizes are used. To prepare a 1.0 percent mixture, weigh approximately 2 milligrams of the sample and mix thoroughly with 200 milligrams of dried potassium bromide (infrared spectrophotometric quality). For a 0.5 percent potassium bromide mixture, use 1 milligram of sample. For a 0.25 percent potassium bromide mixture, use 0.5 milligram of sample. A mortar and pestle, a ball mill, or other suitable mixing device may be used. Transfer the uniformly milled mixture to the die, evacuate gradually while raising the pressure to 3,000 pounds per square inch until evacuation is complete, then raise the pressure to 16,000 pounds per square inch, and hold that pressure for 2 to 3 minutes. Release the pressure, dismantle the die, and recover the potassium bromide disc. Mount the disc in a suitable holder and proceed as directed in paragraph (c) of this section.

(2) *Mineral oil mull.* Weigh approximately 20 milligrams of the sample into an agate mortar and add 2 drops of mineral oil. Triturate thoroughly with a pestle until a uniform consistency is obtained. Use two rock salt plates as an absorption cell. Place a small drop of the mull in the center of one of the plates. Gently put the other plate on the mull and slowly squeeze the plates together to spread the mull uniformly. Clamp the two plates firmly together in a metal holder. Examine the assembled cell by holding it up to the light. It should appear smooth and free of any air bubbles. Proceed as directed in paragraph (c) of this section.

(3) *1 percent solution.* Prepare a 1 percent solution of the sample in chloroform and use 1.0 millimeter matched absorption cells. Proceed as directed in paragraph (c) of this section.

(c) *Procedure.* Place the sample, prepared as directed in paragraph (b) of this section, in the spectrophotometer. Determine the infrared absorbance spectrum between the wavelengths of 2 to 15 microns. To be suitable the spectrum should have a transmittance of less than 50 percent at most of the wavelengths showing significant absorption. Compare the spectrum to that of an authentic sample of the same antibiotic prepared in an identical manner. To pass the infrared identity test, the absorption spectrum of the sample should compare qualitatively with that of the authentic sample.

This order adding to the antibiotic drug regulations a description of the infrared identity test is nonrestrictive and noncontroversial in nature; therefore, notice and public procedure and delayed effective date are unnecessary prerequisites to this promulgation.

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

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

Dated: October 11, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12896; Filed, Oct. 22, 1968; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16778; FCC 68-1031]

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

Allocation of Presently Unassignable Spectrum by Adjustment of Certain of Band Edges; Order Vacating Stay

In the matter of amendment of Part 21 of the Commission's rules with respect to the 150.8–162 Mc/s band to allocate presently unassignable spectrum to the Domestic Public Land Mobile Radio Service by adjustment of certain of the band edges, Docket No. 16778.

1. The Commission has under consideration the application of its cut-off rules (§§ 1.227(b)(3), 21.26(b), and 21.27(f)) with respect to applications filed in the above-entitled proceeding and placed on public notice prior to September 30, 1968.

2. The salient facts are briefly as follows: On May 13, 1968, the Commission released its report and order (FCC 68-515, 12 FCC 2d 841), amending Part 21 of its rules inter alia assigning previously unassignable frequencies in the 150.8–162 Mc/s band, and denied reconsideration thereof by memorandum opinion and order released August 22, 1968 (FCC 68-863, 14 FCC 2d 269). On August 28, 1968, the first group of applications were placed on public notice (Report No. 402-1, Mimeo. 21202). Thereafter, and on September 6, 1968, the Commission by order (FCC 68-912) stayed temporarily the effective date of the rule amendments pending disposition by the Court of Appeals of a motion by Radio Relay for a stay pendente lite. The Court of Appeals for the Second Circuit on September 30, 1968, denied Radio Relay's motion for stay.

3. In view of the unusual circumstances herein, we believe that an equitable accommodation in this instance would be to extend the cutoff date for a period of 51 days from the date of the Court action denying the stay, in order to permit the parties in interest a sufficient time within which to prepare and file applications which could be considered to be mutually exclusive with those applications placed on public notice prior to September 30, 1968.

Accordingly, it is ordered, That applications filed on or before November 20, 1968, will be considered with those applications placed on public notice prior to September 30, 1968, and appropriately acted upon pursuant to Commission rules if found to be mutually exclusive.

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

Adopted: October 16, 1968.

Released: October 18, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-12913; Filed, Oct. 22, 1968; 8:52 a.m.]

[Docket No. 18283; FCC 68-1037]

PART 73—RADIO BROADCAST SERVICES

Television Table of Assignments; Bay City, Tex.

Report and order. In the matter of amendment of § 73.606(b) of the Commission's rules and regulations, Television Table of Assignments (Bay City, Texas), Docket No. 18283, RM-1234.

1. The Commission here considers the rule making to amend the Television Table of Assignments (section 73.606(b) of the Commission's rules and regulations) to assign Channel *43 to Bay City,

[1] Chairman Hyde absent.

Tex., in lieu of Channel *27. This proceeding was instituted on the petition of United Artists Broadcasting, Inc. (UA), permittee of Station KUAB–TV, Channel 20, Houston, Tex. UA had applied to change the site of its transmitter to the Houston antenna farm, but there would be a 10.49-mile deficiency in the required separation to the Channel *27 reference point at Bay City (§ 73.698, Table IV).

2. UA's proposed transmitter change would permit Station KUAB–TV to provide more extensive service to the Houston area. While the petition indicated that any of a number of channels could be substituted for Channel *27, the Commission's computer study indicated that Channel 43 is the most efficient replacement. No objections to the proposal were received. It would appear that in the circumstances the public interest, convenience, and necessity would be served by the assignment of Channel *43 in lieu of Channel *27 at Bay City.

3. Authority for adoption of this amendment is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

4. *It is ordered*, That § 73.606(b) of the Commission's rules, Television Table of Assignments, is amended, insofar as the community named is concerned, effective November 25, 1968, to read as follows:

City	Channel No.
Bay City, Tex.	*43

5. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: October 16, 1968.

Released: October 18, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–12914; Filed, Oct. 22, 1968; 8:52 a.m.]

[Docket No. 18269; FCC 68–1038]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Moncks Corner, S.C., etc.

Report and order. In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Moncks Corner, S.C.; Rochelle, Ill.; Carlisle, Pa.; Laredo, Tex.; Burney, Calif.; Fulton, Miss.; Ojai, Calif.; Buford, Ga.; and Berlin, Wis.), Docket No. 18269, RM–1304, RM–1305, RM–1307, RM–1310, RM–1312, RM–1313, RM–1315, RM–1318, RM–1319.

1. The Commission has before it for consideration its Notice of Proposed Rule Making, issued in this proceeding on July 30, 1968, (FCC 68–770) and published in the FEDERAL REGISTER on August 2, 1968, (33 F.R. 11031) proposing a number of changes in the FM Table of Assignments advanced by various interested parties. A number of comments were filed and all duly filed documents were considered in making the following determinations. Except as noted, the proposals were unopposed. All populations referred to are those shown in the 1960 U.S. Census, unless stated otherwise. This decision disposes of all the above-listed petitions.

2. *RM–1304, Moncks Corner, S.C. (Associates of Berkeley)*[1]*; RM–1313, Fulton Miss. (Itawamba County Broadcasting Co.); RM–1315, Ojai, Calif. (Edward T. Martin); RM–1318, Buford, Ga. (Buford Broadcasting, Inc.); RM–1319, Berlin, Wis. (Kingsley H. Murphy, Jr.):* In the above five cases interested parties seek the assignment of a first Class A channel in a community without requiring any other changes in the Table. The populations of the communities range from 1,706 in Fulton, Miss., to 4,838 in Berlin, Wis. We are of the view that the requests for a first FM assignment in each community are merited and that they would serve the public interest. We are therefore making the following additions to the FM Table of Assignments:

City	Channel No.
Moncks Corner, S.C.	288A
Fulton, Miss.	269A
Ojai, Calif.	288A
Buford, Ga.	272A
Berlin, Wis.	232A

3. *RM–1305, Rochelle and Savanna, Ill., and Dubuque, Iowa.* Tilton Publications, Inc., filed a petition on May 13, 1968, and a supplement on May 29, 1968, requesting the assignment of a first FM channel to Rochelle, Ill., and to make other necessary changes in the table as follows:

City	Channel No.	
	Present	Proposed
Rochelle, Ill.		272A
Savanna, Ill.	272A	261A
Dubuque, Iowa	255, 257A, 261A, 287	225, 257A, 272A, 287

Rochelle, with a population of 7,008 persons and located about 22 miles south of Rockford, is the largest city in Ogle County, which has a population of 38,106. A daytime-only AM station, WRHL, is licensed to petitioner for operation at Rochelle; there are no FM assignments in Ogle County.

4. The petitioner proposes that Channels 261A and 272A presently assigned at Dubuque, Iowa, and Savanna, Ill., respectively, be interchanged in order that Channel 272A can be assigned to Rochelle in conformity with the spacing requirements of the rules. The proposed changes would not involve any existing FM stations or pending applications and the number and class of existing assignments would remain the same in each community. The petitioner's engineering statement reveals Channel 272A would require a site about 2.5 miles north or northeast of Dubuque in order to meet the spacing requirements with Channel 275 at Cedar Rapids, Iowa. There is also pending a rule making, RM–1220, Docket No. 18051 (FCC 68–231), which, among other things, proposes changing the channel assigned to Station WGLC–FM, Mendota, Ill., from 261A to 265A. In the event this proposal is adopted, a site for Channel 261A proposed herein for Savanna would require a site slightly less than 1 mile north of the Savanna post office (standard reference point) in order to meet the spacing requirements with Station WGLC–FM.

5. In support of its request, the petitioner urges that, since the only aural outlet for Ogle County is the daytime-only station licensed to petitioner at Rochelle, there is a need for a full time aural outlet to that community and the surrounding rural area. Sources of statistical information for 1967 are cited which show Ogle County had 471 retail establishments with $50,096,000 in retail sales, 71 wholesale establishments with $30,525,000 in sales, 61 places of manufacturing with a payroll of $27,634,000 and a total of $46,150,000 in farm product sales. The petitioner submits that the proposed changes would provide for a more efficient, fair and equitable distribution of facilities than presently exists and that it will file an application to operate on Channel 272A at Rochelle if the request is adopted.

6. In the notice we requested comments and showings on the availability of suitable transmitter sites for Channels 272A at Dubuque, 275 at Cedar Rapids (if Channel 272A is assigned to Dubuque) and 261A at Savanna in light of the requirements of § 73.208(a)(4), since in each case the area for sites meeting the spacing requirements is restricted. In comments supported by an engineering showing, Tilton suggests that the area north of the center of Savanna where 261A may be located would offer the advantages of higher terrain. With respect to Channel 272A at Dubuque, the area again is generally along an elevated ridge, but located wholly within the State of Wisconsin. Tilton points out, however, that this area contains the site of existing FM Station KFMD, Dubuque. Study of the engineering showing as to Cedar Rapids indicates that selection of a site for Channel 275 if used there is presently restricted to an area northeast of the center of Cedar Rapids, due to the operation of KRNT–FM, Channel 273, Des Moines, and, depending on the exact location ultimately selected for Channel 272A Dubuque, the combination of the two could conceivably result in a choice of sites for the Cedar Rapids channel being narrowly restricted, to a narrow wedge to the southeast of Cedar Rapids. Tilton appears to have overlooked the restriction in its evaluation of available sites for Channel 275 at Cedar Rapids. However, from the above analyses, there is no reason apparent as to why the areas to which the channels must be restricted would not be suitable for future sites for

[1] Chairman Hyde absent.

[1] Comments supporting the petition of Associates of Berkeley were filed by Berkeley Broadcasting Corp. (WBER(AM)), Moncks Corner, S.C.

the channels concerned. There were no opposing comments filed in this case.

7. Upon careful consideration of the comments submitted in this proceeding, we are of the view that the petitioner's proposal to assign a first FM channel to Rochelle and the necessary concomitant channel substitutions in other communities would represent a fair and more efficient distribution of available facilities and should be adopted. It would permit a first local nighttime facility in Rochelle and its county to be established and the other necessary changes would not involve existing stations nor result in a change in the number or class of channels presently assigned. We are, therefore, assigning Channel 272A to Rochelle and interchanging channels 261A and 272A between Dubuque, Iowa, and Savanna, Ill.

8. *RM–1307, Carlisle, Pa.* In a petition filed May 16, 1968, WIOO, Inc., requests the assignment of a second Class A FM channel to Carlisle, Pa., as follows:

City	Channel No.	
	Present	Proposed
Carlisle, Pa.	272A	228A, 272A

Carlisle, having a population of 16,623 persons, is the county seat and largest community in Cumberland County, which has a population of 124,816. The community is located about 19 miles west of Harrisburg, Pa., and is located within the Harrisburg SMSA (population 345,071), but outside the Harrisburg urbanized area. There are two daytime-only AM stations and one Class A FM station operating in Carlisle. One (WIOO (AM)) is licensed to petitioner, and the FM station (WHYL–FM) is licensed to the licensee of the second AM station (WHYL (AM)).

9. WIOO submits numerous statistics and descriptions of the cultural, industrial and business characteristics of Carlisle and its surrounding area to support its contention that the community has an active community life and that it is an important commercial center. The petitioner urges that, in view of the size and importance of Carlisle, the requested channel should be assigned to provide a first competitive full-time broadcast service to the community.

10. The petitioner's engineering study indicates that assignment of Channel 228A to Carlisle would conform to the spacing requirements of the rules. As to preclusion of assignments to other communities resulting on the proposed and six adjacent channels, it is shown that only Channel 228A would be so involved. There is no community having a population greater than 1,675 contained within the precluded area that is not also located within the urbanized area of either Harrisburg or York.[2] Harrisburg has one Class A and three Class B assignments; York has three Class B assignments.

11. An opposition with a counterproposal was filed by Richard F. Lewis, Jr., Inc., licensee of WHYL–AM–FM, Carlisle, requesting (1) that the proposal to add a second channel to Carlisle be denied, or (2) in the alternative, that the channel be assigned to either Mechanicsburg (population 8,123) or Middletown (population 11,182). Mechanicsburg is about midway between Harrisburg and Carlisle; Middletown is some 8 miles southeast of Harrisburg. Neither community has an AM or FM assignment, but both are contained within the Harrisburg Urbanized Area. Lewis, relying upon the preclusion study contained in petitioner's engineering statement, represents that Channel 228A can be assigned to either Mechanicsburg or Middletown and meet the separation requirements of the rules. The counterproposal, which was not supported by an engineering statement, is defective insofar as it relates to Mechanicsburg, since it does not recognize that assignment of Channel 228A within Mechanicsburg is precluded by operation of Station WTPA–FM, Harrisburg, at a distance less than that specified by § 73.207(a) (IF beat). Assuming a site suitable from this and other standpoints could be found, this channel could, if assigned to Carlisle, be used by a Mechanicsburg station under the "10-mile rule" (§ 73.203(b)). Thus, assignment to Mechanicsburg need not be considered further here.[3] In support of its counterproposal for Middletown, Lewis submits that that community had an increase of 1,998 in population between 1950–60, whereas in the same period, Carlisle had a loss of 189, that Middletown is a separate and distinct borough deserving of a first local service in preference to Carlisle, which presently has two daytime-only AM stations and one FM station. It is alleged that adoption of petitioner's request would forever foreclose Middletown's opportunity to receive a first broadcast outlet; no showing supporting this position, however, is presented. Finally, it is suggested that assignment of the channel at issue to Middletown would attract an applicant in the near future.

12. In its reply, WIOO maintains that Middletown, located in the Harrisburg Urbanized Area, is truly a suburb of Harrisburg, that Middletown, although having shopping areas, has no major shopping centers as does Carlisle, and that, since Middletown itself is not an independent market area, it does not have the need for its own broadcast facilities. WIOO urges that Middletown is adequately served by six [FM] stations located at Harrisburg, Hershey, and Elizabethtown. By contrast, WIOO points out that Carlisle is not located in an urbanized area and that only one FM channel has been allocated to Cumberland County, of which Carlisle is the county seat. Additional statistics are submitted by WIOO which reflect recent increases in total productivity, retail sales and housing construction in Carlisle. It is also submitted that, while population within the fixed municipal boundaries of Carlisle may have shown a decrease between 1950–60, its metropolitan area has realized a considerable growth before and subsequent to 1960 and that the city boundaries will soon be extended to include an additional area of 1,000 square miles. Finally, WIOO states that no demand now exists by a potential applicant for an FM channel at Middletown, whereas there does exist a demand in Carlisle and concludes that, in view of these circumstances, the public interest would be furthered by assigning the channel to Carlisle. We also note that Middletown is within the county of which Harrisburg is the county seat (Dauphin).[4]

13. After careful consideration of the comments by parties participating in this proceeding, we come to the conclusion that assignment of Channel 228A to Carlisle in preference to Middletown would represent a fair and equitable distribution of facilities and would, therefore, better serve the public interest. The assignment would permit establishment of a second full-time local aural outlet to a relatively important and independent market not located in an urbanized area. By contrast, Middletown is contained within an urbanized area and the central county thereof and is better served by more FM services closer to its own area than is the case for Carlisle. Moreover, since no potential applicant has indicated an interest for the Middletown assignment, it appears that adoption of petitioner's proposal would insure a more prompt activation of the channel. In view of these considerations, we are assigning Channel 228A to Carlisle, Pa.

[2] Among the affected communities are Boiling Springs (1,182) of Cumberland County, and Dillsburg (1,322), Manchester (1,454) and Spring Grove (1,675) of York County. It is noted that Boiling Springs could apply for the channel under the "10-mile" provision of § 73.203(b), as could Mount Holly Springs (1,840), also of Cumberland County, if a site for the latter were selected about 1 mile outside the community. The other communities mentioned are in York County, where a total of four Class B channels have been assigned compared to the second Class A channel proposed herein for Cumberland County.

[3] It appears that Channel 228A might be utilized to serve Mechanicsburg if a site were selected about 3 to 4 miles southwest or west thereof. No showing has been made by participating parties as to the availability of a suitable site.

[4] On Sept. 18, 1968, 5 days after the date for filing reply comments, Lewis filed a letter commenting on the reply by WIOO to his opposition pursuant to § 1.587 of the rules. This rule provides for filing of informal objections to applications for an instrument of authorization and is not applicable to rule making proceedings. Since there is no apparent justification for accepting the late filing, the pleading is not being considered.

14. *RM–1310, Laredo, Tex.* Border Broadcasters, Inc., a prospective FM applicant, filed a petition on May 10, 1968, requesting that the table be amended to add Channel 221A to Laredo, Tex., as follows:

City	Channel No.	
	Present	Proposed
Laredo, Tex.	264, 289, 300	221A, 264, 289, 300

Laredo has a population of 60,678 persons and the Laredo Metropolitan Area (Webb County) has a population of 64,791. The community is located in southern Texas on the United States-Mexican border and has two AM stations: A Class IV and an unlimited-time Class III (1 kw.). The Class IV station, KVOZ, is licensed to the petitioner. The three existing Class C FM assignments are neither occupied nor have applications pending.

15. We stated in the Notice that, because of the brevity of the petition and lack of supporting data, we were not convinced that assignment of a Class A channel to the principal city of a metropolitan area and mixing of classes of channels had been justified here. We further indicated that our decision would depend largely on a showing of the relative areas and populations contained within the predicted 60 dbu (1 mv/m) contour of a Class A station (3 kw. at 300 feet) with that of a maximum Class C station (25 kw. at 300 feet), both assumed to be operating at the same site at Laredo. In response to our invitation for comments on these aspects, petitioner presented a detailed engineering analysis from which the following comparative data based on the above assumptions are extracted: [5]

	Class A operation	Class C operation	Difference
Total U.S. land area (square miles)	431	1,037	606
Total population (1960 census)	61,217	62,146	929

It appears from petitioner's showing that, while the assumed Class C operation would result in an increase of 141 percent in area over the Class A operation, there would only result a corresponding increase of 1.52 percent in population.

16. In support of its request for a Class A channel assignment at Laredo, petitioner submits that the relatively small number of additional persons that would be served by a Class C station over that provided by a Class A station would not justify the higher initial cost and operating expense for a Class C facility, and that, if the request is adopted, it plans to file an application to establish the first FM service for the Laredo area.

17. Our notice further noted that Channel 221A is adjacent to the educational portion of the FM band and that assignments on Channels 221A, 222, and 223 were being avoided, where possible, to permit maximum latitude in developing a proposed educational FM table of assignments presently under study. We therefore modified petitioner's proposal to assign 224A in lieu of 221A and to delete Channel 300 if the request for a Class A assignment were adopted. No comments or objections were filed with respect to our proposed modification of petitioner's plan.

18. Based on the comments and further supporting data filed by petitioner, we are of the opinion that adoption of the proposal to assign a Class A channel to Laredo should be adopted. We consider that the showing of the relatively insignificant gain in population obtainable by a minimal Class C operation over that available from a Class A in this case warrants deviation from our usual preference of only assigning Class B or C channels to principal cities of metropolitan areas. Similarly, mixture of classes of channels appears justified here under the circumstances. In view of the foregoing, we are assigning Channel 224A and deleting Channel 300 at Laredo, Tex.

19. *RM–1312, Burney, Calif.* A petition was filed on June 10, 1968, by Ulysses C. Bartmess requesting the assignment of Class C Channel 291 to Burney, Calif. Burney, having a population of 1,294 persons, is located in north-central California in Shasta County, which has a population of 59,468. Burney is about 42 miles northwest of Redding, population 12,773, the county seat of Shasta County. There is one Class IV station, KAVA, operating in Burney and licensed to petitioner. There are no FM assignments in the community.

20. In support of the request, petitioner submits that the nearest operating FM station to Burney is KEWB(FM), Redding, located about 50 miles southeast, and that reception at Burney of the station is adversely affected by intervening mountainous terrain. It is urged that, since Burney's only local radio outlet is limited to 250 watts, several nearby communities and a large portion of the agricultural area lie outside of the nighttime signal of KAVA(AM). It is claimed that the assignment of a Class C FM channel would make it possible to service such communities with the first nighttime signal. In an accompanying engineering statement it is shown that Channel 291 to Burney would meet the spacing requirements of the rules without any other changes in the Table. It is also shown that the anticipated operation would cover a "white area" in large portions of Shasta, Siskiyou, Modoc, and Lassen Counties. It is estimated by petitioner, based on facilities of 100 kw. ERP and antenna height of 1,500 feet he says he intends to use, that a population of 34,900 persons would be included in the above-described "white area" (1960 census). It is claimed that a conservative estimate of the present population would be over 50,000.

21. As we stated in the notice, a small community the size of Burney is ordinarily considered for a Class A channel. However, in view of the isolated location of the community in a sparsely populated mountainous area and the showing of the significant amount of population contained within the "white area" that would be served, we are of the view that the proposal merits a departure from our policy in this respect. Accordingly, we are adopting the proposal to assign Channel 291 to Burney, Calif. It is expected that any applicant filing an application for the channel assignment adopted here will be for facilities reasonably comparable to that specified by the petitioner in his "white area" showing, since our decision here has been largely based on the representations made thereon by the petitioner.

22. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

23. In accordance with the determinations made above: *It is ordered*, That effective November 25, 1968, Section 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	*Channel No.*
California:	
Burney	291
Ojai	288A
Georgia:	
Buford	272A
Illinois:	
Rochelle	272A
Savanna	261A
Iowa:	
Dubuque	225, 257A, 272A, 287
Mississippi:	
Fulton	269A
Pennsylvania:	
Carlisle	228A, 272A
South Carolina:	
Moncks Corner	288A
Texas:	
Laredo	224A, 264, 289
Wisconsin:	
Berlin	232A

24. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: October 16, 1968.

Released: October 18, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[6]

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

[F.R. Doc. 68–12915; Filed, Oct. 22, 1968; 8:52 a.m.]

[5] The time by which comments were to be filed in this matter was specified in the notice as Sept. 3, 1968. The comments filed by petitioner are dated Aug. 28, 1968, and the supporting engineering statement dated Aug. 23, 1968, were not received until Sept. 13, 1968, the last date specified in the notice for filing reply comments. No explanation is made for the late filing. However, since the pleading apparently was prepared prior to the due date and since no party will be adversely affected by its acceptance, we are considering it herein on its merits.

[6] Chairman Hyde absent; Commissioner Cox's dissenting statement filed as part of the original document.

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1, Amdt. No. 1–23]

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

Limitation on Reservation of Authority; Federal Highway Administrator

The purpose of this amendment is to limit the reservation imposed in § 1.5(i)(1) of Part 1 on the authority delegated to the Federal Highway Administrator to perform the rule-making functions of the Secretary of Transportation with respect to Federal aid highway projects.

The original reservation of authority in § 1.5(i)(1) extended to all of the authority with respect to Federal aid highway projects (23 U.S.C. 109, 131, 315) to issue, modify, or revoke proposed or final rules. The purpose of this amendment is to authorize the Federal Highway Administrator to issue notices of proposed rule making and final rules with respect to public hearings and location and design approval concerning Federal aid highway projects.

In consideration of the foregoing, effective October 17, 1968, 49 CFR 1.5(i)(1) is amended to read as follows:

§ 1.5 Reservations of authority.

* * * * *

(i) * * *

(1) Federal-aid Highways, except notices of proposed rule making and final rules relating to public hearings and location and design approval.

* * * * *

This action is taken under the authority of section 9 of the Department of Transportation Act. 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 immediately.

Issued in Washington, D.C., on October 17, 1968.

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 68–12859; Filed, Oct. 22, 1968; 8:47 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1012]

PART 1033—CAR SERVICE

Detroit, Toledo and Ironton Railroad Co. Authorized To Operate Over Trackage of Penn Central Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 16th day of October 1968:

It appearing, that because of increasing congestion, the interchange of freight cars, via railroad car ferry, between the Detroit, Toledo and Ironton Railroad Co., at Detroit, Mich., and the Canadian Pacific Railway Co., at Windsor, Ontario, Canada, is being excessively delayed; that interchange of cars between these carriers may be expedited by use of the all-rail route of the Penn Central Co.; that the Detroit, Toledo and Ironton Railroad Co., in Finance Docket No. 25344, has filed an application with the Commission to operate over trackage of the Penn Central Co., between a point of connection between these companies at Ecorse, Mich., within the switching limits of Detroit, Mich., and the point where trackage of the Penn Central Co., crosses the international boundary between Detroit, Mich., and Windsor, Ontario, Canada, a distance of approximately 8.6 miles; that a similar application has been filed by the Detroit, Toledo and Ironton Railway Co., with, and authority received from, the Canadian Transport Commission to operate over trackage of the Penn Central Co., between the point where this trackage crosses the international boundary between Detroit, Mich., and Windsor, Ontario, Canada, and the point of connection of this trackage with the yards of the Canadian Pacific Railway Co., at Windsor, Ontario, Canada; that the Commission is of the opinion that operation of the Detroit, Toledo and Ironton Railroad Co., over this trackage of the Penn Central Co., is necessary to expedite the movement of freight cars in the interest of the public and the commerce of the people, pending final disposition of the application of the Detroit, Toledo and Ironton Railroad Co., in Finance Docket No. 25344; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1012 Service Order No. 1012.

(a) *Detroit, Toledo and Ironton Railroad Co. authorized to operate over trackage of Penn Central Co.* The Detroit, Toledo and Ironton Railroad Co be, and it is hereby, authorized to operate over trackage of the Penn Central Co. between a point of connection between these companies at Ecorse, Mich., within the switching limits of Detroit, Mich., and the point where trackage of the Penn Central Co. crosses the international boundary between Detroit, Mich., and Windsor, Ontario, Canada, a distance of approximately 8.6 miles.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Detroit, Toledo and Ironton Railroad Co. over tracks of the Penn Central Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Detroit, Toledo and Ironton Railroad Co. over tracks of the Penn Central Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(e) *Effective date.* This order shall become effective at 12:01 a.m., October 18, 1968.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–12874; Filed, Oct. 22, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

STANDARDS FOR GRADES OF GRAPEFRUIT JUICE [1]

Quantity of Acid

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the U.S. Standards for Grades of Grapefruit Juice (33 F.R. 2500, 4104), pursuant to the authority contained in the Agricultural Marketing Act of 1946.

(Sec. 202–208, 60 Stat. 1087; as amended; 7 U.S.C. 1621–1627)

The proposed amendments, if made effective, would change the method of expressing the quantity of acid in grapefruit juice, from ------ grams per 100 milliliters of juice ------ to ------ grams per 100 grams of juice.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same in duplicate, not later than 30 days after publication hereof in the FEDERAL REGISTER, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

Statement of consideration leading to the proposed amendments. The relationship of sweetness to acidity is an important indication of the maturity of citrus fruits and of the flavor of processed citrus juices. This relationship is referred to in grade standards and maturity laws as the "Brix/acid ratio".

Degrees "Brix" by definition is a percentage (by weight) of soluble solids, principally sugars in the juice. Acid is traditionally calculated as "grams per 100 milliliters" in connection with processed single strength juices and as "grams per 100 grams" (a true percent by weight) in connection with fresh fruit delivers and with processed concentrates. Acid calculated on the basis of grams per 100 grams results in slightly lower acid values than when calculated as grams per 100 ml.; and the resulting Brix-acid ratios become slightly higher for the same juice. Because the Brix/acid ratios resulting from these two methods of expressing content vary, it is difficult to relate the quality of the various juice forms. Also, under a dual system of reporting acid a juice may be changed in grade merely by having been changed in form—from a concentrate, for example, to a reconstituted juice.

In consideration of the foregoing matters, it would appear proper to report both sweetness and acidity as percentages by weight so that resulting Brix/acid ratios, regardless of the product form, would be on the same basis.

Although the proposed method of calculating acidity would result in a slight lowering of quality for unsweetened grapefuit juice, the adjustment (within 0.3 of one ratio at 9° Brix) would be so small as to be undetectable by most consumers. Therefore, no compensative changes in the Brix/acid requirements are proposed.

The proposed amendments are as follows:

1. In § 52.6131, paragraph (b) is revised to read as follows:

§ 52.6131 Definitions of terms and methods of analysis.

* * * * *

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 grams of juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

* * * * *

2. In § 52.6133, score sheet, the eighth complete line of the score sheet is changed to read:

§ 52.6133 Score sheet for grapefruit juice.

* * * * *

Acid (grams/100 grams: calculated as anhydrous citric acid.)

* * * * *

(Sec. 203, 60 Stat. 1087, as amended; 7 U.S.C. 1622)

Dated: October 17, 1968.

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

[F.R. Doc. 68–12869; Filed, Oct. 22, 1968; 8:47 a.m.]

[1] NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

[7 CFR Part 929]

CRANBERRIES

Change in Fiscal Period

Notice is hereby given that the Department is considering extending the fiscal period which began September 1, 1968, and ends August 31, 1969, to include the period of August 1 through August 31, 1968. With this inclusion, said fiscal period would cover a 13-month period of time. Before the amendment, which became effective on August 16, 1968 (33 F.R. 11639), the fiscal period began on August 1 and ended July 31 of the following year. Therefore, as a result of the recent amendment the original fiscal period was interrupted and terminated at the end of 1 month. It is not practicable due to expenses involved nor would it serve any useful purpose for the Cranberry Marketing Committee to have such a curtailed fiscal period. The Secretary should effectuate the policy of the act by extending the fiscal period so that the committee can better conduct its business affairs. After August 31, 1969, all subsequent fiscal periods shall have the specified beginning and ending dates as provided in the amended order pursuant to § 929.6.

The Marketing Order No. 929, as amended (7 CFR Part 929, 33 F.R. 11639) regulates the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposed change is as follows:

§ 929.106 Fiscal period.

The fiscal period specified in § 929.6 of this part which began September 1, 1968, and ends on August 31, 1969, is changed to include the period of August 1 through August 31, 1968. Thereafter, the fiscal period will begin on September 1 and end on August 31 of the following 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 the 10th day 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: October 17, 1968.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–12870; Filed, Oct. 22, 1968; 8:47 a.m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposal To Designate Certain Countries for Export Sale by Handlers of Reserve Tonnage Raisins

Notice is hereby given of a proposal to designate the countries to which sale

in export of reserve tonnage raisins may be made by handlers as provided in § 989.67(c) 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.

Said § 989.67(c) requires the Committee to sell reserve raisins to handlers for export sale to countries on a list established by the Secretary, on the basis of the recommendation of the Committee or from other available information. In recent years, the countries to which such sales, as well as sales of surplus raisins prior to the most recent amendment of the marketing agreement and order, could be made by handlers usually were identified as all of the countries, other than Australia, outside the Western Hemisphere; and "Western Hemisphere" was defined as meaning, "The area east of the international date line and west of 30° W. longitude", but not including any of Greenland. Hence, Mexico was included along with other countries as a country to which sales of reserve or surplus tonnage raisins could not be made by handlers. In other words, Mexico was designated as an outlet for free tonnage raisins.

Shipments of free tonnage natural Thompson Seedless raisins to Mexico during the 1967–68 crop year were reported by the Committee to be 601 tons. For the 1966–67 crop year, such shipments were 969 tons. Yearly shipments of such free tonnage raisins for the 5-year period preceding the 1966–67 crop year averaged 1,805 tons per year. In view of the sharp decline in shipments of free tonnage natural Thompson Seedless raisins to Mexico, the Committee has proposed that for the 1968–69 crop year Mexico be included among the countries to which handlers may sell reserve tonnage raisins. Currently, natural Thompson Seedless raisins are the only varietal type for which a reserve percentage is in effect (33 F.R. 15331).

Pursuant to § 989.67(c), the Committee has given consideration to the pertinent factors enumerated in § 989.54 of the amended marketing agreement and order and has recommended that the countries to which handlers may make export sales of reserve tonnage natural Thompson Seedless raisins be those covered by § 989.221 as hereinafter set forth.

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 8 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)).

The proposal is to revise § 989.221 to read as follows:

§ 989.221 Countries to which sale in export of reserve tonnage natural Thompson Seedless raisins may be made by handlers.

The countries to which sale in export of reserve tonnage natural Thompson Seedless raisins may be made by handlers shall be all of those countries, other than Australia, outside of the Western Hemisphere. For purposes of this section, "Western Hemisphere" means the area east of the international date line and west of 30° W. longitude but excluding all of Greenland and Mexico. All of the countries covered by this section to which sale in export of such reserve tonnage may be made shall be deemed listed in this section for the purposes of § 989.67(c).

Dated: October 17, 1968.

ARTHUR E. BROWNE,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 68–12871; Filed, Oct. 22, 1968; 8:47 a.m.]

[7 CFR Part 1004]

[Docket No. AO 160–A39]

MILK IN DELAWARE VALLEY MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision 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 that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Delaware Valley marketing area, which was issued October 8, 1968 (33 F.R. 15215), is hereby extended to October 25, 1968.

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

G. R. GRANGE,
Acting Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68–12872; Filed, Oct. 22, 1968; 8:48 a.m.]

[7 CFR Part 1133]

MILK IN INLAND EMPIRE MARKETING AREA

Proposed Suspension of Certain Provisions of the Order

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

The provisions proposed to be suspended are:

(1) In paragraph (c) of § 1133.12 the provision: "and 20 percent in the months of September through November", where such provision is in subparagraphs (1) and (2) of paragraph (c), and

(2) The words "October, or November" which appear in the second sentence of § 1133.12(c)(5).

The proposed suspension would permit a handler to divert producer milk from a pool plant to a nonpool plant during the months of October and November 1968 without limit, if the milk of such producer had been received at the pool plant prior to diversion from such plant (but not necessarily in the current month).

A cooperative association representing a substantial number of producers supplying the market requested a suspension to provide unlimited diversion during the months of October and November 1968. Proponent stated that handlers in the market have recently changed to a 5-day bottling week. The handlers now call for greater quantities of milk from the association during the middle part of the week. This has necessitated the pooling of some additional milk even though producer deliveries have increased in recent months more than usual for the season. Consequently, the association expects that milk in excess of 20 percent of that delivered to pool plants will need to be diverted to nonpool plants during October and November 1968 for manufacture into butter, cheese, and other manufactured dairy products.

The proposed suspension will permit dairy farmers who are associated with the market to continue as producers under the order. A similar suspension was made effective for the market for September 1968 (33 F.R. 15108).

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

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

Signed at Washington, D.C., on October 18, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68–12921; Filed, Oct. 22, 1968; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[15 CFR Part 7]

WEARING APPAREL

Notice of Finding That Flammability Standard or Other Regulation May Be Needed and Institution of Proceedings

Finding: Pursuant to section 4(a) of the Flammable Fabrics Act, as amended (sec. 3, 81 Stat. 569; 15 U.S.C. 1193) and § 7.5 of the Flammable Fabrics Act Procedures (33 F.R. 14642), and upon the basis of investigation or research conducted pursuant to section 14 of the Flammable Fabrics Act, as amended (sec. 10, 81 Stat. 573; 15 U.S.C. 1201), it is hereby found that a new or amended flammability standard or other regulation, including labeling, may be needed for wearing apparel, and fabrics or related materials intended to be used for such apparel, to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage. Section 2(d) of the Flammable Fabrics Act, as amended (81 Stat. 568; 15 U.S.C. 1191(d)) defines an "article of wearing apparel" as meaning "any costume or article worn or intended to be worn by individuals." This finding is applicable to all articles of wearing apparel, and all fabrics or related materials intended to be used for such apparel, with the exception of those items specifically exempted from the existing standards of flammability incorporated in sec. 4 of the Act of June 30, 1953, 67 Stat. 112; as amended, 68 Stat. 770, and continued in effect under Sec. 11 of the Flammable Fabrics Act, as amended (81 Stat. 574) (hereinafter referred to as the "existing standard of flammability").

The finding that a new or amended flammability standard or other regulation may be needed is based on the fact that the testing procedures established by the existing standard of flammability are considered to be technically inadequate to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage. Included among the technical inadequacies of the existing standard are (a) lack of provision for testing samples of fabrics or related materials used in articles of wearing apparel, in forms such as narrow strips, ribbons, tapes, fringes, small irregular shapes, loose fibers, or other such that the standard test specimen cannot be cut therefrom; (b) lack of provision for measurement of hazardous characteristics, such as melting, dripping, disintegrating into flaming brands, or others associated with the burning of fabrics or related materials used in articles of wearing apparel; (c) lack of quantitative measure of flame intensity, heat generation, or heat transfer; (d) lack of quantitative measure of ease of ignition; (e) lack of provision to permit measure of flame-spread time independent of ignition time; (f) lack of provision to insure that all potentially hazardous materials will be ignited, particularly those that might ignite slowly but burn rapidly once ignited.

In the course of development of this finding, the Department has analyzed data from 153 cases investigated by the U.S. Department of Health, Education, and Welfare. In those cases 234 separate garments were ignited, causing the deaths of 12 persons and injury to 141. The remains of 117 garments were recovered from 83 of the cases, including nine cases in which death resulted. The test results conducted on the remains of the garments recovered showed that none of tested garments exceeded the rapid and intense burn limits established by the existing test procedures.

Institution of proceedings: Pursuant to section 4(a) of the Flammable Fabrics Act, as amended (sec. 3, 81 Stat. 569; 15 U.S.C. 1193), and § 7.6(a) of the Flammable Fabrics Act Procedures, notice is hereby given of the institution of proceedings for the development of appropriate flammability standards or other regulations or amendments thereto for all articles of wearing apparel, and all fabrics or related materials intended to be used for such apparel, which are presently covered by the existing standard of flammability. All interested persons are invited to submit written comments or suggestions within 30 days after date of publication of this notice in the FEDERAL REGISTER relative to (1) the above finding that a new or amended flammability standard or other regulation, including labeling, may be needed; and (2) the terms of substance of a new or amended flammability standard or other regulation, including labeling, that might be adopted in the event that a final finding is made by the Secretary of Commerce that such a standard or other regulation is needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage. Written comments or suggestions should be submitted in at least four (4) copies to the Assistant Secretary for Science and Technology, Room 5884, U.S. Department of Commerce, Washington, D.C. 20230 and may be supported by any written data or other information as are available and pertinent to the subject.

All written comments received pursuant to this notice will be available for public inspection at the Central Reference and Records Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

Issued: October 17, 1968.

JOHN F. KINCAID,
Assistant Secretary for Science and Technology.

[F.R. Doc. 68-12873; Filed, Oct. 22, 1968; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

BREAD

Identity Standard; Proposal To List Polysorbate 60 as Optional Ingredient

Notice is given that a petition has been filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, proposing that the standard of identity for bread, white bread, and rolls, white rolls, or buns, white buns (21 CFR 17.1) be amended to permit the optional addition of polysorbate 60 in a quantity not more than 0.5 part for each 100 parts by weight of flour used.

Grounds given in the petition in support of the proposal are that polysorbate 60 is an effective dough-conditioning agent for use in bread.

Accordingly, it is proposed that § 17.1 *Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients* be amended in paragraph (a) (15) by including "polysorbate 60 complying with the provisions of § 121.1030 of this chapter".

Due to cross-references, adoption of the proposed amendment to the standard for bread (§ 17.1) would have the effect of making polysorbate 60 a permitted ingredient of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2 through 17.5).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: October 9, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12889; Filed, Oct. 22, 1968; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-SW-68]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an E alternate to V-71 from Baton Rouge, La., 1,200 feet AGL via the INT of Baton Rouge 026° T (020° M) and the Natchez, Miss., 156° T (150° M) radials, 1,200 feet AGL to Natchez. This would expedite the movement of air traffic by providing a numbered route for arrivals and departures at Natchez and Baton Rouge thus relieving congestion on V-71 caused by descending and ascending aircraft arriving and departing these terminals.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 14, 1968.

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

[F.R. Doc. 68-12856; Filed, Oct. 22, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SW-64]

CONTROL AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area with a 12,500 foot M.S.L. floor to extend from the Zuni, N. Mex., VORTAC direct to the intersection of the Zuni VORTAC 226° T (212° M) and St. Johns, Ariz., VORTAC 247° T (233° M) radials. This additional control area would provide protection for instrument flight rule air traffic which operates between Zuni and Phoenix, Ariz.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 14, 1968.

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

[F.R. Doc. 68-12857; Filed, Oct. 22, 1968; 8:47 a.m.]

Federal Highway Administration

[23 CFR Part 3]

[Docket No. 36]

PUBLIC HEARINGS AND LOCATION AND DESIGN APPROVAL

Notice of Proposed Regulations

Notice is hereby given that the Federal Highway Administrator is considering the addition of a new Part 3 to Title 23 of the Code of Federal Regulations, as set forth below. The purpose of the proposed new part is to ensure, to the maximum extent practicable, that highway locations and designs reflect and are consistent with Federal, State, and local goals and objectives. The rules, policies, and procedures that would be established by this part are intended to afford full opportunity for effective public participation in the consideration of highway location and design proposals by State highway departments whose responsibility it is to make highway decisions, before submission to the Federal Highway Administration for approval. They provide a medium for free and open discussion and are designed to encourage amicable resolution of controversial issues that may arise.

The proposed regulation requires State highway departments to fully consider a wide range of factors in determining highway locations and highway designs. It provides for extensive coordination of proposals with public and private interests. In addition, it provides for a two-hearing procedure designed to give all interested persons an opportunity to become fully acquainted with highway proposals of concern to them and to express their views at those stages of a proposal's development when the flexibility to respond to these views still exists.

Informal drafts of proposed policy and procedure memoranda on the same subjects were distributed in October of 1967 and March of 1968. All comments received have been carefully considered in the preparation of the new proposed part. The decision to issue a regulation, rather than a memorandum, has been taken because the contents are clearly regulatory in nature and because they affect not only State highway departments but the general public.

Interested persons are invited to participate in the making of the proposed regulation by submitting written data, views, or arguments. Six copies of comments should be submitted to the Federal Highway Administration, Rules and Docket Room 512, 400 Sixth Street SW., Washington, D.C. 20591. All comments received by the close of business on November 22, 1968, will be considered before action is taken on the proposed regulation. All comments submitted will be available both before and after the closing date for comments, in the docket for examination by interested persons.

Issued in Washington, D.C., on October 21, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

Sec.
3.1 Applicability.
3.3 Definitions.
3.5 Hearings required.
3.7 Coordination required.
3.9 Opportunity for public hearings.
3.11 Public hearing procedures.
3.13 Consideration of social, economic, and environmental effects.
3.15 Location and design approval.
3.17 FHWA action on requests; appellate procedures.
3.19 Reimbursement for public hearing expenses.

AUTHORITY: The provisions of this Part 3 issued under 23 U.S.C. 128 and 315, secs. 2(a), 2(b)(2) and 9(e)(1) of the Department of Transportation Act; 49 U.S.C. 1651 (a) and (a)(2), 1657(e)(1), and delegation of authority by Secretary to the Federal Highway Administrator; 49 CFR Part 1, § 1.4(c).

§ 3.1 Applicability.

(a) This part applies to all Federal aid highway projects. It also applies to forest highway projects. A public hearing on each forest highway project should be held by a person other than an official of the Federal Government whenever it can be arranged.

(b) If preliminary engineering or other work related to an undertaking to construct a portion of a Federal-aid highway project is carried out without Federal-aid funds, subsequent phases of

the work are eligible for Federal-aid funding only if the nonparticipating work after _____ (the effective date of this part) was done in accordance with this part.

(c) Secondary Road Plans shall be amended as necessary to incorporate procedures similar to those required for other projects. Project actions by the division engineer or submissions to the division engineer which are not now required should not be established for Secondary Road Plan projects as a result of this Part. Secondary Road Plans shall include provisions requiring (1) route location and highway design approval, (2) preparation of study reports as described in § 3.15, and (3) corridor and highway design public hearings in all cases where they would be required for Federal-aid projects not administered under the Secondary Road Plan.

§ 3.3 Definitions.

As used in this part:

(a) A "corridor public hearing" is a public hearing that—

(1) Is held before the route location is approved by the division engineer and before the State highway department is committeed to a specific alternative;

(2) Is held to ensure that an opportunity is afforded for effective participation by interested persons in the determination of the need for, and the location of, a Federal-aid highway;

(3) Provides a public forum that affords a full opportunity for presenting views on each proposed highway location, and the social, economic, and environmental effects of that location and alternate locations; and

(4) Offers the opportunity to explore the question of whether alternative methods of transportation would better serve the public interest.

(b) A "highway design public hearing" is a public hearing that—

(1) Is held after route location approval has been approved by the division engineer but before highway design approval;

(2) Is held to ensure that an opportunity is afforded for effective participation by interested persons in the determination of the specific location and design of a Federal-aid highway; and

(3) Provides a public forum that affords a full opportunity for presenting views on each proposed highway design, including the social, economic, environmental, and other effects of that design and alternate designs.

(c) "Social, economic, and environmental effects" means the direct and indirect benefits or losses to the community and to highway users. It includes, but is not limited to, effects pertinent to the locations or designs under consideration and related to the following:

(1) National defense.
(2) Economic activity.
(3) Employment.
(4) Recreation.
(5) Fire protection.
(6) Aesthetics.
(7) Public utilities.
(8) Public health and safety.
(9) Residential and neighborhood character and location.
(10) Religious institutions and practices.
(11) Conduct and financing of government.
(12) Conservation (including erosion, sedimentation and other water pollution problems).
(13) Natural and historical landmarks.
(14) Property values.
(15) Multiple use of space.
(16) Replacement housing.
(17) Education (including disruption of school district operations).
(18) Displacement of families and businesses.
(19) Engineering, right-of-way and construction costs of the project and related facilities.
(20) Maintenance and operating costs of the project and related facilities.
(21) Operation and use of existing highway facilities and other transportation facilities during construction and after completion.

§ 3.5 Hearings required.

(a) Except as otherwise provided in this section, both a corridor hearing and a highway design hearing must be held, or an opportunity afforded for those hearings, with respect to each Federal-aid highway project.

(b) A single combined corridor and highway design public hearing, or the opportunity for such a hearing, meets the requirements of this part if the following conditions are met:

(1) There are only minor changes in rights-of-way.

(2) There is no essential change in the layout and function of connecting roads and streets or the effect on features of general public interest.

(3) Urban areas of more than 5,000 population are not involved.

The hearing must be held, or the opportunity for such a hearing must be afforded, before route location approval.

(c) The hearing requirements of paragraph (a) of this section do not apply to a project for resurfacing, widening existing lanes, adding auxiliary lanes, replacing existing grade separation structures, installing traffic control devices, or similar improvements, that do not—

(1) Require the acquisition of additional rights-of-way, including rights of access, light, air, or views;

(2) Have an adverse effect upon abutting real property (as, for example, an adverse effect caused by a material change in grade of an existing street or by the large-scale removal of shade trees);

(3) Have an adverse effect upon features of general public interest; or

(4) Change the layout or function of connecting roads or streets or of the facility being improved.

(d) With respect to a project on which a hearing was held before _____ (the effective date of this part), the following requirements apply:

(1) If location approval is not requested within 3 years after the date of the hearing, compliance with the corridor hearing requirements is required unless a substantial amount of right-of-way has been acquired.

(2) If location approval is requested within 3 years after the date of the hearing, compliance with the corridor hearing requirements is not required.

(3) If design approval is not requested within 3 years after the date of the hearing, compliance with the design hearing requirements is required.

(4) If design approval is requested within 3 years after the date of the hearing, compliance with the design hearing requirements is nevertheless required unless the division engineer finds that the hearing adequately dealt with design issues.

(e) If location approval is not requested within 3 years after the date of the related corridor hearing held under this part, a new hearing must be held or the opportunity afforded for such a hearing.

(f) If design approval is not requested within 3 years after the date of the related design hearing held under this part, a new hearing must be held or the opportunity afforded for such a hearing.

§ 3.7 Coordination required.

(a) When a State highway department begins considering a traffic corridor in a particular area, it shall solicit the views of that State's resource, recreation, and planning agencies, and of those Federal agencies and local public officials, agencies, and advisory groups whose functions, interests, or responsibilities can reasonably be anticipated to be affected by a highway in that corridor. If the corridor affects another State, views shall also be solicited from the appropriate agencies within that State. All written views received as a result of coordination under this paragraph must be made available to the public as a part of the public hearing procedures set forth in § 3.11.

(b) Other public hearings or informal public meetings, clearly identified as such, may be desirable either before the study of alternate routes in the corridor begins or as it progresses to inform the public about highway proposals and to obtain information from the public which might affect the scope of the study or the choice of alternatives to be considered, and which might aid in identification of critical social, economic and environmental effects at a stage permitting maximum consideration of these effects. State highway departments are encouraged to hold such a hearing or meeting whenever that action would further the objectives of this part or would otherwise serve the public interest.

§ 3.9 Opportunity for public hearings.

(a) A State may satisfy the requirement for a public hearing by (1) holding a public hearing or (2) publishing a notice of opportunity for public hearing and holding a public hearing if any written requests for such a hearing are received. If no requests are received in

response to a notice within the time specified for the submission of those requests, the State highway department shall certify that fact to the division engineer.

(b) A notice of opportunity for public hearing, meeting the requirements for a notice of public hearing outlined in § 3.11(a) (1) and (3), shall be furnished to the division engineer at time of publication. In addition, the procedure for requesting a public hearing shall be explained in the notice. The deadline for submission of such a request may not be less than 21 days after the date of publication of the first notice of opportunity for public hearing, and no less than 14 days after the date of publication of the second notice of opportunity for public hearing.

(c) Opportunity for another public hearing shall be afforded in any case when a proposal is substantially changed from what was presented either (1) in a notice of public hearing or (2) at a public hearing.

(d) State highway departments are encouraged to provide the opportunity for public hearings in connection with all proposals for improvement of Federal-aid highways, whether or not those hearings are required.

(e) The opportunity for a public hearing shall be afforded in each case in which either the State highway department or the division engineer is in doubt as to whether a public hearing is required.

§ 3.11 Public hearing procedures.

(a) Notice of public hearing:

(1) When a public hearing is to be held, a notice of public hearing shall be published at least twice in a newspaper having general circulation in the vicinity of the proposed undertaking. The notice should also be published in any newspaper having a substantial circulation in the area concerned; such as foreign language newspapers and local community newspapers. The second of the two required publications shall be at least 7 days after the first publication and at least 21 days before the date on which the hearing is to be held. The timing of additional publications is optional.

(2) In addition to publishing a formal notice of public hearing, the State highway department shall, at the same time, mail copies of the notice to appropriate news media, the State's resource, recreation, and planning agencies, and those Federal agencies, and local public officials, advisory groups, and agencies whose functions, interests, or responsibilities can reasonably be anticipated to be affected by the proposal. In all cases copies must be sent to the appropriate representative of the Departments of the Interior and Housing and Urban Development. To the extent feasible, civic associations and other community groups having an interest in the area should be given similar official notification.

(3) Each notice of public hearing shall specify the date, time, and place of the hearing and shall contain a description of the proposal. To promote public understanding, the inclusion of a map or other drawing as part of the notice is encouraged. The notice of public hearing shall specify that maps, drawings and other pertinent information developed by the State highway department and written views received as a result of the coordination outlined in § 3.5(a) will be available for public inspection and copying and shall specify where this information is available; namely, at the nearest State highway department office or at some other convenient location in the vicinity of the proposed project.

(4) A notice of highway design public hearing shall indicate that tentative schedules for right-of-way acquisition and construction will be discussed.

(5) Notices of public hearing shall indicate that relocation assistance programs will be discussed.

(6) The State highway department shall furnish the division engineer with a copy of the notice of public hearing at the time of first publication.

(b) Conduct of public hearing:

(1) Public hearings are to be held at a place and time generally convenient for persons affected by the proposed undertaking.

(2) Provision shall be made for submission of written statements and other exhibits in place of, or in addition to, oral statements at a public hearing. The procedure for the submissions shall be described in the notice of public hearing and at the public hearing. The final date for receipt of such statements or exhibits shall be at least 10 days after the public hearing.

(3) At each required corridor public hearing, pertinent information about location alternatives studied by the State highway department shall be made available; at each required highway design public hearing, information about design alternatives studied by the State highway department shall be made available.

(4) The State highway department shall make suitable arrangements for responsible highway officials to be present at public hearings as necessary to conduct the hearings and to be responsive to questions which may arise.

(5) The State highway department shall describe the State-Federal relationship in the Federal-aid highway program by an appropriate brochure, pamphlet, or statement, or by other means.

(6) A State highway department may arrange for local public officials to conduct a required public hearing. The State shall be appropriately represented at such public hearings and is responsible for meeting other requirements of this part.

(7) The State highway department shall meet all Federal requirements with respect to the relocation assistance program.

(8) At each public hearing the State highway department shall announce or otherwise explain that at any time after the hearing and before the route or design approval related to that hearing, all information developed in support of the location or design approval outlined in § 3.15, will be available upon request, for public inspection and copying.

(9) To improve coordination with the State highway department, it is often desirable that the division engineer or his representative attend a public hearing as an observer. At a hearing, he may properly explain procedural and technical matters, if asked to do so. A Federal Highway Administration decision regarding a proposed location or design will not be made before the State highway department has requested location or design approval in accordance with § 3.15.

(c) Transcript:

(1) The State highway department shall provide for the making of a verbatim written transcript of the oral proceedings at each public hearing. It shall submit a copy of the transcript to the division engineer within a reasonable period (usually less than 2 months) after the public hearing, together with:

(i) Copies of, or reference to, or photographs of each statement or exhibit used or filed in connection with a public hearing.

(ii) Copies of, or reference to, all information made available to the public before the public hearing.

(2) The State highway department shall make copies of the materials described in subparagraph (1) of this paragraph available for public inspection and copying not later than the date the transcript is submitted to the division engineer.

§ 3.13 Consideration of social, economic, and environmental effects.

State highway departments shall consider social, economic, and environmental effects before submission of requests for location or design approval, whether or not a public hearing has been held. Consideration of social, economic, and environmental effects shall include analysis of information submitted to the State highway department in connection with public hearings or in response to the notice of the location or design for which a State highway department intends to request approval. It shall also include consideration of information developed by the State highway department or gained from other contacts with interested persons or groups.

§ 3.15 Location and design approval.

(a) This section applies to all requests for location or design approval whether or not public hearings, or the opportunity for public hearings, are required by this Part.

(b) Each request by a State highway department for approval of a route location or highway design must include a study report containing the following:

(1) Descriptions of the alternatives considered and a discussion of the anticipated social, economic, and environmental effects of the alternatives, pointing out the significant differences and the reasons supporting the proposed location or design. In addition, the report must include an analysis of the relative consistency of the alternatives with the

goals and objectives of any urban plan that has been adopted by the community concerned.

(i) Location study reports must describe the termini, the general type of facility, the nature of the service which the highway is intended to provide, and other major features of the alternatives.

(ii) Design study reports must describe essential elements such as design standards, number of traffic lanes, access control features, general horizontal and vertical alignment, right-of-way requirements and location of bridges, interchanges and other structures.

(2) Appropriate maps or drawings of the location or design for which approval is requested.

(3) A summary and analysis of the views received concerning the proposed undertaking.

(4) A list of any prior studies relevant to the undertaking. At the time it requests approval under this paragraph, each State highway department shall publish in a newspaper meeting the requirements of § 3.11(a)(1), a notice describing the location or design, or both, for which it is requesting approval. The notice must include a map or sketch of that location or design and a statement making available to the public all the information submitted in support of the request for approval.

(c) The following requirements apply to the processing of requests for highway location or highway design approval:

(1) *Location approval.* The division engineer may approve a route location and authorize design engineering only after the following requirements are met.

(i) The State highway department has requested route location approval.

(ii) Corridor public hearings required by this part have been held, or the opportunity for hearings has been afforded.

(iii) The State highway department has submitted public hearing transcripts and certificates required by section 128, title 23, United States Code.

(iv) The requirements of this part and of other applicable laws and regulations.

(2) *Design approval.* The division engineer may approve the highway design and authorize right-of-way acquisition, approve right-of-way plans, approve construction plans, specifications, and estimates, or authorize construction, only after the following requirements have been met:

(i) The route location has been approved.

(ii) The State highway department has requested highway design approval.

(iii) Highway design public hearings required by this part have been held, or the opportunity for hearings has been afforded.

(iv) The State highway department has submitted the public hearing transcripts and certificates required by section 128, title 23, United States Code.

(v) The requirements of this part and of other applicable laws and regulations.

(d) The division engineer may authorize right-of-way acquisition in exceptional cases, as provided in paragraph 1b of Federal Highway Administration Policy and Procedure Memorandum 80-2, before a highway design public hearing is held, but not before route location approval.

§ 3.17 FHWA action on requests; appellate procedures.

(a) The division engineer publishes notice of the action taken on requests for approval of a highway location or design, or both, in a newspaper meeting the requirements of § 3.11(a)(1). That action becomes final for the purposes of 5 U.S.C. 704, 30 days after the date of publication of the notice unless that action is appealed under this section.

(b) Any interested person may appeal the action of the division engineer on a request for approval of a highway location or design, or both. The appeal must be filed, within 15 days after the date of publication of the notice of that action, with the Administrator, Federal Highway Administration, Washington, D.C. 20591. The appeal must be in writing and must include the reasons why the petitioner believes the action of the division engineer is contrary to applicable law, regulation, or policy or is not in the public interest.

(c) The filing of an appeal within the time prescribed in paragraph (b) of this section stays the action of the division engineer until the appeal is disposed of by the Administrator. Action on the appeal by the Administrator is final for the purposes of 5 U.S.C. 704.

§ 3.19 Reimbursement for public hearing expenses.

Public hearings are an integral part of the preliminary engineering process. Reasonable costs associated with public hearings are eligible for reimbursement with Federal-aid funds on the same basis as other preliminary engineering costs. Reimbursable-costs may include reasonable costs of issuing hearing notices, renting meeting places, preparing transcripts, and similar costs.

[F.R. Doc. 68-12954; Filed, Oct. 22, 1968; 8:52 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Reports of Loss or Theft of Licensed Material

Section 20.402 of 10 CFR Part 20 requires licensees of the Atomic Energy Commission to report to the Commission by telephone and telegraph any loss or theft of byproduct, source, or special nuclear material immediately after its occurrence becomes known to the licensee if it appears to the licensee that a substantial hazard may result to persons in unrestricted areas. Section 20.402 does not require that the licensee submit information as to the circumstances surrounding the loss or steps taken to recover the licensed material. The telegraphic report occasionally is incomplete or even misleading since it may have been filed with the Commission before the facts were fully developed.

The proposed amendment of § 20.402 set forth below would require a licensee to file a written report in addition to the telephone and telegraph report presently required by § 20.402. The written report would be filed within 30 days from the date that the licensee learns of the loss or theft and would include the following information: description of the licensed material including kind, quantity, chemical and physical form; conditions under which loss or theft occurred; disposition or probable disposition of the radioactive material; known radiation exposures and circumstances under which they occurred; extent of possible hazard to persons in unrestricted areas; and steps which have been taken or will be taken to recover the material and to prevent a recurrence of the loss or theft. The proposed amendment would provide also that any report filed with the Commission pursuant to § 20.402 shall be so prepared that names of individuals who have received exposure to radiation are stated in a separate part of the report.

The written report would contain more information than the telegraphic report, present a more accurate and complete account of circumstances surrounding the loss, and permit a more realistic assessment of the risk, if any, resulting from the incident.

Subsequent to filing the written report the licensee would be required to report any substantive additional information which becomes available on the loss or theft within 30 days after he learns of such information.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment of 10 CFR Part 20 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendment should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed rule may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Section 20.402 of 10 CFR Part 20 is amended by designating the present text as paragraph (a) and adding new paragraphs (b), (c), and (d). As revised, § 20.402 reads as follows:

§ 20.402 Reports of theft or loss of licensed material.

(a) Each licensee shall report by telephone and telegraph to the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D, immediately after its occurrence becomes known to the

licensee, any loss or theft of licensed material in such quantities and under such circumstances that it appears to the licensee that a substantial hazard may result to persons in unrestricted areas.

(b) Each licensee who is required to make a telephonic and telegraphic report pursuant to paragraph (a) of this section shall, within 30 days after he learns of the loss or theft, make a report in writing to the Director, Division of Compliance, U.S. Atomic Energy Commission, Washington, D.C., 20545, with a copy to the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D, setting forth the following information:

(1) A description of the licensed material involved, including kind, quantity, chemical, and physical form;

(2) A description of the circumstances under which the loss or theft occurred;

(3) A statement of disposition or probable disposition of the licensed material involved;

(4) Radiation exposures to individuals, circumstances under which the exposures occurred, and the extent of possible hazard to persons in unrestricted areas;

(5) Actions which have been taken, or will be taken, to recover the material; and

(6) Procedures or measures which have been or will be adopted to prevent a recurrence of the loss or theft of licensed material.

(c) Subsequent to filing the written report the licensee shall also report any substantive additional information on the loss or theft which becomes available to the licensee, within 30 days after he learns of such information.

(d) Any report filed with the Commission pursuant to this section shall be so prepared that names of individuals who may have received exposure to radiation are stated in a separate part of the report.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 14th day of October 1968.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 68-12861; Filed, Oct. 22, 1968; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-8425]

ADVERTISEMENTS AND SALES COMMUNICATIONS BY BROKERS AND DEALERS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 10b-15 (17 CFR 240.10b-15) and to amend Rules 17a-3 and 17a-4 (17 CFR 240.17a-3 and 17a-4) under the Securities Exchange Act of 1934 ("the Act"). Proposed Rule 10b-15 (17 CFR 240.10b-15) would establish standards for the preparation of market letters, sales literature, and advertisements disseminated by brokers and dealers. The proposed amendments of Rule 17a-3 and 17a-4 (17 CFR 240.17a-3 and 17a-4) are designed to foster compliance with the requirements of Proposed Rule 10b-15 (17 CFR 240.10b-15). Proposed Rule 10b-15 (17 CFR 240.10b-15) and the proposed amendments to Rules 17a-3 and 17a-4 (17 CFR 240.17a-3 and 17a-4) would be adopted under the provisions of the Securities Exchange Act of 1934, and more particularly sections 10(b), 17(a), and 23(a) thereof.

Paragraph (a) of Proposed Rule 10b-15 (17 CFR 240.10b-15); sales communications published by brokers and dealers. Paragraph (a) of Proposed Rule 10b-15 (17 CFR 240.10b-15) would impose certain requirements on the contents of sales communications published by brokers and dealers. The Special Study recommended the adoption of regulatory measures which would require the dating of advisory communications and identification of the person responsible for the preparation of such material. It was also suggested that disclosure be required of the sources of information, the research techniques used, and the basis for recommendations. The rule is intended to implement these recommendations.[1]

The proposed rule would require the sales communication to state the name of the broker or dealer publishing it, and the date on which it was first published. The latter requirement is intended to prevent the misuse of outdated advisory material. It would also require disclosure of the name and address of the person who prepared the particular communication if such person is other than the broker-dealer or a partner, officer, director, or employee of the broker-dealer. If the sales communication incorporates in whole or substantial part a communication published by any other person, the name and identification of the other person and the publication date thereof would also have to be disclosed.

The proposed rule would also require the date of or period covered by any financial statements used or specifically referred to in the particular sales communication to be stated, and, if a recommendation is contained in the communication, it would have state the approximate date on which other material events referred to occurred, if they occurred more than 90 days prior to the date on which the communication is currently being published.

In order that investors might have a more definite understanding of the basis on which a recommendation is to be acted on, the rule would require that when the sales communication contains a recommendation with respect to a particular security, it must also contain the market price of the security as of the date on which the communication was first published, as well as the price at which, or the price range within which, the recommendation is to be acted on. In this connection, the rule would also require that all recommendations, opinions or predictions have a reasonable basis.

To supplement the specific requirements enumerated above, the rule would also contain a general prohibition against the publication of a sales communication which contains any untrue statement of material fact or which is otherwise false or misleading.

In addition, the proposed rule would prohibit sales communications containing testimonials of any kind concerning the broker or dealer or any advice, analysis, report, or other service rendered by such broker or dealer. As the Commission pointed out in Investment Advisers Act Release No. 121, testimonials are misleading by their very nature since they emphasize favorable comments and activities and ignore those which are unfavorable, even if the testimonials are unsolicited and printed in full.

Finally, each sales communication would have to be approved in writing by the broker or dealer or a designated official of the broker or dealer prior to distribution. This requirement is intended to insure that the preparation of the communication was supervised by a responsible person.

The requirements imposed by proposed Rule 10b-15(a) (17 CFR 240.10b-15(a)) are similar to those proposed in Rule 206(4)-3 (17 CFR 275.206(4)-3) (see Investment Advisers Act Release No. 231 published on October 10, 1968 and page 15669 of the FEDERAL REGISTER of October 23, 1968) which would be applicable to investment advisers.

Paragraph (b) of Proposed Rule 10b-15 (17 CFR 240.10b-15); advertisements published by brokers and dealers. Paragraph (b) of Proposed Rule 10b-15 (17 CFR 240.10b-15) would regulate broker-dealer advertising in written form or through radio or television. A tightening of standards in this general area was suggested by the Special Study of the Securities Markets:

Specific practices with respect to investment advice, whether expressed in market letters, advertisements or otherwise, should receive more positive and effective attention from the self-regulatory agencies.[2]

The first subparagraph of paragraph (b) of the proposed rule would prohibit advertisements containing testimonials of any kind concerning the broker or dealer or any advice, analysis, report or other service rendered by such broker or dealer.

The proposed rule would also prohibit a broker or dealer from using an advertisement which refers, directly or indirectly, to specific recommendations which the broker or dealer has made in the past, except that it does not prohibit an advertisement which sets out (or

[1] Report of the Special Study of the Securities Markets, Part I, pp. 330-387.

[2] Special Study, Part I, p. 381.

offers to furnish a separate list of) all recommendations made by the broker or dealer within the immediately preceding period of not less than 1 year of the advertisement, if the advertisement (or the list) contains specified information with respect to relevant prices and the nature of the recommendations, and a specified cautionary legend in print or type as large as the largest print or type used in the body or text. Material of this nature, which may refer only to recommendations which were or would have have been profitable and ignores those which were or would have been unprofitable, is inherently misleading and deceptive, and consequently the proposed rule would prohibit this type of advertising unless all recommendations for a minimum specified period are included.

Advertisements which represent, directly or indirectly, that any graph, chart, formula, or other device being offered can, in and of itself, be used to make investment determinations, would be banned. The proposed rule would also prohibit any advertisements which represent that any graph, chart, formula or other device offered can or will assist any person in making his own investment decisions unless it also prominently discloses the limitations and difficulties encountered in the use of the particular graph, chart, formula or device being offered.

The proposed rule would prohibit an advertisement from representing that any report, analysis, or other service will be obtained free or without charge unless it is in fact entirely free and subject to no conditions or obligations.

In addition, the proposed rule would prohibit advertisements which contain any untrue statement of a material fact or which are otherwise false or misleading.

Finally, each advertisement would be required to be approved in writing by the broker-dealer or a designated official of the broker-dealer prior to distribution. This requirement is intended to insure that the preparation of the advertisement was supervised by a responsible official.

Paragraph (c) of the Proposed Rule 10b–15 (17 CFR 240.10b–15); Definitions. Paragraph (c) of the Proposed Rule 10b–15 (17 CFR 240.10b–15) would define the terms: "recommendations," "sales communication," "advertisement" and "publish" as used in Paragraphs (a) and (b) of the proposed rule.

Proposed amendments to Rules 17a–3 and 17a–4 (17 CFR 240.17a–3 and 17a–4); retention requirements for sales communications and advertisements of broker-dealers. A new subparagraph (13) of Rule 17a–3(a) (17 CFR 240.17a–3(a)) would require every broker or dealer to retain a copy of each sales communication and each advertisement prepared by or for the broker or dealer. Those sales communications and advertisements which are published must indicate on the retained copy the written approval of the designated supervisory person.

Paragraph (a) of Rule 17a–4 (17 CFR 240.17a–4) would be amended to require brokers and dealers to preserve a copy of each sales communication and each advertisement prepared by or for them for a period of not less than 6 years, the first 2 years in an easily accessible place.

Pursuant to the Securities Exchange Act of 1934, particularly sections 10(b), 17(a), and 23(a) thereof, the Commission proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding thereto a new Rule 10b–15 (17 CFR 240.10b–15) and a new subparagraph (13) to paragraph (a) of Rule 17a–3 (17 CFR 240.17a–3(a)(13)) and by amending paragraph (a) of 17a–4 (17 CFR 240.17a–4). The text of the proposed changes are as follows:

§ 240.10b–15 Sales communications and advertisements published by brokers and dealers.

(a) It shall constitute a "manipulative or deceptive device or contrivance" in connection with the purchase or sale of a security as used in section 10(b) of the Act for any broker or dealer, directly or indirectly, to publish any sales communication

(1) Which does not clearly state—

(i) The name and address of the broker or dealer who published the sales communication;

(ii) The date on which the sales communication was first published;

(iii) The name and address of the person who prepared the sales communication if such person is other than the broker or dealer, a partner, officer, director, or employee of such broker-dealer;

(iv) If such sales communication incorporates all or any substantial part of any communication prepared by any other person, the name and identification of such other person, and the publication date thereof;

(v) The approximate date on which any fact or event referred to in the sales communication occurred if such fact or event (*a*) occurred more than 90 days prior to the date on which the sales communication is currently being published, and (*b*) is material for the purpose of any recommendation, opinion or prediction contained therein;

(vi) Whether the broker or dealer who published the sales communication, or any partner, officer, director, or employee of such broker-dealer, or the person who prepared the sales communication, is a partner, officer, or director of, or in a control relationship to, or has any other material relationship with the issuer of any security being recommended, by ownership of securities, by contract or otherwise, and, if so, the material facts with respect thereto; and

(vii) The date of or period covered by any financial statement all or part of which is included or specifically referred to in the sales communication; or

(2) Which contains a recommendation with respect to a particular security unless it clearly states:

(i) The market price, on a specified date at or about the date on which the sales communication was first published, of each security recommended, and the price at which, or the price range within which the recommendation is to be acted on;

(ii) Whether the broker or dealer makes a market in the issue being recommended;

(iii) If the broker or dealer or its partners, officers or directors hold options or any material long or short position in any security of the issuer, the material facts with respect thereto; and

(iv) If the broker or dealer is offering to buy or sell any security as a principal for its own account, or for any account in which it or any partner, officer, director, or control person has any beneficial interest, the material facts with respect thereto; or

(3) Which contains any recommendation, opinion, or prediction with respect to a particular security or issuer, any class of securities or issuers, or conditions in any securities market, if the broker or dealer does not have a reasonable basis for such recommendation, opinion or prediction; or

(4) Which contains any false or misleading claim or representation with respect to the research performed or relied on, or the research or other facilities of the broker or dealer or of any person upon whose research the broker or dealer relied in whole or in part; or

(5) Which, at the time the communication is currently being published, contains any untrue statement of a material fact, or which is otherwise false or misleading; or

(6) Which refers, directly or indirectly, to any testimonial of any kind concerning the broker or dealer or concerning any advice, analysis, report or other service rendered by such broker or dealer; or

(7) Which, prior to publication, has not been approved in writing by the supervisory person designated to supervise such communications.

(b) It shall constitute a "manipulative or deceptive device or contrivance" in connection with the purchase or sale of a security as used in section 10(b) of the Act for any broker or dealer, directly or indirectly, to publish any advertisement:

(1) Which refers, directly or indirectly, to any testimonial of any kind concerning the broker or dealer or concerning any advice, analysis, report or other service rendered by such broker or dealer; or

(2) Which refers, directly or indirectly, to past specific recommendations of such broker or dealer which were or would have been profitable to any person: *Provided, however,* That this shall not prohibit an advertisement which sets out all recommendations made by such broker or dealer within the immediately preceding period of not less than 1 year (or offers to furnish a list containing such recommendations), if such advertisement (or such list if it is furnished separately): (i) States the name of each such security recommended, the date and nature of each such recommendation (whether to buy, sell, or hold), the market price at that time, the price at which the recommendation was to be acted upon, and the market price of each such security as of the most recent practicable

date, and (ii) contains the following cautionary legend on the first page thereof in print or type as large as the largest print or type used in the body or text thereof: "it should not be assumed that recommendations made in the future will be profitable or will equal the performance of the securities in this list;" or

(3) Which represents, directly or indirectly, that any graph, chart, formula, or other device being offered can in and of itself be used to determine which securities to buy or sell, or when to buy or sell them; or which represents, directly or indirectly, that any graph, chart, formula, or other device being offered will assist any person in making his own decisions as to which securities to buy or sell, or when to buy or sell them, without prominently disclosing in such advertisement the limitations thereof and the difficulties with respect to its use; or

(4) Which contains any statement to the effect that any report, analysis, or other service will be furnished free or without charge, unless such report, analysis or other service actually is or will be furnished entirely free and without any condition or obligation, directly or indirectly; or

(5) Which contains any untrue statement of a material fact, or which is otherwise false or misleading; or

(6) Which, prior to publication, has not been approved in writing by the supervisory person designated to supervise such advertisements.

(c) For purposes of this section the following definition shall apply:

(1) The term "recommendations" means any advice, directly or indirectly, to purchase, sell, or hold any security;

(2) The term "sales communication" shall include any communication by any broker or dealer (i) which is or contains any analysis or report concerning any issuer or security, or any class of issuers or securities; (ii) which contains any recommendation, opinion or prediction with repect to any security or class of securities; (iii) which is or purports to be for use in making any determination as to when to buy, sell, or hold any security or class of securities or as to which security or class of securities to buy, sell or hold; or (iv) which comments on or discusses conditions in any securities market.

(3) The term "advertisement" shall include any notice, circular, letter or other written communication, or any notice or other announcement in any publication or by radio or television, which offers (i) any analysis, report or publication concerning securities, or which is to be used in making any determination as to when to buy, sell or hold any security, or which security to buy, sell, or hold; (ii) any graph, chart, formula, or other device to be used in making any determination as to when to buy, sell, or hold any security, or which security to buy, sell, or hold; or (iii) any service in connection with the conduct of business as a broker or dealer.

(4) The term "publish" means to make a particular sales communication or advertisement available, directly or indirectly, by any means whatsoever, to 10 or more persons other than partners, officers, directors or employees of the particular broker or dealer.

§ 240.17a–3 Records to be made by certain exchange members, brokers and dealers.

(a) * * *

(13) A copy of each sales communication and each advertisement prepared by or for the broker or dealer. If such sales communication or advertisement has been published, its written approval by a designated supervisory person shall be shown on such copy. For purposes of this subparagraph, the terms "sales communication", "advertisement" and "publish" shall have the same meanings as in § 240.10b–15.

* * * * *

§ 240.17a–4 Records to be preserved by certain exchange members, brokers and dealers.

(a) Every member, broker, and dealer subject to § 240.17a–3 shall preserve for a period of not less than 6 years, the first 2 years in an easily accessible place, all records required to be made pursuant to subparagraphs (1), (2), (3), (5), and (13) of § 240.17a–3.

* * * * *

(Secs. 10(b), 17(a), and 23(a), 48 Stat. 891, 897, 901, as amended, 49 Stat. 1379; 15 U.S.C. 78j, 78q and 78w)

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before November 15, 1968. Except where it is requested that such recommendations not be disclosed, they will be considered available for public inspection.

By the Commission.

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

OCTOBER 10, 1968.

[F.R. Doc. 68–12842; Filed, Oct. 22, 1968; 8:45 a.m.]

[17 CFR Part 275]

[Release No. IA–231]

INVESTMENT ADVISORY COMMUNICATIONS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 206(4)–3 (17 CFR 275.206(4)–3) under the Investment Advisers Act of 1940 ("the Act"), to establish standards for investment advisory communications published, circulated or distributed by investment advisers. The Commission also has under consideration a proposal to amend Rule 206(4)–1 (17 CFR 275.206(4)–1) under the Act which provides standards for advertisements published or distributed by investment advisers. Proposed Rule 206(4)–3 (17 CFR 275.206(4)–3) and the proposed amendment to Rule 206(4)–1 (17 CFR 275.206(4)–1) would be adopted under the provisions of the Investment Advisers Act of 1940, and more particularly Sections 206(4) and 211(a) thereof. Since section 206(4) of the Act is one of the sections of the Act under which the proposed rules would be adopted, they would be applicable to all investment advisers, whether or not such investment advisers are registered as such with the Commission under the Act.

Proposed Rule 206(4)–3 (17 CFR 275.206(4)–3). Proposed Rule 206(4)–3 (17 CFR 275.206(4)–3) would impose certain requirements on the contents of investment advisory communications by investment advisers. The Special Study recommended the adoption of regulatory measures which would require the dating of advisory communications and identification of the person responsible for the preparation of such material. It also suggested that disclosure be required of the sources of information, the research techniques used, and the basis for recommendations.[1] The rule is intended to implement these recommendations.

The proposed rule would require the investment advisory communication to state the name of the investment adviser publishing it and the date on which it was first published. The latter requirement is intended to prevent the misuse of outdated advisory material. It would also require disclosure of the name and address of the person who prepared the particular communication if such person is other than the investment adviser, a partner, officer, or director of the investment adviser. If the investment advisory communication incorporates in whole or substantial part a communication published by any other person, the name and identification of the other person and the publication date thereof would also have to be disclosed.

The proposed rule would also require the date of or period covered by any financial statements used or specifically referred to in the particular investment advisory communication to be stated, and, if a recommendation is contained in the communication, it would have to state the approximate date on which other material events referred to occurred, if they occurred more than 90 days prior to the date on which the communication is currently being published.

In order that clients might have a more definite understanding of the basis on which a recommendation is to be acted on, the rule would require that when the communication contains a recommendation with respect to a particular security it must also contain the market price of the security price at which, or the price range within which, the recommendation is to be acted on. In this connection, the rule would also require that all recommendations, opinions, or predictions have a reasonable basis.

To supplement the specific requirements enumerated above, the rule would also contain a general prohibition against the publication of a communication which contains any untrue statement of a material fact, or which is otherwise false or misleading.

[1] Report of the Special Study of the Securities Markets, Part I, pp. 330–387.

Finally, each investment advisory communication would have to be approved in writing by the investment adviser or a designated official of the investment adviser prior to distribution. The requirement is intended to insure that the preparation of the communication was supervised by a responsible person.

The requirements imposed by proposed Rule 206(4)–3 (17 CFR 275.206(4)–3) are similar to those proposed in Rule 10b–15(a) (17 CFR 240.10b–15(a)) (see Securities Exchange Act Release No. 8425 published on Oct. 10, 1968, and in the FEDERAL REGISTER of Oct. 23, 1968, at page 15669) which would be applicable to brokers and dealers.

Proposed amendment to Rule 206(4)–1 (17 CFR 275.206(4)–1). The proposed amendment to Rule 206(4)–1 (17 CFR 275.206(4)–1) under the Act includes a revision of subparagraph (2) to make it clear that an advertisement by an investment adviser which refers to past specific recommendations must contain all recommendations made within a period of not less than 1 year, or offer to furnish a list of all of them; that the advertisement cannot list some, and offer to furnish the rest in a list. The proposed amendment would also add subparagraph (6) to Rule 206(4)–1 (17 CFR 275.206(4)–1(6)) to require that, prior to publication, the advertisement must be approved in writing by the supervisory person designated to supervise such advertisements.

Pursuant to the Investment Advisers Act of 1940, particularly sections 206(4) and 211(a) thereof, the Commission proposes to amend Part 275 of Chapter II of Title 17 of the Code of Federal Regulations by adding thereto new Rule 206(4)–3 (17 CFR 275.206(4)–3) and amending Rule 206(4)–1 (17 CFR 275.206(4)–1). The text of the proposed changes would read substantially as follows:

§ 206(4)–3 Fraudulent investment advisory communications by investment advisers.

(a) It shall constitute a fraudulent, deceptive, or manipulative act, practice, or course of business within the meaning of section 206(4) of the Act for any investment adviser to publish any investment advisory communication:

(1) Which does not clearly state—

(i) The name and address of the investment adviser who published the communication;

(ii) The date on which the communication was first published;

(iii) The name and address of the person who prepared the communication if such person is other than the investment adviser, a partner, officer, director, or employee of the investment adviser;

(iv) If such communication incorporates all or any substantial part of any communication published by any other person, the name and identification of such other person and the publication date thereof;

(v) The date of or period covered by any financial statement all or part of which is included or specifically referred to in the communication;

(vi) The approximate date on which any fact or event referred to in the communication occurred, if such fact or event (*a*) occurred more than 90 days prior to the date on which the communication is currently being published and (*b*) is material for the purpose of any recommendation, opinion, or prediction contained therein;

(vii) Whether the investment adviser, or any partner, officer, director, or employee of the investment adviser, or the person who prepared the communication is a partner, officer, or director of, or in a control relationship to, or has any other material relationship with the issuer of any security being recommended, by ownership of securities, by contract or otherwise, and if so, the material facts with respect thereto; and

(viii) The market price, on a specified date at or about the date on which the communication was first published, of each security recommended, and the price at which, or the price range within which, the recommendation is to be acted on; or

(2) Which contains any recommendation, opinion, or prediction with respect to a particular security or issuer, any class of securities or issuers, or conditions in any securities market, if the investment adviser does not have a reasonable basis for such recommendation, opinion, or prediction; or

(3) Which contains any false or misleading claim or representation with respect to the research performed or relied on, or the research or other facilities of the investment adviser, or of any person upon whose research the investment adviser relied in whole or in part; or

(4) Which, at the time the communication is currently being published, contains any untrue statement of a material fact, or which is otherwise false or misleading; or

(5) Which, prior to publication, has not been approved in writing by the investment adviser, or by a partner, officer, director, or other official of the investment adviser designated to supervise such communications.

(b) For purposes of this section:

(1) The term "investment advisory communication" means any communication by an investment adviser to an investment advisory client (i) which is or contains an analysis or report concerning any issuer or security, or any class of issuers or securities; (ii) which contains any recommendation, opinion, or prediction with respect to any security or class of securities; (iii) which is or purports to be for use in making any determination as to when to buy, sell, or hold any security or class of securities, or as to which security or class of securities to buy, sell, or hold; or (iv) which comments on or discusses conditions in any securities market;

(2) The term "recommendation" means any advice, directly or indirectly, to purchase, sell or hold any security;

(3) The term "publish" means to make a particular investment advisory communication available, directly or indirectly, by any means whatsoever, to ten or more persons other than partners, officers, directors or employees of the particular investment adviser.

§ 275.206(4)–1 Advertisements by investment advisers.

(a) * * *

(2) which refers, directly or indirectly, to past specific recommendations of such investment adviser which were or would have been profitable to any person: *Provided, however,* That this shall not prohibit an advertisement which sets out all recommendations made by such investment adviser within the immediately preceding period of not less than 1 year (or which offers to furnish a list of all such recommendations), if such advertisement (or such list if it is furnished separately): (i) states the name of each such security recommended, the date and nature of each such recommendation (e.g., whether to buy, sell, or hold), the market price at that time, the price at which the recommendation was to be acted upon, and the market price of each such security as of the most recent practicable date, and (ii) contains the following cautionary legend on the first page thereof in print or type as large as the largest print or type used in the body or text thereof: "It should not be assumed that recommendations made in the future will be profitable or will equal the performance of the securities in this list;"

* * * * *

(6) which, prior to publication, has not been approved in writing by the supervisory person designated to supervise such advertisements.

* * * * *

(Secs. 206(4) and 211(a), 74 Stat. 887, 54 Stat. 855, as amended, 74 Stat. 885; 15 U.S.C. 80b–6 and 80b–11)

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before November 15, 1968. Except where it is requested that such recommendations not be disclosed, they will be considered available for public inspection.

By the Commission.

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

OCTOBER 10, 1968.

[F.R. Doc. 68–12843; Filed, Oct. 22, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte No. MC–37 (Sub-No. 2(B)) MC–37 (Sub-No. 2(C))]

MINNEAPOLIS-ST. PAUL, MINN. COMMERCIAL ZONE

Redefinition of Limits

OCTOBER 18, 1968.

Redefinition of the limits of the Minneapolis-St. Paul, Minn., commercial,

zone heretofore defined in Ex Parte No. MC–37 (Sub-No. 2), commercial zones and terminal areas (Minneapolis-St. Paul, Minn., Commercial Zone), 107 M.C.C. 473 at pages 476–477.

Petitioner in Ex Parte No. MC–37 (Sub-No. 2(B)): Southeastern Metropolitan Area Chamber of Commerce.

Petitioner's representative: Emil M. Sturzenegger, c/o Northwestern Refining Co., Post Office Drawer Nine, St. Paul Park, Minn. 55075.

Petitioner in Ex Parte No. MC–37 (Sub-No. 2(C)): Burnsville Chamber of Commerce.

Petitioner's representative: W. O'Connor, Warrior Building, 201 Traveler's Trail, Burnsville, Minn. 55378.

In Ex Parte No. MC–37 (Sub-No. 2(B)), by petition filed April 8, 1968, as amended, Southeastern Metropolitan Area Chamber of Commerce, of South St. Paul, Minn., and in Ex Parte No. MC–37 (Sub-No. 2(c)), by petition filed April 8, 1968, Burnsville Chamber of Commerce, of Burnsville, Minn., request the Commission to reopen the above proceeding for the purpose of redefining the limits of the Minneapolis-St. Paul, Minn., commercial zone which were defined on June 5, 1968, in Commercial Zones and Terminal Areas (Minneapolis-St. Paul, Minn., commercial zone), 107 M.C.C. 473 at pages 476–477 (49 CFR 1048.26), to include therein the following areas:

In Ex Parte No. MC–37 (Sub-No. 2(B)):

(1) Those portions of Egan Township and the Village of Inver Grove Heights, Minn., not now included in the said zone; (2) that portion of Rosemount Township, Minn., east of Dakota County Highway 71 and north of Dakota County Highway 38; and (3) the Township of Grey Cloud Island and the village of Cottage Grove, Minn.

In Ex Parte No. 37 (Sub-No. 2(C)):

The Village of Burnsville, Minn.

As presently defined, the Minneapolis-St. Paul, Minn., commercial zone is bounded, in part, on the south by a line beginning at the southern boundary of Fort Snelling Reservation and the Minnesota River and extending along the Minnesota River to the southwest corner of the city of Bloomington, thence north along the western boundaries of the city of Bloomington and the village of Edina to the southern boundary of the village of Hopkins; and by a line beginning at a point on the Mississippi River opposite the southeast corner of the village of Inver Grove, thence westerly across the river and along the southern and western boundaries of the village of Inver Grove to the northwest corner of such village, thence due north to the southern boundary of Mendota Township in Dakota County, thence to County Road 31, thence southerly along County Road 31 to junction County Road 28, thence westerly along County Road 28 to junction Minnesota Highway 13, thence northerly along Minnesota Highway 13 to the southern boundary of Mendota Township, thence west along the southern boundary of Mendota Township to the Minnesota River and southwesterly along the river to the southern boundary of Fort Snelling Reservation.

Petitioners request the Commission to include within the zone the areas set forth above which are adjacent or proximate the present southern limits of the zone.

No oral hearings are contemplated at this time, and it is contemplated that the above-described petitions will be consolidated for handling. Anyone wishing to make representations in favor of, or against, the above-proposed revisions of the limits of the Minneapolis-St. Paul commercial zone, may do so by the submission of written data, views, or arguments. An original and 15 copies of such data, views, or arguments shall be filed with the Commission on or before December 9, 1968. A copy of such statement should be served upon each petitioner's representative.

Additionally, such representations may address themselves, if desired, to any discrepancies appearing in the present description of the limits of the said zone due to annexations or geographic enlargements of communities now within the zone, and should set forth with specificity descriptions, by highway designations or other landmarks, those portions of such affected communities which physically are located within the zone.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–12879; Filed, Oct. 22, 1968; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 81]

JAMAICA

Delegation of Authority With Respect to the Administration of the A.I.D. Program

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

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

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

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

In addition to the foregoing, there is hereby delegated to the aforesaid principal diplomatic officer the authorities delegated to A.I.D. Mission Directors in existing A.I.D. manual orders, regulations (published or unpublished), policy directives, policy determinations, memoranda, and other instructions.

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

This delegation of authority shall be effective as of October 1, 1968.

Dated: October 8, 1968.

WILLIAM S. GAUD,
Administrator.

[F.R. Doc. 68-12845; Filed, Oct. 22, 1968; 8:46 a.m.]

[Delegation of Authority No. 82]

VENEZUELA

Delegation of Authority With Respect to the Administration of the A.I.D. Program

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

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

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

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

In addition to the foregoing, there is hereby delegated to the aforesaid principal diplomatic officer the authorities delegated to A.I.D. Mission Directors in existing A.I.D. manual orders, regulations (published or unpublished), policy directives, policy determinations, memoranda, and other instructions.

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

This delegation of authority shall be effective as of October 1, 1968.

Dated: October 8, 1968.

WILLIAM S. GAUD,
Administrator.

[F.R. Doc. 68-12846; Filed, Oct. 22, 1968; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATUTORY AND REGULATORY FEES

In the light of Public Law 90-609, effective October 21, 1968, and pursuant to the authority conferred by section 405(d) of the Immigration and Nationality Act (66 Stat. 281), consideration will be given to revised fees to be adopted pursuant to Title V of the Independent Offices Appropriations Act of 1952 (65 Stat. 290; 5 U.S.C. 140). Accordingly, until further notice, the fees formerly set forth in sections 281 and 344 of the Immigration and Nationality Act (66 Stat. 230, 264; 8 U.S.C. 1351, 1455), as well as those additional fees set forth in 8 CFR 103.7(b)(1) and (2), shall remain in effect.

Dated: October 21, 1968.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 68-13002; Filed, Oct. 22, 1968; 10:07 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 2831]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of the Air Force, has filed an application Serial No. A 2831, for withdrawal and reservation of lands for use by that department. The lands would be withdrawn from all forms of appropriation under the public land laws, including mining and mineral leasing laws.

The Department of the Air Force desires to use these lands as a buffer zone and azimuth marker site in connection with an Air Force facility constructed on adjacent land. Grazing will continue to be administered by the Bureau of Land Management with the concurrence of the Air Force.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

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

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

The lands involved in the application are as follows:

Approximately 67.84 acres of public land in lot 4, sec. 19, and lots 1 and 2, in sec. 30, T. 15 S., R. 11 E., G. & S.R. Meridian Pima County, Ariz.

Maps showing the proposed withdrawal area are available from the Bureau of Land Management, upon request.

Dated: October 15, 1968.

FRED J. WEILER,
State Director.

[F.R. Doc. 68-12837; Filed, Oct. 22, 1968; 8:45 a.m.]

[N-2373]

NEVADA

Notice of Classification of Public Lands for Transfer Out of Public Ownership

OCTOBER 15, 1968.

1. The following public lands are hereby classified for transfer out of Federal ownership by exchange under section 8 of the Taylor Grazing Act:

MOUNT DIABLO MERIDIAN

T. 31 N., R. 46 E.,
Sec. 29, S½;
Sec. 31, all.

The lands described above total 959.26 acres and are located in Lander County.

2. The following public lands are hereby classified for transfer out of Federal ownership under the Public Land Sale Act of September 19, 1964, 43 U.S.C. 1421–1427 and by exchange under the Point Reyes National Seashore Act of September 13, 1962, 16 U.S.C., sections 459c—459c–7:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 44 E.,
Sec. 25, NE¼.

The lands described above total 172.51 acres and are located in Lander County.

3. The following public lands are hereby classified for transfer out of Federal ownership by exchange under the Point Reyes National Seashore Act of September 13, 1962, 16 U.S.C., sections 459c—459c–7:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 44 E.,
Sec. 24, lots 1–10, inclusive;
Sec. 26, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 36, lots 1, 2, W½NE¼, NW¼.
T. 32 N., R. 45 E.,
Sec. 31, all.

The lands described above total 2,027.20 acres and are located in Lander County.

4. These lands were described in the Notice of Proposed Classification, F.R. Doc. 68–9444, appearing on page 11301 of the issue of August 8, 1968, which seggregated them from all forms of disposal under the public land laws, including the mining laws until classified. Publication did not, however, alter the applicability of the public land laws governing the disposal of their mineral and vegetative resources, other than under the mining laws.

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 2411.12(d)).

When this decision becomes final properly supported applications, filed under applicable regulations, may be entertained by the Manager, Nevada Land Office. Regulations governing sales and exchanges of land are contained in 43 CFR Subparts 2243 and 2244 respectively.

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 68–12836; Filed, Oct. 22, 1968; 8:45 a.m.]

[Serial No. N–2710]

NEVADA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

OCTOBER 16, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412) it is proposed to classify the public lands described below for transfer out of Federal ownership under one of the following statutes: Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421–27); section 8 of the Taylor Grazing Act (43 U.S.C. 315g); Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741) as amended and supplemented (43 U.S.C. 869, 869–1 to 869–4).

2. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except the forms of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws. Those lands described in paragraph 4a are further segregated from the mineral leasing laws.

3. The public lands affected by this proposed classification are shown on maps on file and available for inspection in the Winnemucca District Office, Highway 40 East, Winnemucca, Nev., and in the Land Office, Bureau of Land Management, 300 Booth Street, Room 3104, Federal Building, Reno, Nev.

4. The lands are located in Humboldt County and are described as follows:

a. It is proposed to classify the following lands for disposal under the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427):

MOUNT DIABLO MERIDIAN, NEVADA

HUMBOLDT COUNTY

T. 35 N., R. 37 E.,
Sec. 4, lots 1, 2, 3, 4, SW¼NW¼;
Sec. 6, all;
Sec. 10, S½S½;
Sec. 12, all;
Sec. 30, lots 3, 4, E½SW¼, N½SE¼, SW¼SE¼.
T. 36 N., R. 37 E.,
Sec. 26, N½NE¼, NW¼;
Sec. 34, NE¼, NW¼, NW¼SE¼.
T. 35 N., R. 38 E.,
Sec. 18, all;
Sec. 30, E½.
T. 36 N., R. 38 E.,
Sec. 1, S½.

The public lands described above aggregate approximately 3,818.05 acres.

b. It is proposed to classify the following described lands for exchange under section 8(b) of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 49 Stat. 1976; 43 U.S.C. 315g; 43 CFR Subpart 2244):

MOUNT DIABLO MERIDIAN, NEVADA

HUMBOLDT COUNTY

T. 37 N., R. 38 E.,
Sec. 2, all except S½NE¼;
Sec. 3, all;
Sec. 10, all;
Sec. 11, SW¼;
Sec. 12, all;
Sec. 14, all;
Sec. 15, NE¼;
Sec. 16, E½NE¼, SE¼;
Sec. 22, E½NE¼, NW¼NE¼, NE¼NW¼, SW¼NW¼, SW¼, NE¼SE¼, SW¼SE¼, SE¼SE¼;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all except W½SE¼;
Sec. 28, NE¼, E½SE¼NW¼, SW¼;
Sec. 33, all except S½SE¼;
Sec. 34, W½NW¼;
Sec. 36, N½NW¼, SW¼NW¼.
T. 38 N., R. 38 E.,
Sec. 15, E½NE¼, E½SE¼;
Sec. 22, E½;
Sec. 27, E½;
Sec. 34, NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 36, N½NE¼, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, SE¼SE¼.
T. 37 N., R. 39 E.,
Sec. 4, all;
Sec. 6, all;
Sec. 8, all;
Sec. 16, all;
Sec. 17, SE¼;
Sec. 18, all;
Sec. 19, SE¼;
Sec. 20, all;
Sec. 21, NW¼;
Sec. 24, all except SW¼SW¼;
Sec. 26, all except NE¼NE¼;
Sec. 28, all except NW¼NW¼;
Sec. 29, NW¼;
Sec. 30, all;
Sec. 36, all.
T. 38 N., R. 39 E.,
Sec. 36, all.
T. 36 N., R. 40 E.,
Sec. 6, all except NE¼NE¼.

The public lands described above aggregate approximately 19,945.71 acres.

c. It is proposed to classify the following described lands for disposal under the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741) as amended and supplemented (43 U.S.C. 869, 869–1 to 869–4):

MOUNT DIABLO MERIDIAN, NEVADA

HUMBOLDT COUNTY

T. 36 N., R. 38 E.,
Sec. 28, SE¼SE¼.

The public lands described above aggregate approximately 40 acres.

5. Applications for exchange will not be accepted until such time as the lands are classified by a subsequent order, and prospective exchange proponents have been furnished a statement that proposals are feasible in accordance with 43 CFR 2244.1–2(b)(1).

6. The lands described above have been identified as not being needed for Federal land management programs. The purpose of this classification is to identify the means by which these public lands should be transferred out of Federal ownership for either local public use or private ownership and development. This proposal has been discussed with local government officials, The Planning Commission, Winnemucca City Council, various range users and the general public.

For a period of 60 days from date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Winnemucca District Manager, Bureau of Land Management, Post Office Box 71, Winnemucca, Nev. 89445.

7. Public hearing on the proposed classification will be held on November 12,

1968, at 7 p.m., at the Humboldt County Library, Winnemucca, Nev.

For the State Director.

S. JOHN HILLSANNER,
Acting Manager,
Nevada Land Office.

[F.R. Doc. 68-12838; Filed, Oct. 22, 1968; 8:45 a.m.]

[Serial No. N-2711]

NEVADA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

OCTOBER 16, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Part 2410 and 2411, it is proposed to classify for multiple-use management, the public lands described in paragraph 3 below.

2. Publication of this notice has the effect of segregating the described lands from all forms of appropriation under the public land laws, including the general mining laws, but not the Recreation and Public Purposes Act (44 Stat. 741, 68 Stat. 173; 43 U.S.C. 869) or the mineral leasing and material sale laws. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The public lands proposed to be classified are shown on maps on file in the Winnemucca District Office, Bureau of Land Management, Highway 40 East, Winnemucca, Nev. 89445, and the Nevada Land Office, Bureau of Land Management, 300 Booth Street, Room 3104, Federal Building, Reno, Nev. 89502.

All of the public lands are located in Humboldt County. The overall description of the areas is as follows:

MOUNT DIABLO MERIDIAN, NEVADA

HUMBOLDT COUNTY

T. 35 N., R. 37 E.,
Sec. 16, all except N½NW¼.
T. 36 N., R. 38 E.,
Sec. 15, all except S½SE¼SE¼;
Sec. 16, N½NE¼NE¼;
Sec. 32, NE¼SW¼, E½NW¼SW¼, S½SW¼.

The area described above aggregates approximately 1,340 acres of public land to be classified.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification, may present their views in writing to the Winnemucca District Manager, Bureau of Land Management, Post Office Box 71, Winnemucca, Nev. 89445.

For the State Director.

S. JOHN HILLSANNER,
Acting Manager,
Nevada Land Office.

[F.R. Doc. 68-12839; Filed, Oct. 22, 1968; 8:45 a.m.]

Fish and Wildlife Service

[Depredation Order]

DEPREDATING GOLDEN EAGLES

Order Permitting Taking to Seasonally Protect Domestic Livestock in Certain Texas Counties

Pursuant to authority in Section 2 of the Act of June 8, 1940 (54 Stat. 251), as amended, 16 U.S.C. 668a, and in accordance with regulations under Part 11, Title 50, Code of Federal Regulations, and in response to the written request from the Governor of Texas, the Secretary of the Interior has authorized the taking of golden eagles without a permit to seasonally protect domesticated livestock during the period from December 20, 1968, through April 30, 1969, in Texas, subject to the following conditions:

1. Golden eagles may be taken without a permit only for the protection of domesticated livestock and only by livestock owners and their agents.

2. Golden eagles may be taken by any suitable means or methods except by the use of poison or from aircraft.

3. Golden eagles or any parts thereof taken pursuant to this authorization may not be possessed, purchased, sold, traded, bartered, or offered for sale, trade, or barter.

4. Taking without a permit is authorized only in the following counties:

El Paso.	Sutton.
Jeff Davis.	Pecos.
Brewster.	Culberson.
Val Verde.	Real.
Uvalde.	Sterling.
Kerr.	Glasscock.
Edwards.	Reagan.
Crockett.	Irion.
Ward.	Tom Green.
Upton.	Coke.
Hudspeth.	Schleicher.
Presidio.	Crane.
Terrell.	Burnet.
Kinney.	McCulloch.
Bandera.	Blanco.
Kimble.	San Saba.

5. Any person taking golden eagles pursuant to this authorization must at all reasonable times, including during actual operations, permit any Federal or State game agent or deputy game agent, warden, protector, or other game law enforcement officer, free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 16, 1968.

[F.R. Doc. 68-12865; Filed, Oct. 22, 1968; 8:47 a.m.]

Office of the Secretary

OIL AND GAS LEASES

Requests for Approval of Contracts

Notice is hereby given that, pursuant to authority contained in section 17, Mineral Leasing Act of 1920, as amended (30 U.S.C. 226j), the Department of the Interior will entertain requests for approval of operating, drilling, or development contracts covering oil and gas leases on public lands within the 48 conterminous States where approval of a contract may be expected to stimulate the exploration of a geologic province which is relatively unexplored for oil and gas. The provisions of 43 CFR 3121.4 govern the approval of operating, drilling or development contracts.

Approval of a given contract will be contingent upon a finding that the following conditions are present to a degree which demonstrates that approval is prudent and in the public interest:

1. Lands embraced in the contract area are in a geologic province or area which is relatively unexplored for oil and gas.

2. The terms and conditions cited in the contract are designed to insure that approval will be beneficial to the public interest.

3. The contract provides for definite exploratory objectives, a timetable for meeting those objectives, a significant financial expenditure during the life of the contract and definite drilling obligations.

Information obtained or developed in connection with operations relative to operating, drilling and development contracts is to be furnished to the Geological Survey. In the event a proposed contract contains a provision under which relief may be granted from meeting any of the obligations contained therein, such provisions are to be limited to those exceptional situations where relief would be clearly warranted.

DAVID S. BLACK,
Under Secretary of the Interior.

OCTOBER 14, 1968.

[F.R. Doc. 68-12866; Filed, Oct. 22, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

NATIONAL SCHOOL LUNCH, SCHOOL BREAKFAST, AND SPECIAL FOOD SERVICE PROGRAMS FOR CHILDREN

Determining Eligibility for Free and Reduced Price Lunches and Other Meals

I. *Purpose.* Sections 9 and 13 of the National School Lunch Act, as amended (42 U.S.C. 1758, 1761), and section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) require that (a) meals meeting the established nutritional requirements shall be served without cost or at a reduced cost to children who are determined by local schools and service institutions to be unable to pay the full cost of the meals, and (b) no physical segregation of or other discrimination against any child shall be made because of his inability to pay.

Under the legislation and the regulations issued thereunder, it is the responsibility of the schools and service institutions participating in the National School Lunch Program (7 CFR Part 210), the School Breakfast Program (7 CFR Part 220) and the Special Food Service Program for Children (7 CFR Part 225) to determine the individual children who are to receive free or reduced price lunches, breakfasts, or other meals. Federal and State agencies charged with administering these programs are responsible for assuring that the local schools and service institutions are discharging the responsibilities placed on them.

This notice sets forth responsibilities, outlines procedural steps and provides guidance for the development of substantive criteria for use by schools and service institutions to determine eligibility for free or reduced price meals and to assure that there is no physical segregation of or other discrimination against children because of their inability to pay the full price for meals.

II. *Definitions.* Terms used in this notice shall have the meanings ascribed to them in the regulations governing the National School Lunch Program, the School Breakfast Program, and the Special Food Service Program for Children.

III. *Responsibilities of State Agency or Consumer Food Programs District Office.* Each State agency, or CFPDO where applicable, shall:

1. Inform schools and service institutions participating in the National School Lunch Program, the School Breakfast Program and the Special Food Service Program for Children of their responsibility to provide free or reduced price lunches, breakfast, or other meals (hereinafter referred to as meals), to children determined to be unable to pay the charge established for paying children in the attendance units under their jurisdiction.

2. Require such schools and service institutions to:

a. Develop a written policy stating the criteria to be used uniformly in all attendance units under their jurisdiction in determining the eligibility of children for free or reduced price meals.

b. Include in their policy statements a clear indication of the local officials delegated authority or designated to determine which individual children are eligible for a free or reduced price meal under the established policy criteria.

c. Include in their policy statements, criteria which will give consideration to economic need as reflected by family income, including welfare payments, family size, and number of children in the family in attendance units.

d. Outline the procedural steps to be followed by local officials in making the individual determinations and in providing the free or reduced price meals in a manner to avoid overt identification to their peers of children receiving such meals.

e. Include in their procedures a provision for appeal from decisions in individual cases.

f. Inaugurate and maintain a system of collecting payments from paying children and accounting for free or reduced price meals in a manner which will protect the anonymity of the children receiving free or reduced price meals in the lunchroom, class room or other environ of the attendance unit.

g. Publicly announce to the patrons of the attendance units and place into effect their policy on eligibility for free or reduced price meals, by the target date set out in section V of this notice.

h. Forward copies of their written policy statements for review by the State agency, or CFPDO where applicable.

3. Obtain assurance from schools and service institutions that the names of children determined to be eligible for free or reduced price meals will not be published, posted or announced in any manner to other children, and that such children will not be required, as a condition of receiving such meals, to:

a. Use a separate lunchroom.

b. Go through a separate serving line.

c. Enter the lunchroom through a separate entrance.

d. Eat lunch at a different time from paying children.

e. Work for their meal.

f. Use a different medium of exchange in the lunchroom than paying children use.

g. Eat a different meal than paying children.

4. Provide counsel and guidance to schools and service institutions to assist them in developing acceptable policy statements and collection procedures, and assist them in making adjustments where justified.

5. Monitor performance of schools and service institutions through administrative reviews, special on-site evaluation and other means to assure that determinations are being made in accordance with announced policies and to assure that overt identification of any child receiving free or reduced price meals is avoided.

IV. *Guidance regarding criteria.* In providing guidance and counsel to schools and service institutions in development and implementating policy statements, it is suggested that each State agency, or CFPDO where applicable, shall:

1. Furnish a chart of the criteria to be used, in the form of suggested scales based on family income and family size. Such chart should reflect variations in income criteria as appropriate to urban, rural, or other significant geographic or locational economic differences within the State.

(In any State where CFPDO is responsible for administering programs in nonprofit private schools or service institutions, CFPDO shall prepare the suggested chart of family income in consultation with the appropriate State agency.)

2. Caution schools and service institutions against developing scales with many fine gradations in income and family size and several different levels of reduced price meals. This significantly complicates the determinations and the collection and accounting for payments. Experience has indicated it is desirable to have only two or three prices for meals (in addition to free meals), e.g., full price, half price, 10 cents or 5 cents.

3. Recommend that schools and service institutions consult with welfare agencies concerning eligibility scales for public assistance in the local area and information on families participating in any of the local welfare programs. This will minimize additional developmental work and assure greater coordination and understanding within the community. A broad range of public opinion exists which generally considers families are in need of food assistance if they are at income levels that qualify them for various forms of economic assistance such as "welfare" programs. Therefore, free or reduced price meals should be provided to children from any family certified as eligible for assistance under the Food Stamp Program or the Commodity Distribution Program and children from families participating in any of the various programs of public assistance such as Aid for Dependent Children, as well as families determined to be eligible under local standards related to local conditions.

In determining the eligibility of children from such families for free or reduced price meals, the work of local officials will be minimized by accepting, as evidence of family income, the fact of participation in and the eligibility standard for such programs. The eligibility of specific children for free versus reduced price meals could then be readily determined from the family income and family size scales adopted by the schools and service institutions.

4. Provide that children from families who for various reasons are not participating in welfare programs but are at comparable income levels should be accorded the same consideration for free or reduced price meals. Evaluations of family income and family size with regard to children from such families should be based on income assertions in applications from such families.

5. Caution schools and service institutions against establishing criteria and requirements so rigid as to preclude local officials from granting additional children free or reduced price meals on an intermittent or emergency basis when justified on other indicators of economic or temporary financial need, such as illness or death in the family or other circumstance imposing an economic hardship on the family or a nutritional hardship on the children. Enlisting the cooperation of local health authorities and community civic organizations should be helpful in such determinations.

6. Discourage use of long and detailed formal application forms. Simple statements of family income, family size, plus hardship reasons should be acceptable without forms involving long-winded, prying, and irrelevant questions.

7. Provide, as guidance material, samples of policy statements, free and reduced price meal scales, and procedures

for accounting for such meals judged to be sound and workable.

V. *Effective dates and time table for performance.* 1. The following target dates are established for performance by each State agency, and CFPDO where applicable:

a. December 1, 1968—Deadline for notifications to be issued to all schools and service institutions of their responsibilities as set out in the applicable program regulations and this notice, and for setting a target date for promulgation of policy statements of schools and service institutions.

b. February 1, 1969—All schools and service institutions are expected to have established, revised, or reevaluated their policy and procedures, carried out requirements from the State agencies, or CFPDO where applicable, consistent with this notice, and publicly issued and placed into effect such policy and procedures on or before this date.

2. Follow-up actions by State agency and CFPDO:

a. Each State agency, and CFPDO where applicable, shall issue such other instructions as it deems necessary to insure appropriate and timely action by schools and service institutions.

b. After February 1, 1969, no agreement with a school or service institution to participate in the National School Lunch Program, the School Breakfast Program or the Special Food Service Program for Children shall be entered into, unless the school or service institution has filed and placed into effect the policies and procedures required under this notice.

c. No agreement with a school or service institution participating in the National School Lunch Program, the School Breakfast Program, or the Special Food Service Program for Children on February 1, 1969, shall be extended for the fiscal year beginning July 1, 1969, unless the school or service institution has filed and placed into effect the policies and procedures required under this notice.

VI. *Effective date.* This notice shall be effective on date of issuance.

Dated: October 18, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68-12922; Filed, Oct. 22, 1968; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

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. 68-00647-65-83500 Applicant: National Aeronautics and Space Administration, Manned Spacecraft Center, White Sand Test Facility, Post Office Drawer MM, Las Cruces, N. Mex. 88001. Article: Thermoanalyzer, Unit II. Manufacturer: Mettler, Analytical and Precision Balances, Switzerland. Intended use of article: The article will be used for basic investigations of the thermal behavior of materials and of gassed products in controlled environments. Scientific objective is to provide the most meaningful, complete, and timely thermal data on nonmetallic materials within the present state-of-the-arts. Comments: No comments have been received regarding this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used is being manufactured in the United States. Reasons: The foreign article provides a means of simultaneously performing differential thermal analysis and thermogravimetric analysis on the same sample.

The Department of Commerce knows of no instrument or apparatus being manufactured in the United States, which permits the two types of analysis to be performed simultaneously on the same sample. This characteristic is pertinent to the evaluation of the flammability of spacecraft materials in an oxygen atmosphere.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-12832; Filed, Oct. 22, 1968; 8:45 a.m.]

ST. LUKE'S HOSPITAL 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. 69-00200-00-46040. Applicant: St. Luke's Hospital, 11311 Shaker Boulevard, Cleveland, Ohio 44104. Article: Anticontamination trap for JEM-7 electron microscope. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used in conjunction with an existing JEM-7 electron microscope to study ultrastructural aspects of experimental injury and repair of the lung. Application received by Commissioner of Customs: September 30, 1968.

Docket No. 69-00202-00-46040. Applicant: The University of Chicago, 5801 South Ellis Avenue, Chicago, Ill. 60637. Article: Pole piece (lens) for an existing Model HU-200E electron microscope. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used as an accessory to an existing electron microscope for high resolution electron microscopy of biological specimens and extraterrestrial particles connected with space programs. Application received by Commissioner of Customs: September 30, 1968.

Docket No. 69-00204-33-46500. Applicant: Tulane University Medical School, 1430 Tulane Avenue, New Orleans, La. 70112. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies on reproduction and aging in nematodes (gametogenesis, fertilization, egg shell formation, motility of gametes, secretion of sex pheromones), physical relationship of parasites to the host tissues, function of various cells and tissues of parasites as revealed by ultrastructural observations, and the basic morphology and recognition features of larval nematodes and cestodes in relation to species diagnosis and taxonomic interpretation. Application received by Commissioner of Customs: October 1, 1968.

Docket No. 69-00210-98-26000. Applicant: Culver City Unified School District, 4034 Irving Place, Culver City, Calif. 90230. Article: Dr. Clemenz standard construction device for the theory of electricity. Manufacturer: Dr. Clemenz, West Germany. Intended use of article:

The article will be used for teaching the basic theory of electricity. It teaches the student to construct electrical articles by actual practice and gives him a basic understanding of the theory underlying the experiments. Application received by Commissioner of Customs: October 4, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-12834; Filed, Oct. 22, 1968; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00646-00-46040. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Double-tilting and rotating stage for Elmiskop IA electron microscope. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used to alter the Elmiskop electron microscope so as to form a new lens with sufficient chromatic aberration to enable the electron energy spectra to be resolved, allowing researchers to perform chemical analysis down to 50 angstroms resolution. 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 such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for use with an Elmiskop IA electron microscope which had been imported for the use of the applicant institution.

The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article, or can be adapted to the instrument now in the possession of the applicant for which the accessory is intended.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-12833; Filed, Oct. 22, 1968; 8:45 a.m.]

VANDERBILT UNIVERSITY

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00627-33-46040. Applicant: Vanderbilt University, Nashville, Tenn. 37203. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in the study of correlated cell structure and function which encompasses the action of hormones on cells and embryonic differentiation in a variety of systems, with special reference to the role of cyclic AMP* (adenosine monophosphate) and "morphogenetic hormones." 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, was being manufactured in the United States at the time the applicant placed its order for the foreign article. Reasons: Since July 1, 1968, the Radio Corporation of America (RCA) has redesignated its Model EMU-4 electron microscope to provide a guaranteed resolution of 5 angstroms (point-to-point) and accelerating voltages of 25, 50, 75, and 100 kilovolts. The new Model EMU-4 is available 60 days after receipt of order. The application shows that the foreign article was ordered on or before May 24, 1968, and, consequently, the comparison is made between the pertinent characteristics and pertinent specifications of the foreign article with the similar pertinent characteristics and pertinent specifications of the prior RCA Model EMU-4 which provided only 50 and 100 kilovolt accelerating voltages and 8 angstroms (Fresnel fringe) resolution. (The lower the numerical rating in terms of angstroms units, the better the resolving power.) The foreign article provides a guaranteed resolution of 5 angstroms and accelerating voltages of 25, 50, 75, and 100 kilovolts. The additional resolving capabilities of the foreign article are pertinent to the purposes for which such article is intended to be used, since these purposes require the highest obtainable resolution for their accomplishment. The additional accelerating voltages provide a wider range for optimum contrast of the specimen image, for both ultrathin unstained and negatively stained specimens. For the foregoing reasons, we find that the prior RCA Model EMU-4 electron microscope was not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

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

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-12835; Filed, Oct. 22, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8J2240) has been filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, proposing that § 121.1030 *Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate)* (21 CFR 121.1030) be amended to provide for the safe use of polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) as a dough-conditioning agent in yeast-leavened bakery products in an amount not to exceed 0.5 part for each 100 parts by weight of flour used.

Dated: October 9, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12890; Filed, Oct. 22, 1968; 8:49 a.m.]

BUSH BOAKE ALLEN LTD.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8A2304) has been filed by Bush Boake Allen Ltd., Wharf Road, London N1, England, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use in beer production of isomerized hop extract processed with benzene, light petroleum spirit, and menthanol as solvents.

Dated: October 11, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12897; Filed, Oct. 22, 1968; 8:50 a.m.]

DOW CHEMICAL CO.

Notice of Withdrawal of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), Dow Chemical Co., Post Office Box 512, Midland, Mich. 48640, has withdrawn its petition (PP 8F0712), notice of which was published in the FEDERAL REGISTER of April 2, 1968 (33 F.R. 5273), proposing that tolerances be established for negligible residues of the herbicide 2-*sec*-butyl-4,6-dinitrophenol as the alkanolamine salts of the ethanol and isopropanol series (calculated as 2-*sec*-butyl-4,6-dinitrophenol) in or on the raw agricultural commodities soybeans and soybean straw at 0.1 part per million.

Dated: October 11, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12898; Filed, Oct. 22, 1968; 8:50 a.m.]

HARCHEM DIVISION, WALLACE & TIERNAN, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9H2341) has been filed by Harchem Division, Wallace & Tiernan, Inc., 110 East Hanover Avenue, Cedar Knolls, N.J. 07927, proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for the safe use of an aqueous solution containing (1) trichloromelamine, (2) either sodium lauryl sulfate or dodecylbenzenesulfonic acid, and (3) components generally recognized as safe, as a sanitizing solution on food-processing equipment and utensils and other food-contact articles, except milk containers or equipment, and subject to the limitation that such solutions will contain not more than 300 parts per million of trichloromelamine and not more than 400 parts per million of dodecylbenzenesulfonic acid.

Dated: October 11, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12899; Filed, Oct. 22, 1968; 8:50 a.m.]

M & T CHEMICALS INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2343) has been filed by M & T Chemicals Inc., Rahway, N.J. 07065, proposing that § 121.2602 *Octyltin stabilizers in polyvinyl chloride plastics* (21 CFR 121.2602) be amended to provide for the additional safe use of the octyltin chemicals identified in that section as stabilizers in polyvinyl chloride plastic articles that contact food of type IV (except liquid milk) in table 1 of § 121.2526 (c) (21 CFR 121.2526(c)).

Dated: October 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12900; Filed, Oct. 22, 1968; 8:50 a.m.]

MALATHION

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Stored-Product Insects Research Branch, Market Quality Research Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, a temporary tolerance of 1 part per million for residues of the insecticide malathion in or on the raw agricultural commodity stored almonds is established. The Commissioner of Food and Drugs has determined that this temporary tolerance is safe and will protect the public health.

A condition under which this temporary tolerance is established is that the insecticide will be used in accordance with the terms of the temporary permit issued by the U.S. Department of Agriculture.

This temporary tolerance expires October 14, 1969.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346(j)) and delegated to the Commissioner (21 CFR 2.120).

Dated: October 14, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12901; Filed, Oct. 22, 1968; 8:50 a.m.]

NACA INDUSTRY TASK FORCE ON PHENOXY HERBICIDE TOLERANCES

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 9F0761) has been filed by the National Agricultural Chemicals Association's Industry Task Force on Phenoxy Herbicide Tolerances, 1155 15th Street NW., Washington, D.C. 20005, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the herbicide 2-methyl-4-chlorophenoxyacetic acid from the application of the herbicide in the acid form or in the form of one or more of the following salts or esters:

1. Inorganic salt: Sodium;

2. Amine salts: Ethanolamine, diethanolamine, triethanolamine, isopropanolamine, diisopropanolamine, triisopropanolamine, and dimethylamine;

3. Esters: Isooctyl and butoxyethyl;

in or on the raw agricultural commodities alfalfa, barley, beans, clover, corn, flaxseed, oats, peas, rice, rye, sorghum, soybeans, and wheat at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a colorimetric technique in which the residue is first extracted, then separated by means of column chromatography, and finally reacted with chromotropic acid. The optical density is measured at 550 millimicrons.

Dated: October 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12902; Filed, Oct. 22, 1968; 8:51 a.m.]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 9F0760) has been filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment (21 CFR Part 120) of a tolerance of 0.1 part per million for negligible residues of the insecticide *O*-ethyl *S*-phenyl ethylphosphonodithioate including its oxygen analog (*O*-ethyl *S*-phenyl ethylphosphonothiolate) in or on the raw agricultural commodity group root crop vegetables.

The analytical method proposed in the petition for determining residues of the insecticide is gas-liquid chromatography using a phosphorus-specific thermionic detector.

Dated: October 11, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12903; Filed, Oct. 22, 1968; 8:51 a.m.]

Office of Education

ADULT BASIC EDUCATION

Notice of Establishment of Closing Date for Receipt of Applications for Special Experimental Demonstration Projects and for Teacher Training

FISCAL YEAR 1969 FUNDS

The Adult Education Act of 1966 provides for basic educational programs for adults to enable them to overcome English language limitations, to improve

their basic education in preparation for occupational training and more profitable employment, and to become more productive and responsible citizens. Section 309 of the Act authorizes the U.S. Commissioner of Education to make grants

(1) To local educational agencies or other public or private nonprofit agencies, including educational television stations, for special experimental demonstration projects which (a) involve the use of innovative methods, systems, materials, or programs which the Commissioner determines may have national significance or be of special value in promoting effective programs under the Act or (b) involve programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with basic educational deficiencies; and

(2) To colleges or universities, State or local educational agencies, or other appropriate public or private nonprofit agencies or organizations, to provide training to persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of the Act.

Section 166.64 of Part 166, Title 45 of the Code of Federal Regulations states that the Commissioner may establish and announce "cut-off dates" for the receipt of applications for such grants where he deems it necessary for the efficient administration of the program.

Accordingly, notice is hereby given that the date of December 10, 1968, is established as the closing date upon which applications may be filed with and received by the U.S. Commissioner of Education for grants for special experimental demonstration and teacher-training projects.

Application forms and instructions may be obtained from the Division of Adult Education Programs, Bureau of Adult, Vocational, and Library Programs, U.S. Office of Education, Washington, D.C. 20202.

Dated: October 15, 1968.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

[F.R. Doc. 68-12886; Filed, Oct. 22, 1968; 8:49 a.m.]

Social Security Administration

ROMANIA

Foreign Social Insurance or Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that Romania has a pension system of general application which pays periodic benefits on account of old age, retirement, or death, but that under its pension system citizens of the United States, not citizens of Romania, who leave Romania, are not permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Romania has in effect a pension system which is of general application in that country and which meets the requirements of section 202(t)(2)(A) of the Social Security Act (42 U.S.C. 402(t)(2)(A)), but not the requirements of section 202(t)(2)(B) of the Act (42 U.S.C. 402(t)(2)(B)).

Dated: September 16, 1968.

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

Approved: October 17, 1968.

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

[F.R. Doc. 68-12904; Filed, Oct. 22, 1968; 8:51 a.m.]

SWITZERLAND

Foreign Social Insurance or Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death (section 202(t)(2)(A)); and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence (section 202(t)(2)(B)).

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that Switzerland has a social insurance system of general application which meets section 202(t)(2)(A) in that it pays periodic benefits on account of old age, retirement, or death. On June 27, 1968, pursuant to an exchange of notes between the United States and Switzerland, Switzerland removed all restrictions on the payment of benefits to qualified U.S. citizens, effective as of July 1968, thus permitting payment of benefits to qualified U.S. citizens while outside the country without regard to the duration of the absence. Therefore, the Switzerland social insurance system meets the requirements of section 202(t)(2)(B).

Accordingly, it is hereby determined and found that Switzerland has in effect beginning with July 1968, a social insurance system which meets the requirements of section 202(t)(2)(A) and (B) of the Social Security Act (42 U.S.C. 402(t)(2)(A) and (B).

This revises the finding published in the FEDERAL REGISTER of July 26, 1958 (23 F.R. 5673).

Dated: September 16, 1968.

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

Approved: October 17, 1968.

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

[F.R. Doc. 68-12905; Filed, Oct. 22, 1968; 8:51 a.m.]

URUGUAY

Foreign Social Insurance or Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that Uruguay has a social insurance system of general application which pays periodic benefits on account of old age, retirement, or death, but that under its social insurance system citizens of the United States, not citizens of Uruguay, who leave Uruguay, are not permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Uruguay has in effect a social insurance system which is of general application in that country and which meets the requirements of section 202(t)(2)(A) of the Social Security Act (42 U.S.C. 402(t)(2)(A)), but not the

requirements of section 202(t)(2)(B) of the Act (42 U.S.C. 402(t)(2)(B)).

This augments the finding with respect to Uruguay published in the FEDERAL REGISTER of July 14, 1960 (25 F.R. 6657).

Dated: September 16, 1968.

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

Approved: October 17, 1968.

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

[F.R. Doc. 68-12906; Filed, Oct. 22, 1968; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-43]

U.S. NAVAL POSTGRADUATE SCHOOL

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued to U.S. Naval Postgraduate School Amendment No. 7, as set forth below, to Facility License No. R-11. The license, as previously issued, authorizes the U.S. Naval Postgraduate School to possess and operate its Model AGN-201, Serial No. 100, nuclear reactor facility located on its campus in Monterey, Calif. The amendment, effective as of the date of issuance, authorizes an increase in the amount of contained uranium-235 (from 675 grams to 735 grams) that the School may receive, possess, and use in connection with operation of the reactor in accordance with the School's application for license amendment dated September 6, 1968.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this license amendment, see (1) the U.S. Naval Postgraduate School's application for license amendment dated September 6, 1968, and (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) may be obtained at the Commission's Public Document Room or upon request made to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 11th day of October 1968.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License R-11, Amdt. 7]

The Atomic Energy Commission has found that:

A. U.S. Naval Postgraduate School's application for license amendment dated September 6, 1968, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, CFR, Chapter 1;

B. The issuance of the amendment and the operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

C. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Accordingly, Facility License No. R-11, as amended, which authorizes the U.S. Naval Postgraduate School to operate its Model AGN-201, Serial No. 100, nuclear reactor located on the School's campus in Monterey, California, is hereby further amended by revising subparagraph 3.B to read as follows, in accordance with the application dated September 6, 1968:

3.B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material," to receive, possess and use up to 735 grams of contained uranium-235 in connection with operation of the reactor.

This amendment is effective as of the date of issuance.

Date of issuance: October 11, 1968.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-12918; Filed, Oct. 22, 1968; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20202]

AIR BARR SHIPPING CORP. ET AL.

Notice of Proposed Approval

Application of Air Barr Shipping Corp. et al., for approval of control relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 20202.

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 attached order 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., October 17, 1968.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of Air Barr Shipping Corp., Barr Shipping Co., Inc., Frontier Barr, Inc., Harry K. Barr, Andrew Carreno, Robert O'Neil, for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By application filed September 9, 1968 Air Barr Shipping Corp. (Air Barr), Barr Shipping Co., Inc. (Barr Shipping), Frontier Barr, Inc., Harry K. Barr, Andrew Carreno, and Robert O'Neil request approval, pursuant to section 408 of the Act, of certain control relationships resulting from the holding by Barr Shipping of 55 percent of the stock of Air Barr, an applicant for domestic and international air freight forwarder authority. Approval is also sought, pursuant to section 409 of the Act of the following interlocking relationships:

Individual	Air Barr	Barr shipping
Harry K. Barr	Director	President/director.
Andrew Carreno.	President/director.	Executive vice president.
Robert O'Neil	Vice president	Vice president.

Barr Shipping is an IATA cargo agent, an international freight forwarder licensed by the Federal Maritime Commission, and a U.S. Customshouse Broker licensed by the Department of the Treasury.[1]

Air Barr is also a U.S. Customshouse Broker and in addition is engaged in providing various services to the air freight industry. Such services involve routing, documentation, expediting, trucking and warehousing when necessary. It maintains and operates one pickup truck which is used solely in connection with the above-specified functions. It does not hold itself out as a common carrier and relies on outside carriers for most of its transportation requirements.[2]

The applicants assert that the proposed relationships are in the public interest and that they will not create a monopoly, restrain competition or jeopardize any air carrier. In addition, applicants contend that to the extent that the entry of Air Barr into the air freight forwarding field will have any competitive effect, it will increase, rather than diminish competition, and that Air Barr will provide a vital service in the rapidly growing air freight forwarding industry.

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 1 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

[1] The FMC does not consider such forwarders to be common carriers.

[2] Air Barr also owns 50 percent of Frontier Barr, a general warehousing concern which provides break bulk, and local trucking services related solely to its warehousing functions. Frontier Barr does not hold itself out as a common carrier.

this proceeding Air Barr is an air carrier, that Barr Shipping is a person engaged in a phase of aeronautics by virtue of its being an IATA cargo agent, both within the meaning of section 408(a) of the Act and that the control of Air Barr by Barr Shipping 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 tend to 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 to the Board.[3] 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. Barr, Carreno, and O'Neil of the positions mentioned herein. However, such relationships come within the scope of the exemption from the provisions of section 409 afforded by section 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, 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 the control of Air Barr by Barr Shipping 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 5 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. 68-12907; Filed, Oct. 22, 1968; 8:51 a.m.]

[3] See Order E-16544, Mar. 22, 1961.

[Docket No. 19255]

EAST COAST POINTS-EUROPE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 3, 1968, at 10 a.m. e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

Dated at Washington, D.C., October 17, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-12908; Filed, Oct. 22, 1968; 8:51 a.m.]

[Docket Nos. 20285-20287; Order 68-10-80]

MILLER AIRCRAFT, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on October 17, 1968.

The Postmaster General filed notices of intent September 24, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator final service mail rates per great circle aircraft mile for the transportation of mail by aircraft as follows:

Docket	Between	Cents
20285	Fayetteville and Little Rock via Harrison, Ark.	31.97
20286	Jefferson City and Kansas City via Columbia, Mo.	31.97
20287	Kansas City, Mo., and Little Rock, Ark.	31.97

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

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

The fair and reasonable final service mail rates per great circle aircraft mile to be paid to Miller Aircraft, Inc., entirely by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be as follows:

Docket	Between	Cents
20285	Fayetteville and Little Rock via Harrison, Ark.	31.97
20286	Jefferson City and Kansas City via Columbia, Mo.	31.97
20287	Kansas City, Mo., and Little Rock, Ark.	31.97

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

It is ordered, That:

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

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

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

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

5. This order shall be served upon Miller Aircraft, Inc., the Postmaster General, Frontier Airlines, Inc., Ozark Air Lines, Inc., Delta Air Lines, Inc., and Braniff Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12909; Filed, Oct. 22, 1968; 8:51 a.m.]

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

[Docket Nos. 20280–20282; Order 68–10–77]

PRIORITY AIR TRANSPORT SYSTEM, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on October 16, 1968.

The Postmaster General filed notices of intent September 24, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator final service mail rates per great circle aircraft mile for the transportation of mail by aircraft as follows:

Docket	Between	Cents
20280	Las Vegas, Nev., and Los Angeles, Calif.	42
20281	Santa Maria and San Francisco, Calif.	30
20282	Bakersfield and San Francisco, Calif., via Fresno, Calif.	60

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

Docket 20280—Piper Model Aztec C.
Docket 20281—Piper Turbo Aztec C or Volpar Turboliner.
Docket 20282—Volpar Turboliner.

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

The fair and reasonable final service mail rates per great circle aircraft mile to be paid to Priority Air Transport System, Inc., entirely by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be as follows:

Docket	Between	Cents
20280	Las Vegas, Nev., and Los Angeles, Calif.	42
20281	Santa Maria and San Francisco, Calif.	30
20282	Bakersfield and San Francisco, Calif., via Fresno, Calif.	60

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

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

It is ordered, That:

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

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

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

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

5. This order shall be served upon Priority Air Transport System, Inc., the Postmaster General, Air West, Inc., Delta Air Lines, Inc., National Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12910; Filed, Oct. 22, 1968; 8:51 a.m.]

[Docket No. 19812; Order 68–10–89]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on October 17, 1968.

By notice of intent filed on April 11, 1968, pursuant to 14 CFR Part 298, the Postmaster General petitioned the Board to establish for Sedalia, Marshall, Boonville Stage Line, Inc. (Sedalia), an air taxi operator, a final service mail rate of 56 cents per great circle aircraft mile for the transportation of mail by aircraft between Cincinnati and Columbus, Ohio. Subsequently, this final mail rate was established by Order E–26766, dated May 7, 1968.

On September 19, 1968, the Postmaster General filed a petition on behalf of Sedalia stating that since the start of operations by Sedalia the Post Office Department has added to its requirements for air taxi operators and there have been certain unanticipated cost increases in connection with the operation which make operation under the old rate economically unfeasible. Because of these increased costs, the Postmaster General petitions a new final service mail rate of 63.55 cents per great circle aircraft mile for the transportation of mail by aircraft between Cincinnati and Columbus, Ohio. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier and represents a fair and reasonable rate of compensation for the performance of these services under the present requirements of the Department.

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

On and after September 19, 1968, the fair and reasonable final service mail rate to be paid in its entirety to Sedalia, Marshall, Boonville Stage Line, Inc., by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Cincinnati and Columbus, Ohio, shall be 63.55 cents per great circle aircraft mile.

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

It is ordered, That:

1. All interested persons and particularly Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, American Airlines, Inc., Delta Air Lines, Inc., Allegheny Airlines, Inc., and Trans World Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish

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

the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

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

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

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

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, American Airlines, Inc., Delta Air Lines, Inc., Allegheny Airlines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12911; Filed, Oct. 22, 1968; 8:51 a.m.]

[Docket No. 20284; Order 68-10-88]

TRANS-CAL AIRLINES

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on October 17, 1968.

The Postmaster General filed a notice of intent September 24, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 51 cents per great circle aircraft mile for the transportation of mail by aircraft between Thermal and Los Angeles, Calif.

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

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

The fair and reasonable final service mail rate to be paid to Trans-Cal Airlines, in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 51 cents per great circle aircraft mile between Thermal and Los Angeles, Calif.

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

It is ordered, That:

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

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

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

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

5. This order shall be served upon Trans-Cal Airlines, and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12912; Filed, Oct. 22, 1968; 8:51 a.m.]

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

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18238, 18239; FCC 68R-438]

BEXAR BROADCASTING CO., INC., AND TURNER BROADCASTING CORP. (KBUC-FM)

Memorandum Opinion and Order Enlarging Issues

In re applications of Bexar Broadcasting Co., Inc., San Antonio, Tex., Docket No. 18238, File No. BPH-6245; Turner Broadcasting Corp. (KBUC-FM), San Antonio, Tex., Docket No. 18239, File No. BPH-6285; for construction permits.

1. This proceeding involves the application of Bexar Broadcasting Co., Inc. (Bexar), for a new FM broadcast station to operate on Channel 298 in San Antonio, Tex., and the mutually exclusive application of Turner Broadcasting Corp. (Turner) to change its existing FM facilities from Channel 292 in Terrell Hills, Tex., to Channel 298 in San Antonio. The applications were designated for hearing by Commission order, FCC 68-695, released July 11, 1968.[1] The Review Board now has under consideration a motion to enlarge the issues, filed July 31, 1968, by Turner requesting that an issue be added to determine whether Bexar possesses the financial qualifications to construct and operate its station.[2]

2. In its motion, Turner points out that Bexar estimates that it will require funds in an amount of $34,028.38 for construction costs and first year operating expenses, and that it is relying on a $25,000 loan from Robert G. Brown (Brown), a principal, and $10,000 in profits from its existing AM operation to meet these costs. Turner contends that Brown's financial statement, as filed with the Bexar application, does not "clearly" show the availability of $25,000 in current liquid assets, and that Bexar's balance sheet

[1] A third application, that of AVCO Broadcasting Corp., was consolidated in this proceeding, but was subsequently dismissed, with prejudice, by order of the Hearing Examiner (FCC 68M-1183, released Aug. 16, 1968).

[2] In addition to the motion to enlarge, the following pleadings are before the Board: (a) Opposition, filed Sept. 4, 1968, by Bexar; (b) response, filed Sept. 4, 1968, by Broadcast Bureau; and (c) reply, filed Sept. 13, 1968, by Turner.

dated December 31, 1967, filed with the application, establishes that the $10,000 in profits will not be available.[3] The Broadcast Bureau supports Turner's motion.

3. In response, Bexar relies on an amendment to its application filed on September 5, 1968, the day following the filing of its opposition herein. This amendment was accepted by order of the Hearing Examiner (FCC 68M–1346, released September 27, 1968). The amendment contains: (1) A balance sheet for Bexar dated May 31, 1968; (2) an income statement for Bexar showing income and expenses for May, 1968, and for the 11-month period ended May 31, 1968; (3) an affidavit from Brown describing his financial position; (4) an increase in estimated legal and engineering expenses from $2,500 to $8,500; and (5) a commitment from The National Bank of Commerce of San Antonio to increase an existing $20,000 secured loan to $26,000.[4] In its opposition, Bexar asserts that it does not rely on the May 31, 1968 balance sheet to show the availability of funds; rather, it relies "solely on the proven profits from its existing operation" and the loan commitments.

4. Brown's financial statement as supplemented by the affidavit filed with the amendment demonstrates, with reasonable certainty, that Brown has sufficient current liquid assets to meet his $25,000 commitment. The affidavit indicates that a partial list of the securities owned by Brown and traded on major exchanges have an aggregate market value of $100,000; and Brown's financial statement shows total liabilities of $64,000. Thus, current assets exceed total liabilities by at least $36,000, more than enough to meet the loan commitment. As to this source of financing, therefore, no issue will be added. However, a substantial question does exist with respect to Bexar's ability to apply $10,000 in profits from its existing operation to the new station. The May 31, 1968 balance sheet, filed with the amendment, reflects current assets of $27,928.46 and current liabilities of $63,684.56.[5] Bexar thus shows a current asset deficit of $35,756.10. Under current liabilities, Bexar has included three notes the principal amounts of which total $36,543.13.[6] Since these notes are listed under current liabilities and are not otherwise explained, as required by Form 301, we must, for purposes of determining whether an issue is warranted, assume that the full amount of all three notes is due within 1 year. Based upon the income statement showing net income before depreciation, of $20,734.78 for the 11-month period, we credit Bexar with projected net income before depreciation of approximately $23,000 for the year.[7] However, since the income statement includes only ordinary operating expenses and makes no provision for the payment of the principal amount of the notes, of necessity, the projection of $23,000 of net income similarly does not take into account the repayment of the principal of the notes. It thus appears, from the information before us, that Bexar will not have sufficient net income to meet its principal obligations of $36,543.13 coming due within the year, much less to apply $10,000 of such profits to the new station. A limited issue inquiring into the matter will therefore be added.

5. *Accordingly, it is ordered*, That the motion to enlarge issues, filed July 31, 1968, by Turner Broadcasting Corp. is granted to the extent indicated below, and denied in all other respects; and that the issues are enlarged, as follows:

To determine with respect to Bexar Broadcasting Co., Inc.:

(1) Whether it will have available $10,000 in profits from its existing operation to apply to the new proposal; and, if not, whether it will have $10,000 available from other sources;

(2) Whether, in light of the evidence adduced with respect to the foregoing issue, Bexar Broadcasting Co., Inc. is financially qualified to construct and operate its proposal.

6. *It is further ordered*, That the burden of proceeding with the introduction of evidence and burden of proof under the issues added herein shall be upon Bexar Broadcasting Co., Inc.

Adopted: October 16, 1968.

Released: October 18, 1968.

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

[F.R. Doc. 68–12916; Filed, Oct. 22, 1968; 8:52 a.m.]

[3] Turner also alleges, in passing, that Bexar's estimate of $2,500 for engineering and legal expenses is not sufficient.

[4] The amendment states that this $6,000 is to be applied to legal and engineering expenses, increasing the estimate for such expenses from $2,500 to $8,500; the question raised by Turner as to the sufficiency of Bexar's estimate of these expenses (see note 3, supra) is thus mooted.

[5] The balance sheet shows current liabilities of $57,684.56. It includes the original $20,000 loan from The National Bank of Commerce of San Antonio but does not take into account the $6,000 added to this $20,000 loan by the amendment. Current liabilities shown above have been increased to include this additional loan.

[6] Increased to reflect the additional $6,000 loan added by the amendment; see note 4, supra.

[7] Computed by averaging the $20,734.78 over the 11-month period ($1,884.98 per month) and projecting the monthly average over a 12-month period ($22,619.76).

In addition, we note that both Turner and the Broadcast Bureau have based their computations on the net income after depreciation shown on the income statement ($10,834.78). However, because we are here concerned with the availability of cash, and because depreciation is a noncash charge, net income before depreciation is of greater significance.

FEDERAL POWER COMMISSION

[Docket No. CP69–88]

EL PASO NATURAL GAS CO.

Notice of Application

Correction

In F.R. Doc. 68–12472 appearing at page 15313 of the issue for Tuesday, October 15, 1968, the bracket at the beginning of the document should read as set forth above.

FEDERAL POWER COMMISSION

[Docket No. CP69–93]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

OCTOBER 15, 1968.

Take notice that on October 7, 1968, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP69–93 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and delivery of presently authorized volumes of natural gas to an existing customer, Worcester Gas Light Co. (Worcester), to permit Worcester to serve an unserved portion of its authorized service area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to construct and operate a new delivery point in Dover, Mass., consisting of a 2-inch tap and tap valve assembly and to operate a metering and regulating station owned by Worcester at this delivery point. Applicant states that the cost to Worcester of the station will be less than the cost of expanding its present distribution system to Dover where a new regional school is under construction. The meter and regulator station will be paid for by Worcester. Applicant's tap and tap valve assembly is estimated to cost approximately $2,900.

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 November 12, 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. 68–12862; Filed, Oct. 22, 1968; 8:47 a.m.]

[Docket No. CP69-112]

BOSTON GAS CO.

Notice of Application

OCTOBER 15, 1968.

Take notice that on October 14, 1968, Boston Gas Co. (Applicant), 2900 Prudential Tower, Boston, Mass. 02199, filed in Docket No. CP69-112 an application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing the importation of liquefied natural gas (LNG) produced at Hassi R'Mel, Algeria, for distribution and resale in the Greater Boston area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically seeks authorization to import through Boston Harbor 4,000 tons of LNG. The LNG will be purchased from Gazocean, S.A., and will be delivered in two shipments of 2,000 tons each on or about November 15, 1968, and January 5, 1969, respectively, at a cost of $59.36 per ton FAS. The 4,000 tons of LNG is the equivalent of about 200,000 Mcf of natural gas. The LNG will be stored in Applicant's storage tank at Commercial Point, Boston.

Applicant states that the importation of the LNG is necessary in order for it to meet its "peak shaving" requirements for its distribution system. The LNG will be available on winter days of peak gas use to supplement the other sources of gas supply available to Applicant for distribution. Applicant further states that without the importation of the LNG it would fall more than 30,000 Mcf short of meeting its winter demand.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, 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) on or before October 24, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-12863; Filed, Oct. 22, 1968; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT NATIONAL SECURITIES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Barnett National Securities Corp., which is a bank holding company located in Jacksonville, Fla., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of The Tallahassee Bank and Trust Co., Tallahassee, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 16th day of October 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-12917; Filed, Oct. 22, 1968; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4684]

NEW ENGLAND POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

OCTOBER 17, 1968.

Notice is hereby given that New England Power Co. ("NEPCO"), 441 Stuart Street, Boston, Mass. 02116, an electric utility subsidiary company of New England Electric System, 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 Rules 42(b)(2) and 50 as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

NEPCO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $20 million principal amount of first mortgage bonds, series O, ------ percent due December 1, 1998. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under an indenture of trust and first mortgage dated November 15, 1936, between NEPCO and New England Merchants National Bank of Boston (successor to The New England Trust Co.), trustee, as heretofore supplemented and as to be further supplemented by a 14th supplemental indenture to be dated December 1, 1968.

The net proceeds from the sale will be applied to the payment of NEPCO's short-term notes evidencing borrowings made to pay for capitalizable expenditures or to reimburse the treasury therefor. Such notes are expected to be outstanding in the amount of $25 million at the time of the proposed issue and sale of the bonds.

The fees and expenses to be paid in connection with the proposed transactions are estimated at $75,000, including $34,000 for legal, accounting and other services to be rendered at cost by the system service company. The fees and expenses of independent counsel for the underwriters, to be paid by the successful bidders, are to be supplied by amendment.

It is stated that the Massachusetts Department of Public Utilities, the New Hampshire Public Utilities Commission, and the Vermont Public Service Board have jurisdiction over the proposed issuance and sale of bonds and 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 November 14, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application 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 applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be 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. 68-12844; Filed, Oct. 22, 1968; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 01/02-0029]

CONNECTICUT CAPITAL CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Connecticut Capital Corp., 488 Whalley Avenue, New Haven, Conn. 06905, a licensed small business investment company under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration for approval of a proposed change of control. Prior approval of change of control is required under § 107.701 of SBA Regulations (13 CFR Part 107, 33 F.R. 326).

Connecticut Capital Corp. was licensed September 14, 1960. Its paid-in capital was $168,500, as of March 31, 1968. As of the same date, 160,000 shares of its common stock were outstanding and held by 22 stockholders.

The following persons propose to purchase 90,000 shares (56¼ percent) of the Licensee's outstanding common stock:

John Ardolino,[1] 18 Four Rod Road, Hamden, Conn. 06514.
C. William Ardolino,[1] 163 Englewood Drive, Orange, Conn. 06607.
Jay Ardolino,[2] Tama Ardolino,[2] Whiting Farm Road, Branford, Conn. 06405.
Margaret Russo,[1] Baybrook Apartments, West Haven, Conn. 06516.
Jessie Ponzo,[2] Cricket Lane, Orange, N.J. 07052.
Albert F. Carbonari,[1] Edith Carbonari,[1] Oak Hill Lane, Woodbridge, Conn. 06525.

The proposed purchasers are committed to SBA to increase the company's paid-in capital by at least $150,000 over a period of 3 years, at the rate of $50,000 a year beginning 1 year from September 1, 1968.

The proposed stock purchase is conditioned upon approval by the Small Business Administration of extension of the company's present SBA section 303 loans to September 1, 1975. The proposed purchasers have agreed with SBA to having said loans become due and payable on demand if the paid-in capital is not increased at least $50,000 a year for the next 3 years, beginning September 1, 1969.

The names and addresses of the proposed officers and directors of the licensee after the change of control, all of whom will own more than ten percent of the licensee's outstanding capital stock, are shown below.

John Ardolino, 18 Four Rod Road, Hamden, Conn. 06514.
Albert F. Carbonari, Oak Hill Lane, Woodbridge, Conn. 06525.
C. William Ardolino, 163 Englewood Drive, Orange, Conn. 06607.
Myron Blumenthal, 26 Long Hill Terrace, New Haven, Conn. 06515.

The licensee will remain in New Haven, Conn.

SBA's consideration of the application includes the general business character and business reputation of the above-named persons and their commitment to actively operate the company within the intent and purpose of the Act and regulations.

Interested persons should address their comments on the proposed transfer of control to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within 10 days after the publication of this notice.

A similar notice shall be published by the proposed purchasers in a newspaper of general circulation in New Haven, Conn. For SBA (under delegated authority).

Dated: October 14, 1968.

GLENN R. BROWN,
Associate Administrator for Investment.

[F.R. Doc. 68-12885; Filed, Oct. 22, 1968; 8:49 a.m.]

[1] Present stockholders.
[2] New stockholders—to own less than 10 percent.

INTERSTATE COMMERCE COMMISSION

[Notice 521]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 18, 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 730 (Deviation No. 38), PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, Oakland, Calif. 94604, filed October 10, 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 Erie, Pa., and Pittsburgh, Pa., over Interstate Highway 79, 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 Erie, Pa., over Pennsylvania Highway 97 to Waterford, Pa., thence over U.S. Highway 19 to Mercer, Pa., (2) from Youngstown, Ohio, over U.S. Highway 62 to Oil City, Pa., (3) from Cleveland, Ohio, over U.S. Highway 20 to junction New York Highway 78, (4) from Youngstown, Ohio, over Ohio Highway 7 to Conneaut, Ohio, (5) from Columbiana, Ohio, over Ohio Highway 164 to Youngstown, Ohio, and (6) from Columbiana, Ohio, over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to junction Pennsylvania Highway 168, thence over Pennsylvania Highway 168 to Darlington, Pa., thence over Pennsylvania Highway 168 to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 to Rochester, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., and return over the same routes.

No. MC 65134 (Deviation No. 1) CEL TRANSPORTATION COMPANY, Post Office Box 447, Latrobe, Pa. 15650, filed October 10, 1968. Carrier's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Pittsburgh, Pa., over U.S. Highway 22 to the Monroeville Interchange of the Pennsylvania Turnpike (Interchange No. 6), thence east over the Pennsylvania Turnpike to the New Stanton Interchange (Interchange No. 8), thence north over U.S. Highway 119 to Youngwood, Pa., (2) from junction U.S. Highway 30 and the Pennsylvania Turnpike, at Irwin, Pa. (Interchange No. 7) east over the Pennsylvania Turnpike to the New Stanton Interchange (Interchange No. 8), thence north over U.S. Highway 119 to Youngwood, Pa., and (3) from junction U.S. Highway 30 and unnumbered highway (formerly portion U.S. Highway 30), west of Greensburg, Pa., east over U.S. Highway 30 (Greensburg Bypass) to junction unnumbered highway (formerly portion U.S. Highway 30) east of Greensburg, Pa., 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 Pittsburgh, Pa., over U.S. Highway 30 to

junction unnumbered highway (formerly portion U.S. Highway 30), thence over unnumbered highway to Greensburg, Pa., thence over U.S. Highway 119 to Youngwood, Pa., (2) from junction U.S. Highway 30 and the Pennsylvania Turnpike at Irwin, Pa., over U.S. Highway 30 to junction unnumbered highway (formerly U.S. Highway 30), thence over the route specified in (1) to Youngwood, Pa., and (3) from junction U.S. Highway 30 and unnumbered highway (formerly U.S. Highway 30), west of Greensburg, Pa., east over unnumbered highway via Greensburg, Pa., to junction U.S. Highway 30, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 477) (Cancels Deviation No. 409), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed October 7, 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 junction Interstate Highway 65 and U.S. Highways 41 and 31W, just north of Nashville, Tenn., over Interstate Highway 65 to its present terminus at U.S. Highway 31, 3 miles south of Elkton, Tenn., with the following access routes: (1) From Franklin, Tenn., over Tennessee Highway 96 to junction Interstate Highway 65, (2) from Columbia, Tenn., over Tennessee Highway 99 to junction Interstate Highwaly 65, (3) from Columbia, Tenn., over Tennessee Highway 50 to junction Interstate 65, (4) from Pulaski, Tenn., over Alternate U.S. Highway 31 to junction Interstate Highway 65, and (5) from Pulaski, Tenn., over U.S. Highway 64 to junction Interstate Highway 65, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Evansville, Ind., over U.S. Highway 41 via Hopkinsville, Ky., and Springfield and Goodlettsville, Tenn., to Nashville, Tenn. (also from Hopkinsville over Alternate U.S. Highway 41 to Nashville), and (2) from Nashville, Tenn., over U.S. Highway 31 via Columbia, Tenn., and Calera, Jemison, and Mountain Creek, Ala., to Montgomery, Ala., and return over the same routes.

No. MC 2890 (Deviation No. 74), AMERICAN BUSLINES, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed October 9, 1968. Carrier's representative: Bruce E. Mitchell, 1735 K Street NW., Washington, D.C. 20006. 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 Washington, D.C., over U.S. Highway 240 to junction Interstate Highway 70S, thence over Interstate Highway 70S to junction Interstate Highway 70, thence over Interstate Highway 70 to Breezewood, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Baltimore, Md., over U.S. Highway 1 to Washington, D.C., (2) from Baltimore, Md., over U.S. Highway 140 to junction unnumbered highway at or near Sandyville, Md., thence over unnumbered highway to Westminster, Md., thence over Maryland Highway 97 to Emmitsburg, Md., and (3) from Philadelphia, Pa., over U.S. Highway 30 to Gettysburg, Pa., thence over U.S. Highway 15 to Emmitsburg, Md., thence over Maryland Highway 97 to the Maryland-Pennsylvania State line, thence over Pennsylvania Highway 16 to McConnellsburg, Pa., thence over U.S. Highway 30 to Pittsburgh, Pa., and return over the same routes.

No. MC 2890 (Deviation No. 75), AMERICAN BUSLINES, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed October 9, 1968. Carrier's representative: Bruce E. Mitchell, 1735 K Street NW., Washington, D.C. 20006. 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 junction Ohio Highway 14 and U.S. Highway 21, over U.S. Highway 21 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Ohio Highway 176, thence over Ohio Highway 176 to junction Ohio Highway 18, thence over Ohio Highway 18 to Akron, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 41 to Hammond, Ind. (also from Chicago over city streets via Calumet City, Ill., to Hammond), thence over U.S. Highway 20 via Gary, Ind., to junction U.S. Highway 421, thence over U.S. Highway 421 to Michigan City, Ind., thence over Indiana Highway 29 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to Toledo, Ohio, thence over Ohio Highway 2 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio (also from Lorain over Avon Lake Road to Avon, Ohio, thence over Ohio Highway 254 to Cleveland), thence over Ohio Highway 14 via Twinsburg and Edinburg, Ohio, to Deerfield, Ohio, thence over Alternate Ohio Highway 14 to Salem, Ohio, thence over Ohio Highway 45 to Lisbon, Ohio, thence over U.S. Highway 30 to Pittsburgh, Pa., (2) from junction Ohio Highways 8 and 303 south of Boston Heights, Ohio, over Ohio Highway 8 to Bedford, Ohio, and (3) from junction Ohio Highways 8 and 303, over Ohio Highway 8 to Akron, Ohio, thence over Ohio Highway 18 to Edinburg, Ohio, and return over the same routes.

No. MC 2890 (Deviation No. 76), AMERICAN BUSLINES, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed October 9, 1968. Carrier's representative: Bruce E. Mitchell, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 40 and Indiana Highway 3 at or near Dunreith, Ind., over Indiana Highway 3 to junction Interstate Highway 70, thence over Interstate Highway 70 to Indianapolis, Ind., (2) from junction of Holt Road and U.S. Highway 40, west of Indianapolis, Ind., over Holt Road to junction Interstate Highway 70, thence over Interstate Highway 70 to junction U.S. Highway 40 at the Indiana-Illinois State line, (3) from junction U.S. Highway 40 and Indiana Highway 3 at or near Dunreith, Ind., over Indiana Highway 3 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 465 east of Indianapolis, Ind., thence over Interstate Highway 465 to junction Interstate Highway 70 southwest of Indianapolis, Ind., thence over Interstate Highway 70 to junction U.S. Highway 40 at the Indiana-Illinois State line, (4) from junction Interstate Highway 70 and U.S. Highway 41 over U.S. Highway 41 to Terre Haute, Ind., and (5) from junction Indiana Highway 46 and Interstate Highway 70 over Indiana Highway 46 to junction Indiana Highway 42, thence over Indiana Highway 42 to Terre Haute, Ind., 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 Pittsburgh, Pa., over U.S. Highway 22 to Zanesville, Ohio, thence over U.S. Highway 40 to St. Louis, Mo., and return over the same route.

No. MC 45626 (Deviation No. 27) (Cancels Deviation No. 23), VERMONT TRANSIT CO., INC., Burlington, Vt. 05401, filed October 10, 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: Between Norwich, Vt., and West Springfield, Mass., over Interstate Highway 91, including access roads intermediate thereto, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Norwich, Vt., and West Springfield, Mass., over U.S. Highway 5.

No. MC 45626 (Deviation No. 28) VERMONT TRANSIT CO., INC., Burlington, Vt. 05401, filed October 10, 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: Between New London, N.H., and Grantham, N.H., over Interstate Highway 89,

including access roads intermediate thereto, 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 New London, N.H., over New Hampshire Highway 11 to junction Stony Brook Road, thence over Stony Brook Road to junction Springfield Road, thence over Springfield Road to junction New Hampshire Highway 10, thence over New Hampshire Highway 10 to Grantham, N.H., and return over the same route.

By the Commission.

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

[F.R. Doc. 68-12880; Filed, Oct. 22, 1968; 8:48 a.m.]

[Notice 1229]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 18, 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 58719 (Sub-No. 9) (Corrected republication), filed January 22, 1968, published FEDERAL REGISTER issues of March 7, 1968, and October 9, 1968, and republished as corrected, this issue. Applicant: INGRAM BUS LINES, INC., 313 Jordon Avenue, Gallassee, Ala. 36078. Applicant's representative: J. Douglas Harris, 410–412 Bell Building, Montgomery, Ala. 36104. Supplemental order, Operating Rights Board, dated August 22, 1968, served September 20, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, as described below, subject to the conditions described in said order, and further subject to (1) the coincidental cancellation at applicant's written request of its certificate MC–58719 (Sub-No. 1), and (2) the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, and limitations in the future as may be deemed necessary in the light of the final decision in Ex Parte No. MC–29 (Sub-No. 1): Regular routes: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers: (1) Between Montgomery, Ala., and Columbus, Ga., from Montgomery, over U.S. Highway 231 to Wetumpka, thence over Alabama Highway 14 to Opelika, and thence over U.S. Highway 280 to Columbus (also from Claud, over Alabama Highway 63 to Eclectic, Ala., thence over unnumbered county roads to Kent, Ala., and thence over Alabama Highway 229 to Burlington, Ala.) and return over the same routes, serving all intermediate points; (2) between Eclectic, Ala., and Alexander City, Ala., over Alabama Highway 63; (3) between the junction of Alabama Highway 14 and Elmore County Highway 57 and the junction of Alabama Highway 63 and Elmore County Highway 57, over Elmore County Highway 57.

(4) Between Tallassee, Ala., and the junction of U.S. Highway 231 and Elmore County Highway 8, over Elmore County Highway 8; (5) between the junction of Alabama Highway 169 and Moore's Mill Road and the junction of Alabama Highways 169 and 37, over Alabama Highway 169; (6) between Opelika, Ala., and Anniston, Ala.; (a) from Opelika over U.S. Highway 431 to junction Alabama Highway 9, thence over Alabama Highway 9 to Heflin, Ala., and thence over U.S. Highway 78 to Anniston, and return over the same route, serving all intermediate points, and (b) between the junction of U.S. Highway 431 and Alabama Highway 9 and the junction of U.S. Highways 78, and 431, over U.S. Highway 431, serving all intermediate points; (7) between Welch, Ala., and La Grange, Ga., from Welch over unnumbered highway through Standing Rock, Ala., to La Grange, and return over the same route, serving all intermediate points; (8) between Rock Mills and Roanoke, Ala., over Alabama Highway 22, serving all intermediate points; (9) between Glenn, Ga., and La Grange, Ga., over Georgia Highway 109, serving all intermediate points; (10) between Lafayette, Ala., and the junction of unnumbered highway and U.S. Highway 280, from Lafayette over Alabama Highway 50 to Lanett, Ala., thence over U.S. Highway 29 to Fairfax, Ala., thence over unnumbered highway to junction U.S. Highway 280, and return over the same route, serving all intermediate points; (11) between Wedowee, Ala., and Bowdon, Ga., from Wedowee over Alabama Highway 48 to the Alabama-Georgia State line, thence over Georgia Highway 166 to Bowdon, and return over the same route, serving all intermediate points.

(12) Between Opelika, Ala., and Columbus, Ga., from Opelika over Alabama Highway 37 to Marvyn, thence over U.S. Highway 80 to Columbus, and return over the same routes; (13) between Wedowee and Lineville, Ala., over Alabama Highway 48; (14) between Auburn, Ala., and Opelika, Ala., over Alabama Highway 15, serving all intermediate points; (15) between Auburn, Ala., and the Auburn-Opelika Airport, over unnumbered county road; (16) between Phenix City, Ala., and Auburn, Ala., from Phenix City, over unnumbered county highway known as Old Auburn Highway, to junction Alabama Highway 169, thence over Alabama Highway 169 to junction unnumbered highway known as Moore's Mill Road, thence over said unnumbered county highway to Auburn, and return over the same route, serving all intermediate points. Irregular routes: Passengers and their baggage in the same vehicle with passengers, in charter operations, beginning and ending at authorized service points on the above-described routes and extending to points in the United States (including Alaska, but excluding Hawaii). Passengers and their baggage, in the same vehicle with passengers, in special operations, beginning and ending at points on route (13) above, and extending to points in the United States (including Alaska but excluding Hawaii). Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced. NOTE: The purpose of this republication is to set forth the actual authority granted to applicant. Previous publication only set forth the authority as originally filed.

No. MC 59640 (Sub-No. 13) (Republication), filed June 18, 1968, published in FEDERAL REGISTER issue of July 4, 1968, and republished this issue. Applicant: PAULS TRUCKING CORPORATION, 847 Flora Street, Elizabeth, N.J. 07201. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. By application filed June 18, 1968, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of frozen foods, from the warehouse facilities of Supermarkets General Corp. at Jersey City, N.J., to points in Fairfield County, Conn., Kent and New Castle Counties, Del., Rockland, Suffolk, and Westchester Counties, N.Y., and Bucks and Delaware Counties, Pa., under a continuing contract with Supermarkets General Corp.; restricted to shipments moving to retail stores. An order of the Commission, Operating Rights Board, dated September 30, 1968, and served October 11, 1968, finds that operation by applicant, in interstate or foreign commerce as a contract carrier by motor vehicle over irregular routes, of *frozen foods*, from the storage facilities of Supermarkets General Corp. at Jersey City, N.J., to points in Fairfield County, Conn., Kent and New Castle Counties, Del., Rockland, Suffolk, and Westchester Counties, N.Y., and Bucks and Delaware Counties, Pa., under a continuing contract with Supermarkets General Corp., of Cranford, N.J., will be consistent with the public interest and the national transportation policy;

that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a 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 64994 (Sub-No. 57) (Republication), (HENNIS FREIGHT LINES, INC., Route Conversion Application—Modifications Authorized To Be Made in Petitioner's Certificate MC 64994, issued May 10, 1968). Applicant: HENNIS FREIGHT LINES, INC., Winston-Salem, N.C. Division 1, on October 9, 1968, orders that Certificate MC 64994, be, and it is hereby modified, as follows: (1) The following routes should be added to Part A of Certificate No. MC–64994, issued May 10, 1968, at Sheet 8 thereof directly after the description of the route therein between Boston, Mass., and New York, N.Y., and directly before the paragraph commencing "Serving as intermediate or off-route points * * *": Between Charleston, W. Va., and Mt. Airy, N.C.; from Charleston over U.S. Highway 21 to Princeton, W. Va., thence over U.S. Highway 460 to Pearisburg, Va., thence over Virginia Highway 100 to junction U.S. Highway 221, thence over U.S. Highway 221 to Hillsville, Va., thence over U.S. Highway 52 to Mt. Airy, and return over the same route. Between Huntington, W. Va., and Charleston, W. Va.; from Huntington over U.S. Highway 60 to Charleston, and return over the same route. Between Parkersburg, W. Va., and Charleston, W. Va.; from Parkersburg over U.S. Highway 21 to Charleston, and return over the same route. (2) At Sheet 10 of Part A of Certificate No. MC–64994, issued May 10, 1968, in line four of paragraph (f) the words "(except those in (c) above)" should be deleted, and ("except from Chicago to those points in (c) above)" should be substituted in lieu thereof. (3) At Sheet 10 of Part A of Certificate No. MC–64994, issued May 10, 1968, in paragraph (f) directly after the end of line 10 of such paragraph, which line ends with the words "thence along", and directly before the beginning of line 11 thereof, which line commences with the words "U.S. Highway 460," the following words should be added: "the Virginia-West Virginia State line to junction U.S. Highway 460, thence along."

(4) At Sheet 11 of Part A of Certificate No. MC–64994, issued May 10, 1968, in paragraph (p) directly after the end of line four of such paragraph, which line ends with the words "thence along," and directly before the beginning of line five thereof, which line commences with the words "U.S. Highway 460," the following words should be added: "the Virginia-West Virginia State line to Junction U.S. 460, thence along." (5) At Sheet 10 of Part A of Certificate No. MC–64994, issued May 10, 1968, in line 13 of paragraph (h) the words "in Part A" should be deleted, and the words "in (h)" should be substituted in lieu thereof. (6) At Sheet 11 of Part A of Certificate No. MC–64994, issued May 10, 1968, in line four of paragraph (r) the word "Bounties" should be deleted, and the word "Counties" should be substituted in lieu thereof. (7) At Sheets 16 and 17 of Part D of Certificate No. MC–64994, issued May 10, 1968, in each of the respective grants of authority to transport (a) tobacco, cigarette papers, tobacco products, empty cartons, advertising matter, and printed forms, (b) canned goods, and (c) new furniture change "serving all intermediate points on the regular routes in West Virginia" to read "serving all intermediate points on the regular routes in West Virginia set forth in the first four paragraphs on Sheet 16 of this certificate." Said order shall become effective 45 days after publication of notice of this order in the FEDERAL REGISTER, unless any party in interest, before the expiration of such time, shall show cause, if any there be, in a writing verified under oath, why the said certificate should not be modified in the manner and to the extent described above.

No. MC 67583 (Sub-No. 13) (Republication), filed February 21, 1968 published in FEDERAL REGISTER issue of March 14, 1968, and republished this issue. Applicant: KANE TRANSFER COMPANY, a corporation, 5400 Tuxedo Road, Tuxedo, Md. 20781. Applicant's representative: Spencer T. Money, 411 Park Lane Building, Washington, D.C. 20006. By application filed February 21, 1968, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of containers, plastic, 1 gallon or less in capacity, in boxes; and corrugated fibreboard boxes, knocked down flat, when shipped with plastic containers, from the warehouse and plantsite of the American Can Co. at New Castle, Del., to plant and storage facilities of the Proctor & Gamble Manufacturing Co., at Baltimore, Md., under contract with Proctor & Gamble Co. An order of the Commission, Operating Rights Board, dated August 30, 1968, and served October 10, 1968, finds that operation by applicant, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of *plastic containers* in boxes, and *corrugated fibreboard boxes*, knocked down flat, in mixed loads with plastic containers, from the storage facilities and plantsite of the American Can Co. at New Castle, Del., to the plantsite and storage facilities of the Proctor & Gamble Manufacturing Co., at Baltimore, Md., under a continuing contract with the Proctor & Gamble 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 regulation 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 order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111740 (Sub-No. 22) (Republication), filed October 13, 1967, published FEDERAL REGISTER, issues of November 2, 1967 and October 2, 1968, and republished this issue. Applicant: OIL TRANSPORT COMPANY, a corporation, East Highway 80, Post Office Drawer 2679, Abilene, Tex. 79604. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. NOTE: The further publication made October 2, 1968, in this application was inadvertent and should be ignored.

No. MC 119493 (Sub-No. 41) (Republication), filed April 8, 1968, published FEDERAL REGISTER issue of April 25, 1968, and republished this issue. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, Mo. 64801. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. By application filed April 8, 1968, 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 boxes, fiberboard or pulpboard, No. 1, corrugated knocked down flat or folded flat; sheets, fiberboard or pulpboard, No. 1, fiber content consisting of not less than 80 percent woodpulp, waste paper, or strawpulp or mixture thereof, corrugated, from the Hoerner Waldorf Corp. plantsite at or near Springfield, Mo., to points in Arkansas, Kansas, and Oklahoma, except no authority is sought (1) to serve points in Arkansas located on U.S. Highway 65 between the Missouri-Arkansas State line and Little Rock, Ark., including Little Rock, and the commercial zone thereof; and (2) to serve points in Arkansas located on U.S. Highway 62 between Berryville and Mountain Home, Ark., inclusive, including the commercial zones thereof. An order of the Commission, Operating Rights Board, dated September 26, 1968, and served October 11, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *fiberboard or pulpboard boxes and sheets*, from the plantsite of the Hoerner Waldorf Corp. at Springfield, Mo., to points in Kansas, Oklahoma, and Arkansas, except (1) points in Arkansas

located on U.S. Highway 65 between and including the Missouri-Arkansas State line and Little Rock, Ark., and (2) points in Arkansas located on U.S. Highway 62 between and including Berryville and Mountain Home, Ark., and except points in the commercial zones of these points described in (1) and (2) above; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act, and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a 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 119914 (Sub-No. 13) (Republication), filed May 22, 1968, published in the FEDERAL REGISTER issue of June 20, 1968, and republished this issue. Applicant: MINNESOTA-WISCONSIN TRUCK LINES, INC., 965 Eustis Street, St. Paul, Minn. 55114. Applicant's representative: H. N. Votel (same address as applicant). By application filed May 22, 1968, 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, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Ortonville and Clinton, Minn., over U.S. Highway 75 and return over the same route, as an alternate route for operating convenience only, serving no intermediate or off-route points. An order of the Commission, Operating Rights Board, dated September 30, 1968, and served October 11, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Ortonville, and Graceville, Minn., over U.S. Highway 75, serving Clinton, Minn., as an intermediate point; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a 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 129510 (Sub-No. 1) (Republication), filed March 11, 1968, published in FEDERAL REGISTER issue of March 28, 1968, and republished this issue. Applicant: CHESTER W. ENGLUND, doing business as C. W. ENGLUND CO., 740 Old Stage Road, Salinas, Calif. Applicant's representative: Stuart J. Shoob, 1510 Arizona Title Building, 111 West Monroe, Phoenix, Ariz. 85003. By application filed March 11, 1968, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) *used automobile bumpers*, between plantsites of Electro Chemical Industries in San Diego, Ontario, and North Hollywood, Calif., Las Vegas, Nev., St. Louis, Mo., Chicago, Ill., Cleveland, Ohio, Minneapolis, Minn., Newark and Palmyra, N.J., Allentown, Pa., and Baltimore, Md., and (2) *stone and finished stone products, steel products, finished wood products, and finished epoxy resin products*, (a) from Nashua, N.H., Hicksville, Long Island, N.Y., Schuyler, Va., Elkins, W. Va., Monroe, N.C., McDermott, and Dayton, Ohio, to construction jobsites in New Mexico, Arizona, Colorado, Wyoming, Utah, Idaho, Montana, Nevada, California, Washington, Oregon, and Texas; and (b) from points of origin named above to plantsite in Los Angeles, Calif.; under contract with Permalab-Metalab Equipment Corp., Los Angeles, Calif., and Electro Chemical Industries, Pomona, Calif. An order of the Commission, Operating Rights Board, dated August 30, 1968, and served October 10, 1968, finds that operation by applicant, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of (1) *used automobile bumpers*, between the plantsites of Electro-Chemical Industries at San Diego, Ontario, and North Hollywood, Calif., Las Vegas, Nev., St. Louis, Mo., Chicago, Ill, Cleveland, Ohio, Minneapolis, Minn., Newark and Palmyra, N.J., Allentown, Pa., and Baltimore, Md., and

(2) *Stone and stone products, steel products, wood products, and epoxy resin products*, from Nashua, N.H., Hicksville, N.Y., Schuyler, Va., Elkins, W. Va., Monroe, N.C., and McDermott and Dayton, Ohio, to points in New Mexico, Arizona, Colorado, Wyoming, Utah, Idaho, Montana, Nevada, California, Washington, Oregon, and Texas, under contract with Permalab-Metalab Equipment Corp., Los Angeles, Calif., and Electro Chemical Industries, Pomana, Calif., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 61440 (Sub-No. 113), filed August 9, 1968. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104, and Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* except those of unusual value, household goods as defined by the Commission, commodities in bulk, motor vehicles, commodities in dump trucks, hopper type trucks and mechanical transit mix trucks, and livestock. (1) Regular routes: (a) Between points in California; serving all intermediate points except as specifically stated herein, as follows: (b) From San Francisco over Interstate Highway 80 to Sacramento; (c) from Oakland over U.S. Highway 50 to Stockton; (d) from Oakland over California Highway 24 to Walnut Creek; thence from Walnut Creek to Pacheco over unnumbered highway; thence over California Highway 4 to its junction with California Highway 160; thence over California Highway 160 to Sacramento; (e) from junction U.S. Highway 50 and California Highway 120 over California Highway 120 through Manteca to its junction with U.S. Highway 99; (f) from Los Angeles over U.S. Highway 99 to Sacramento; with service to all off-route points along the above mentioned routes situated in the Counties of Alameda, Amador, Calaveras, Contra Costa, El Dorado, Fresno, Kern, Kings, Los Angeles, Madera, Marin, Mariposa, Merced, Napa, Placer, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Solano, Sonoma, Stanislaus, Sutter, Tulare, Ventura, Yolo, and Yuba.

(g) From Los Angeles over U.S. Highway 101 to San Francisco serving no intermediate points except as otherwise authorized; (h) from Los Angeles over Interstate Highway 5 to its junction with Interstate Highway 205 (near Banta) serving no intermediate points except as

otherwise authorized; (i) from Chowchilla over California Highway 152 to Gilroy serving neither termini nor intermediate points except as otherwise authorized, for operating convenience only; (j) from Famoso over California Highway 46 to Paso Robles serving neither termini nor intermediate points except as otherwise authorized, for operating convenience only. (2) *Irregular routes:* (a) Between points authorized as set forth above and points in California within an area bounded by a line beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Alamaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road.

Northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the Campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

(b) Between points authorized as set forth above and points in California within an area bounded by a line beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately 2 miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway 99; northwesterly along U.S. Highway 99 to the corporate boundary of the city of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway 60; southwesterly along U.S. Highways 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly, and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway 74; westerly along State Highway 74 to the corporate boundary of the city of Hemet; southerly, westerly, and northerly along said corporate boundary to the right-of-way of The Atchison, Topeka & Santa Fe Railway Co.; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway 395; southeasterly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning. NOTE: By this instant application, applicant seeks to convert certificate of registration of Pacific Express Transportation into a certificate of public convenience and necessity. This matter is directly related to MC-F-10213 published in FEDERAL REGISTER issue of August 21, 1968. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 114364 (Sub-No. 183), filed September 27, 1968. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and coconuts and pineapples* when transported in mixed loads with bananas, from Gulfport, Miss., to points in Texas for purposes of joinder only. NOTE: Applicant states it would tack at Houston or Galveston, Tex., enabling service to points now authorized to Ben Hamrick, Inc. This matter is directly related to MC-F-10266, published in FEDERAL REGISTER issue of October 9, 1968. If a hearing is deemed necessary, applicant does not specify a location.

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-10017 (Supplement) (IML FREIGHT, INC.—Purchase—PEER CARTAGE CO., INC. (GERALD GRACE, Trustee in Bankruptcy)), published in the January 24, 1968, issue of the FEDERAL REGISTER, on page 872. Supplement filed October 10, 1968, to show joinder of THE GATES RUBBER COMPANY, and in turn by HAZEL GATES WOODRUFF, CHARLES C. GATES, JR., trustees on behalf of (JOHN G. GATES, HAZEL R. GATES, CHARLA GATES CANNON, LeBURTA GATES ATHERTON, CHAS. C. GATES, JR., HAZEL GATES WOODRUFF, BERENICE GATES HOPPER, HARRY F. GATES, JR., and VALERIE M. GATES), HAZEL R. GATES, JOHN G. GATES, and CHARLES C. GATES, JR., trustees on behalf of (CHARLA GATES CANNON, LeBURTA GATES ATHERTON, CHAS. C. GATES, JR., HAZEL GATES WOODRUFF, BERENICE GATES HOPPER, HARRY F. GATES, JR., and VALORIE M. GATES), as party applicants in control of GATES CORPORATION, which in turn controls the vendee corporation.

No. MC-F-10171 (Supplement (IML FREIGHT, INC.—Purchase—M M & B TRANSFER CO.), published in the July

3, 1968, issue of the FEDERAL REGISTER, on page 9696. Supplement filed October 10, 1968, to show joinder of THE GATES RUBBER COMPANY, and in turn by HAZEL GATES WOODRUFF, CHARLES C. GATES, JR., trustees on behalf of (JOHN G. GATES, HAZEL R. GATES, CHARLA GATES CANNON, LeBURTA GATES ATHERTON, CHAS. C. GATES, JR., HAZEL GATES WOODRUFF, BERENICE GATES HOPPER, HARRY F. GATES, JR., and VALERIE M. GATES), HAZEL R. GATES, JOHN G. GATES, and CHARLES C. GATES, JR., trustees on behalf of (CHARLA GATES CANNON, LeBURTA GATES ATHERTON, CHAS. C. GATES, JR., HAZEL GATES WOODRUFF, BERENICE GATES HOPPER, HARRY F. GATES, JR., and VALERIE M. GATES), as party applicants in control of GATES CORPORATION, which in turn controls the vendee corporation.

No. MC-F-10276 (Correction) (CANADIAN NATIONAL RAILWAY CO.—CONTROL—HUSBAND INTERNATIONAL TRANSPORT (ONTARIO) LTD.) published in the October 16, 1968, issue of the FEDERAL REGISTER, on page 15370. This correction is to show *HUSBAND TRANSPORT LIMITED*, 10 Centre Street, London, Ontario, Canada, seeks to control HUSBAND INTERNATIONAL TRANSPORT (ONTARIO) LIMITED, in lieu of CANADIAN RAILWAY COMPANY.

No. MC-F-10277. Authority sought for purchase by TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316, of a portion of the operating rights of E. A. SCHLAIRET TRANSFER CO., 701 Harcourt Road, Post Office Box 271, Mount Vernon, Ohio 43050, and for acquisition by AMERICAN COMMERCIAL LINES, INC., Box 13244, Houston, Tex. 77019, and in turn by TEXAS GAS TRANSMISSION CORPORATION, 3800 Frederica Street, Post Office Box 1160, Owensboro, Ky. 42301, of control of such rights through the purchase. Applicants' attorneys and representative: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill., John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215, T. Randolph Buck, Post Office Box 13244, Houston, Tex. 77019, and Robert O. Koch, 3800 Frederica Street, Owensboro, Ky. 42301. Operating rights sought to be transfered: A portion of the authority under a certificate of registration, in No. MC-32839 Sub 13, covering the transportation of general commodities as a common carrier, in intrastate commerce within the State of Ohio. Vendee is authorized to operate as a *common carrier* in Kentucky, Indiana, Illinois, Tennessee, Georgia, Alabama, Florida, and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10278. Authority sought for purchase by JOHN F. IVORY STORAGE CO., INC., 8035 Woodward Avenue, Detroit, Mich. 48202, of the operating rights of G. A. S. VAN LINE CORPORATION, Post Office Box 1047, Augusta, Ga. 30903, and for acquisition by JOHN F. IVORY, SR., GEORGE F. ROBERTS, RUSSELL E. GARRETT and HARRY M. TODD, voting trustees, also of Detroit, Mich., of control of such rights through the purchase. Applicants' attorney: Arthur P. Boynton, 1600 First Federal Building, Detroit, Mich. 48226. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes, between Augusta, Ga., on the one hand, and, on the other points in South Carolina within 150 miles of Augusta, Ga. Vendee is authorized to operate as a *common carrier* North Dakota, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, Florida, Louisiana, Maine, Mississippi, New Hampshire, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 68-12881; Filed, Oct. 22, 1968; 8:48 a.m.]

[Notice 714]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 17, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 31220 (Sub-No. 24 TA), filed October 14, 1968. Applicant: DANIELS MOTOR FREIGHT, INC., Eazor Square, Pittsburgh, Pa. 15201. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Ohio, Pennsylvania, and West Virginia within 75 miles of Youngstown, Ohio (including Youngstown), on the one hand, and, on the other, points in Illinois, Indiana, Michigan, and Ohio, service authorized at points in Ohio, Pennsylvania, and West Virginia within 75 miles of Youngstown, Ohio (including Youngstown), for purpose of joinder only, for 150 days. NOTE: Applicant does intend to tack other segment of authority in MC-31220, Sub No. 22. Supporting statement: None. Applicant's supporting evidence consists of record of incidents to date showing acts of violence and damage to personnel and property of carrier. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 51146 (Sub-No. 108 TA) (Correction), filed October 2, 1968, published FEDERAL REGISTER issue of October 10, 1968, and republished as corrected this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54303. Applicant's representative: D. J. Schneider (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products; products produced or distributed by manufacturers and converters of paper and paper products*, from Adams, Wis., to points in Minnesota, Iowa, Missouri, Illinois, Ohio, Indiana, Wisconsin, and Michigan; *returned and rejected shipments and materials, supplies and equipment* used in the manufacture and distribution of the above-described commodities on return, for 180 days. NOTE: The purpose of this republication is to include return movement inadvertently omitted from previous register. Supporting shipper: Lewis Containers, Inc., Adams, Wis. 53910, E. W. Lewis, President. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 61403 (Sub-No. 183 TA) (Correction), filed September 30, 1968, published FEDERAL REGISTER issue of October 5, 1968, and republished as corrected this issue. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, 37664, Post Office Box 47, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diketene*, in bulk, in tank vehicles, from F. M. C. Corp., at Meadville, Pa., to Coventry, R.I., for 180 days. NOTE: The purpose of

this republication is to include destination point, inadvertently omitted from previous publication. Supporting shipper F. M. C. Corp., Traffic Department, 633 Third Avenue, New York, N.Y. 10017. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 74695 (Sub-No. 10 TA) (Correction), filed October 3, 1968, published FEDERAL REGISTER issue of October 10, 1968, and republished as corrected this issue. Applicant: SOUTHERN TRUCKING COMPANY, 101 Broad Avenue, Fairview, N.J. 07022. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Compressed industrial gases*, in cylinders, from Morrisville, Pa., to plantsite and warehouse of National Cylinder Gas Co., North Bergen, N.J., *Empty gas cylinders*, from North Bergen, N.J., to Morrisville, Pa., for 150 days. NOTE: The purpose of this republication is to correctly set forth the commodity description. Supporting shipper: National Cylinder Gas, 840 North Michigan Avenue, Chicago, Ill. 60611. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 76025 (Sub-No. 11 TA), filed October 14, 1968. Applicant: OVERLAND EXPRESS, INC., 498 First Street NW., New Brighton, Minn. 55112. Applicant's representative: James F. Sexton (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and/or retail discount and department stores, and, in connection therewith, materials and supplies used in the conduct of such business*, from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, to points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission. Restriction: The operations described above shall be limited to a transportation service to be performed under a continuing contract, or contracts, with World-Wide, Inc., for 180 days. Supporting shipper: World-Wide, Inc., Len Friestad, Traffic Manager, 5501 West Old Shakopee Road, Minneapolis, Minn. 55431. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 116077 (Sub-No. 249 TA), filed October 14, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue (77023), Houston, Tex. 77011–(Mail: Post Office Box 9527). Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from port of entry on the international boundary line, between United States and Mexico at or near Brownsville, Tex., to points in Zapata, Jim Hogg, Brooks, Kenedy, Starr, Hidalgo, Willacy, and Cameron Counties, Tex., for 180 days. NOTE: Applicant does not intend to tack authority with present authorized routes. Supporting shipper: Cementos Anahuac, S.A. Mr. Julian Aznar F., General Manager; Apartado Postal No. 18, Mexico City, Mex. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, 8610 Federal Building, Post Office Box 61212, Houston, Tex. 77061.

No. MC 128919 (Sub-No. 3 TA), filed October 14, 1968. Applicant: FRANK WEHE, 10951 Coconino Drive, Blythe, Calif. 92225. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities which because of size or weight require special equipment*, between points in Yuma County, Ariz., that part of Mohave County, Ariz., south of the Colorado River, Imperial County, Calif., and Riverside and San Bernardino Counties, Calif., east of 115° west longitude, including such shipments which applicant transfers from or to, or interlines with, other carriers which transport such commodities for compensation, for 180 days. Supporting shippers: Braden Machinery Co., Post Office Box R, Blythe, Calif. 92225; Twin Valley Equipment Co., 14885 South Broadway, Post Office Drawer L, Blythe, Calif. 92225. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133007 (Sub-No. 2 TA), filed October 15, 1968. Applicant: CAPE FEAR MOTOR LINES, INC., Post Office Box 84, Whiteville, N.C. 28472. Applicant's representative: J. R. Marks, Sr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baskets, basket materials, crates, crate material, and agricultural commodity containers, wooden boxes, box material, crate material, pallets and pallet boxes, pallets and pallet box material*, from points in Hertford and Northampton Counties, N.C., to points in South Carolina, Georgia, and Florida, for 180 days. Supporting shipper: Georgia-Pacific Corp., Post Office Box 909, Augusta, Ga. 30903. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 133230 TA, filed October 15, 1968. Applicant: ABC MOVING & STORAGE, INC., Stantonsburg Road, Post Office Box 619, Greenville, N.C. 27834. 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 North Carolina east of U.S. Highways 301 and 117, 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 such traffic, for 180 days. Supporting shipper: Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, N.Y. 11378. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 133231 TA, filed October 15, 1968. Applicant: ROBERT A. BRINKER, INC., 21 Diaz Street, Iselin, N.J. 08830. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles and supplies*, between Cherry Hill, N.J., on the one hand, and, on the other, Philadelphia, Pa., and points in Nassau and Suffolk Counties, N.Y., and New York, N.Y., under contract with Tel-Pro Industries, Cherry Hill, N.J., for 150 days. Supporting shippers: Telepro Industries, Inc., Cherry Hill Industrial Center, Cherry Hill, N.J. 08034 and Channel Manufacturing, Inc., 7300 Crescent Boulevard, Pennsauken, N.J. 08011. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-12882; Filed, Oct. 22, 1968; 8:49 a.m.]

[Notice 232]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 18, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), 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–70821. By order of October 15, 1968, the Transfer Board approved the transfer to ROA of Little Falls, Inc., 89 Furnace Street, Little Falls, N.Y. 13365, of certificate in No. MC–59745, issued November 23, 1940, to Wayne W. Roa, doing business as ROA of Little Falls, N.Y. 13365, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Little Falls, N.Y., and Utica, N.Y., serving all intermediate points. Henry D. Blumberg, 15½ West Main Street, Little Falls, N.Y. 13365; attorney for applicants.

No. MC–FC–70762. By order of October 9, 1968, the Transfer Board approved the transfer to Demers Bros. Trucking, Inc., Attleboro, Mass., of the operating rights in certificate No. MC–93973 (Sub-No. 1), issued Oct. 3, 1949, to Harold L. Demers, and Ernest A. Demers, doing business as Demers Brothers, Attleboro, Mass., authorizing the transportation of: *Household goods,* between Attleboro, North Attleboro, Plainville, and Norton, Mass., on the one hand, and, on the other, points and places in Vermont, Maine, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, and *household goods, office furniture and equipment, and industrial and commercial machinery and equipment* between Attleboro and North Attleboro, Mass., on the one hand, and, on the other, points and places in Rhode Island. Edward F. Casey, 8 North Main Street, Attleboro, Mass. 02703; attorney for applicants.

No. MC–FC–70803. By order of October 15, 1968, the Transfer Board approved the transfer to Desert Belt Transportation Co., a corporation, Indio, Calif., of the certificate of registration in No. MC–96853 (Sub-No. 1), issued November 1, 1963, to George Chuck and Edward Papazian, a partnership, doing business as Desert Belt Transportation Co., Indio, Calif., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in Decision No. 55251 dated July 9, 1957, issued by the Public Utilities Commission of the State of California. Lawrence D. Malcolm, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017; attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–12884; Filed, Oct. 22, 1968; 8:49 a.m.]

Title 2—THE CONGRESS

Approved Oct. 21, 1968

H.R. 18253 ..... Public Law 90–607
An Act relating to the effective date of the 1966 change in the definition of earned income for purposes of pension plans of self-employed individuals.

H.R. 20300 ..... Public Law 90–608
Supplemental Appropriation Act, 1969.

H.R. 2792 ..... Public Law 90–609
An Act to amend sections 281 and 344 of the Immigration and Nationality Act to eliminate the statutory prescription of fees, and for other purposes.

H.R. 10725 ..... Public Law 90–610
An Act to amend the Act of August 4, 1950 (64 Stat. 411), entitled "An Act relating to the policing of the buildings and grounds of the Library of Congress" to provide salary increases for members of the police force of the Library of Congress, and for other purposes.

H.J. Res. 691 ..... Public Law 90–611
A Joint Resolution extending greetings and felicitations to Saint Louis University in the city of Saint Louis, Mo., in connection with the one hundred and fiftieth anniversary of its founding.

H.R. 3593 ..... Public Law 90–612
An Act to amend title 38 of the United States Code to provide nursing home care and contract hospitalization for certain veterans living in Alaska and Hawaii, and for other purposes.

H.R. 8364 ..... Public Law 90–613
An Act to amend the joint resolution of March 24, 1937, to provide for the termination of the interest of the United States in certain real property in Allen Park, Mich.

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

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