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Agencies in this issue—

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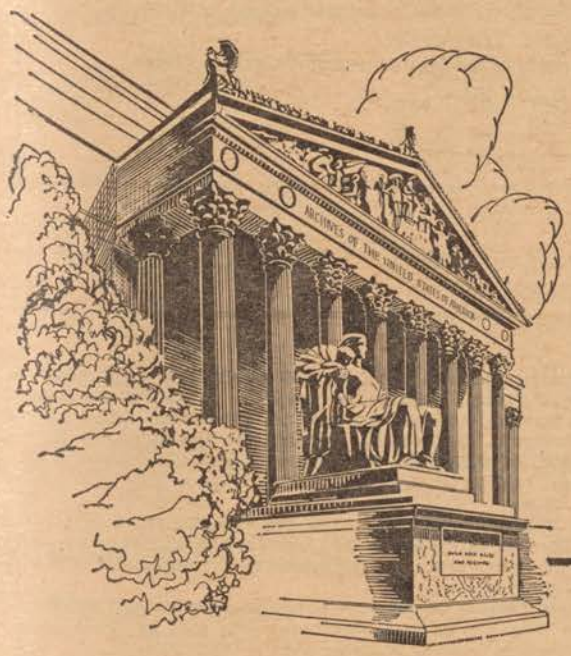

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

How To Find U.S. Statutes and United States Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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

Rules and Regulations

Title 4—ACCOUNTS

Chapter I—General Accounting Office

PART 81—PUBLIC AVAILABILITY OF GENERAL ACCOUNTING OFFICE RECORDS

Title 4, Chapter I, Part 81 of the Code of Federal Regulations is revised in its entirety as follows:

Sec.
81.1 Purpose and scope of part.
81.2 Administration.
81.3 Definitions.
81.4 Requests for identifiable records.
81.5 Public reading facility. —
81.6 Records which may be exempt from disclosure.
81.7 Fees and charges.

AUTHORITY: The provisions of this Part 81 issued under sec. 311, 42 Stat. 25, as amended; 31 U.S.C. 52; sec. 8, 28 Stat. 207, as amended, sec. 117, 64 Stat. 837; 31 U.S.C. 74, 67.

§ 81.1 Purpose and scope of part.

This part implements the policy of making the fullest possible public disclosure of General Accounting Office records consistent with the functions and duties of the Office and its responsibilities as an agency of the Congress. Althought the adopted policy and this part reflect the public information section of the Administrative Procedure Act (5 U.S.C. 552), the application of the Administrative Procedure Act to the General Accounting Office is not to be inferred; nor should this part be considered as conferring on any member of the public a right under that Act of access to or information from the records of the General Accounting Office. Nothing herein shall be considered to modify existing instructions and practices in the handling of congressional correspondence.

§ 81.2 Administration.

The effective administration of this part shall be the duty and responsibility of the Director, Office of Administrative Services, General Accounting Office, and to that end he shall promulgate such supplemental rules or regulations as may be necessary.

§ 81.3 Definitions.

As used in this part:

(a) The term "identifiable" means, in the context of a request for a record, a reasonably specific description of the particular records sought, such as date, subject matter, agency, or person involved, etc., which will permit its location.

(b) The term "records" includes all books, papers, manuals, maps, photographs, reports, and other documentary materials, regardless of physical form or characteristics, made or received by, or under the control of, the General Accounting Office in pursuance of law or in connection with the transaction of public business. In the context of a request for a record or records, the term "records" refers only to records in being and in the possession or under the control of the General Accounting Office. It does not include the compiling or procuring of a record. Nor does it include library or museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, or stocks of publications or of processed documents.

(c) "Records available to the public" means records which may be examined or copied, or of which copies may be obtained in accordance with this part by the public or representatives of the press regardless of interest and without specific justification.

(d) "Disclose" or "disclosure" means making available for examination or copying or furnishing a copy.

(e) "Person" includes an individual, partnership, corporation, association, or public or private organization other than a Federal agency.

§ 81.4 Requests for identifiable records.

(a) A request of a member of the public for an opportunity to inspect or for a copy of an identifiable record of the General Accounting Office not customarily made available in furtherance of a primary function of the General Accounting Office, nor available in the public reading facility described hereafter in § 81.5, should be submitted in writing on GAO Form 339, Request for Access to Official Record, and forwarded to the Records Management and Services Officer, Office of Administrative Services, General Accounting Office, Washington, D.C. 20548, who will promptly acknowledge and record the request.

(b) The Records Management and Services Officer, after consultation with any division or office of the General Accounting Office (or other Government agency where appropriate) having a continuing substantial interest in the record requested, will promptly honor the request if no valid objection or doubt exists as to the propriety of such action and the requester is willing and able to pay the prescribed fees for locating the record and making it available for inspection and copying or being furnished a copy.

(c) In the event of an objection or doubt as to the propriety of honoring a request, the matter should be immediately referred, with an explanation, to the General Counsel. If the General Counsel is of the opinion that a valid basis exists for withholding the record, the Records Management and Services Officer shall deny the request; if otherwise, he shall grant the request.

(d) A person whose request is denied shall be informed that further consideration of his request may be obtained by a letter to the Comptroller General of the United States setting forth the basis for the belief that the denial of the request was unwarranted.

(e) If a Federal agency other than the General Accounting Office has the primary interest in a record, a request for the record shall be transferred to the agency with the primary interest, and the requester notified of that action.

§ 81.5 Public reading facility.

(a) A public reading facility shall be maintained by the General Accounting Office at 441 G Street NW., Washington, D.C., for the public inspection and copying of General Accounting Office final decisions, opinions, statements of policy, and instructions (including staff manuals) which may be relied upon, used, or cited as authority or precedent in the determination of rights, privileges, and obligations of members of the public. The facility, under the immediate supervision of the Chief, Legal Reference Services, Office of the General Counsel, shall be open to the public from 9 a.m. to 5 p.m. except Saturdays, Sundays, and holidays.

(b) The materials to be available in the public reading facility shall be selected by the General Counsel after consultation with the heads of the divisions or offices which may be concerned.

(c) To the extent required to prevent a clearly unwarranted invasion of personal privacy, the Chief of Legal Reference Services shall delete identifying details from materials made available in the public reading facility. The justification for any such deletion shall be fully explained in writing.

(d) There shall be maintained in the public reading facility for public use a current index of materials issued, adopted, or promulgated after July 4, 1967, and available in the reading facility for public inspection and copying.

§ 81.6 Records which may be exempt from disclosure.

(a) The public disclosure of General Accounting Office records contemplated by this part shall not apply to records, or parts thereof, within any of the categories enumerated below, except in the situation where, in the judgment of the General Counsel after consultation with the heads of the divisions or offices concerned, a significant purpose would not be served by withholding the record under the exemption.

(1) Records specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy. An example of this category is a record classified under Executive Order 10501, Safeguarding Official Information

in the Interests of the Defense of the United States.

(2) Records related solely to the internal personnel rules and practices of any agency. This category includes, in addition to internal matters of personnel administration, internal rules, and practices which cannot be disclosed without prejudice to the effective performance of an agency function. Examples of matters within the purview of this exemption are operating rules, guidelines, and manuals of procedure for auditors, investigators, or examiners.

(3) Records specifically exempted from disclosure by statute. One of the many statutes restricting access to Government records is 18 U.S.C. 1905. For a general, but not exhaustive, compilation of relevant statutory provisions, see Federal States on the Availability of Information, Committee Print, House Committee on Government Operations, 86th Congress, 2nd session, March 1960.

(4) Records containing trade secrets and commercial or financial information obtained from any person and privileged or confidential. This exemption pertains to information which would not customarily be made public by the person from whom it was obtained by the Government. It includes, but is not limited to, business sales statistics, inventories, customer lists, scientific or manufacturing processes or developments; information customarily subject to protection as privileged in a court or other proceeding, such as information protected by the doctor-patient, lawyer-client, or lender-borrower privilege; information submitted by any person to the Government in confidence or where the Government has obligated itself not to disclose information it received; formulae, designs, drawings, research data, and other records developed by or for the Government which are significant as items of valuable property.

(5) Records containing interagency or intraagency memorandums or letters which would not be available by law to a private party in litigation with the agency. This exemption covers internal communications which would not routinely be available to a party in litigation with the agency, such as internal drafts, workpapers, memorandums between officials or agencies, opinions, and interpretations prepared by agency staff personnel or consultants for the use of the agency, and records of the deliberations of the agency or staff groups. The exemption seeks to avoid the inhibiting of internal communications, and the premature disclosure of documents which would be detrimental to an agency function.

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. This exemption excludes from disclosure all personnel and medical files, and all private or personal information contained in other files which, if disclosed to the public, would amount to a clearly unwarranted invasion of the privacy of any person. An example of such other files within the exemption are those compiled to evaluate candidates for security clearance.

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party. This exemption protects from disclosure, except to litigants in accordance with law, investigatory files compiled to enforce all kinds of laws and is not limited to files compiled to enforce criminal statutes.

(8) Records having information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

(9) Records containing geological and geophysical information and data (including maps) concerning wells.

(b) In the application of the exemptions set forth in paragraph (a) of this section, there shall be considered the guidelines provided in the Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act, June 1967.

§ 81.7 Fees and charges.

(a) When a request to examine a record or for a copy of a record is received, the General Accounting Office will comply with the request at a fair and reasonable fee if the record is available to the public. In determining the fair and reasonable fee the General Accounting Office will consider the direct and indirect cost to the Government, including, but not limited to, the cost of staff members' services relating to research, reproduction, assembly, authentication of copies, and mailing. The Office will not undertake to comply with the request until the fees are paid, except when the fees cannot be determined in advance in which case an estimated fee shall be paid with the appropriate adjustment at time of delivery. The following service charges and collections shall be made:

(1) The reproduction charge per page will be:

(i) Copies up to 8½ x 14 inches on office copying machines: 25 cents;

(ii) Photostatic copies up to 9 x 12 inches 50 cents: Copies larger than 9 x 12 inches will be 50 cents for each 9 x 12 inch unit or fraction thereof.

(2) Certification of authenticity will be $2 for each certificate;

(3) Other direct and indirect costs related to the request;

(4) There will be a minimum service charge of $3 for each request;

(5) Fees and charges shall be paid by check or money order payable to the U.S. General Accounting Office.

(b) No charge will be made for copies of records, including their certification as true copies, furnished for official use to any officer or employee of any branch of the Government of the United States.

(c) No charge will be made in the distribution to members of the public and the press of copies of the decisions of the Comptroller General of the United States.

(d) When necessary or desirable to the performance of a primary function of the General Accounting Office, copies of pertinent records may be furnished without charge to a party having a direct and immediate interest in a matter pending before the Office.

(e) General Accounting Office publications are not within the purview of this section, the charges, if any, for such publications are set forth in the Office leaflet entitled "List of GAO Publications", which may be obtained from the Publications Section, General Accounting Office, Washington, D.C. 20548.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[F.R. Doc. 68-345; Filed, Jan. 9, 1968; 8:46 a.m.]

PART 82—FURNISHING RECORDS OF THE GENERAL ACCOUNTING OFFICE IN JUDICIAL PROCEEDINGS

Title 4, Chapter I, Code of Federal Regulations is amended by the addition of a new Part 82 as follows:

Sec.
82.1 Court subpoenas or requests.
82.2 Fees and charges.

AUTHORITY: The provisions of this Part 82 issued under sec. 311, 42 Stat. 25, as amended; 31 U.S.C. 52; sec. 8, 28 Stat. 207, as amended, sec. 117, 64 Stat. 837; 31 U.S.C. 74, 67.

§ 82.1 Court subpoenas or requests.

(a) A subpoena or request from a court for records of the General Accounting Office should be directed to the Comptroller General of the United States and served upon the Records Management and Services Officer, Office of Administrative Services.

(b) In honoring a court subpoena or request original records may be presented for examination but must not be presented as evidence or otherwise used in any manner by reason of which they may lose their identity as official records of the General Accounting Office. They must not be marked or altered, or their value as evidence impaired, destroyed, or otherwise affected. In lieu of the original records, certified copies will be presented for evidentiary purposes since they are admitted in evidence equally with the originals (31 U.S.C. 46).

§ 82.2 Fees and charges.

The provisions of § 81.7 of this chapter are applicable to this part; however, where the charging of fees is appropriate, they need not be collected in advance.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[F.R. Doc. 68-346; Filed, Jan. 9, 1968; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3215 is amended to show that 10 positions of Manpower Development Specialists and Manpower Development Officers engaged in the Concentrated Employment Program of the Manpower Administration are excepted under Schedule B until December 31, 1969. Effective on publication in the FEDERAL REGISTER, paragraph (b) is added to § 213.3215 as set out below.

§ 213.3215 **Department of Labor.**

* * * * *

(b) Not to exceed 10 positions of Manpower Development Specialists GS–13–15, and Manpower Development Officers, GS–15, for employment in the Concentrated Employment Program of the Manpower Administration. This authority may not be used after December 31, 1969.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

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

[F.R. Doc. 68–326; Filed, Jan. 9, 1968; 8:45 a.m.]

PART 213—EXCEPTED SERVICE

Tax Court of the United States; Correction

In F.R. Doc. 67–14794 on page 20628, appearing in the issue of December 21, 1967, paragraph (a) of § 213.3325 is corrected to read as follows.

§ 213.3325 **The Tax Court of the United States.**

(a) One Private Secretary and one Technical Assistant for the Chief Judge and one Private Secretary and two Technical Assistants for each Judge.

* * * * *

(5 U.S.C. 3301, 3302, 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

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

[F.R. Doc. 68–327; Filed, Jan. 9, 1968; 8:45 a.m.]

Title 7—AGRICULTURE

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

[Lemon Reg. 301, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 910.601 (Lemon Reg. 301, 32 F.R. 21028) are hereby amended to read as follows:

§ 910.601 **Lemon Regulation 301.**

* * * * *

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

(ii) District 2: 93,000 cartons.

* * * * *

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

Dated: January 4, 1968.

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

[F.R. Doc. 68–335; Filed, Jan. 9, 1968; 8:45 a.m.]

PART 950—IRISH POTATOES GROWN IN MAINE

Approval of Expenses

Notice of rule making regarding proposed expenses to be made effective under Marketing Agreement No. 122 and Order No. 950, both as amended (7 CFR Part 950), regulating the handling of Irish potatoes grown in Maine, was published in the FEDERAL REGISTER December 5, 1967 (32 F.R. 17433). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 30 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Maine Potato Marketing Committee established pursuant to said marketing agreement and order, both as amended, it is hereby found and determined that:

§ 950.212 **Expenses.**

(a) The reasonable expenses that are likely to be incurred by the Maine Potato Marketing Committee, to enable such committee to perform its functions pursuant to the provisions of Marketing Agreement No. 122, and this part, both as amended, during the fiscal period ending August 31, 1968, will amount to $1,780.00.

(b) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and order.

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

Dated January 5, 1968, to become effective 30 days after publication in the FEDERAL REGISTER.

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

[F.R. Doc. 68–367; Filed, Jan. 9, 1968; 8:48 a.m.]

[971.310, Amdt. 1]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY OF SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the lower Rio Grande Valley in South Texas (Cameron, Hidalgo, Starr, and Willacy Counties), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order, and upon other

available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of lettuce grown in the production area.

Order, as amended. In § 971.310 (32 F.R. 13320) the requirements of paragraph (a) *Grade* are suspended from the effective date of this amendment through January 20, 1968. Thereafter, the requirements of paragraph (a) as issued September 15, 1967, and effective November 20, 1967 (32 F.R. 13320) shall be in effect.

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

Effective date: Dated January 4, 1968, to become effective January 4, 1968.

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

[F.R. Doc. 68–336; Filed, Jan. 9, 1968; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[21,301]

PART 545—OPERATIONS

Bonus Plan

JANUARY 4, 1968.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of modifying the new 48-to-96 month bonus plan for Federal associations adopted by it, after notice and public procedure, on December 7, 1967 (Resolution No. 21,182) and published in the FEDERAL REGISTER on December 15, 1967 (32 F.R. 17926), to become effective on January 15, 1968, and for the purposes of (1) clarifying that no bonus rate may be fixed which, when added to other earnings, would result in a total earnings rate in excess of the limitations on rate of return contained in Part 526 of the regulations for the Federal Home Loan Bank System (12 CFR Part 526) and in Part 569 of the rules and regulations for Insurance of Accounts (12 CFR Part 569) and (2) providing for a reduction in the bonus rate for any distribution period in which the other earnings on a bonus account, when added to the bonus rate, would result in a total earnings rate in excess of such limitations on rate of return, hereby amends paragraph (c) of § 545.2–2 of the rules and regulations for the Federal Savings and Loan System (12 CFR § 545.2–2) by adding, immediately after subparagraph (3) of said paragraph (c), two new subparagraphs, subparagraphs (4) and (5), to read as follows, effective January 15, 1968:

§ 545.2–2 48-to-96 month bonus plan.

* * * * *

(c) *Bonus rate.* The association's board of directors shall determine a bonus rate not in excess of 1 percent per annum, subject to the following provisions:

* * * * *

(4) A bonus rate may not be fixed which, when added to other earnings at the time such rate is fixed, would cause any applicable regulatory maximum rate of return to be exceeded.

(5) For any distribution period in which other earnings on the account, when added to the bonus, would cause any applicable regulatory maximum rate of return to be exceeded, the bonus rate shall be reduced to such rate as will cause total earnings on the account to equal the applicable regulatory maximum rate of return.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–48 Comp., p. 1071)

Resolved further that, since the foregoing amendment modifies a regulation which is to become effective on January 15, 1968, and the Board desires to have such amendment become effective on the same date, which would fall less than 30 days after publication in the FEDERAL REGISTER, the Board hereby finds that deferral of the effective date of such amendment pursuant to the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) is not desirable and provides that such amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68–360; Filed, Jan. 9, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR–27]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Schedule of Filing and License Fees

Correction

In F.R. Doc. 68–93 appearing at page 68 in the issue of Thursday, January 4, 1968, the following correction should be made in § 389.25(a)(1)(i): The first line of the table should read as follows:

$0 to $100,000 ..... No fee

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Foreign Direct Investment by Persons in United States; Correction

In Part 1000 published at 33 F.R. 49, the reference to "Schedule A" in paragraph (b)(2) of § 1000.202 should have read "Schedule B".

LAWRENCE E. IMHOFF,
Acting Assistant Secretary for Administration.

[F.R. Doc. 68–320; Filed, Jan. 9, 1968; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68–16]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Importation of Motor Vehicles and Items of Motor Vehicle Equipment

Notice of a proposal to add § 12.80 to Part 12 of the Customs Regulations to prescribe regulations providing for the admission or refusal of motor vehicles or items of motor vehicle equipment which are offered for importation into the United States and which are subject to Federal motor vehicle safety standards promulgated by the Department of Transportation in 23 CFR Part 255, pursuant to the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, was published in the FEDERAL REGISTER for November 30, 1967 (32 F.R. 16432). Interested persons were given an

opportunity to submit relevant data, views, or arguments in writing regarding the proposed regulations. All comments received have been carefully considered.

In response to those comments, in addition to several minor changes, the first paragraph of § 12.80(b) has been amended to provide for the entry, without written declaration, of motor vehicles and items of motor vehicle equipment intended for export and so labeled. A new provision is also added (§ 12.80(b)(2)(iv)) to provide for the entry, upon written declaration, of new vehicles intended for resale which do not fully conform to the safety standards because of the absence of readily attachable equipment items: *Provided*, That the importer or consignee undertakes to attach the missing items before such vehicles are offered to the general public for sale. Finally, the importation of nonconforming vehicles for competition purposes will be permitted under § 12.80(b)(2)(vii) if the vehicle will not be licensed for use on the public roads.

Part 12 is accordingly amended to add a new centerhead and section as follows:

MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT MANUFACTURED ON OR AFTER JANUARY 1, 1968

§ 12.80 Federal motor vehicle safety standards.

(a) *Standards prescribed by the Department of Transportation.* Motor vehicles and motor vehicle equipment manufactured on or after January 1, 1968, offered for sale, or introduction or delivery in interstate commerce, or importation into the United States are subject to Federal Motor Vehicle Safety Standards (hereafter referred to in this section as "safety standards") prescribed by the Secretary of Transportation under sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) as set forth in regulations in 23 CFR. A motor vehicle (hereafter referred to in this section as "vehicle") or item of motor vehicle equipment (hereafter referred to in this section as "equipment item"), manufactured on or after January 1, 1968, is not permitted entry into the United States unless (with certain exceptions set forth in paragraph (b) of this section) it is in conformity with applicable safety standards in effect at the time the vehicle or equipment item was manufactured.

(b) *Requirements for entry and release.* (1) Any vehicle or equipment item offered for importation into the customs territory of the United States shall not be refused entry under this section if (i) it bears a valid certification as required by section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1403) and regulations issued thereunder by the Secretary of Transportation (in the case of a vehicle, in the form of a label or tag permanently affixed to such vehicle or in the case of an equipment item, in the form of a label or tag on such item or on the outside of a container in which such item is delivered), or (ii) it is intended solely for export, such vehicle or equipment item and the outside of its container, if any, to be so labeled and tagged.

(2) Any such vehicle or equipment item not bearing such certification or export label shall be refused entry unless there is filed with the entry, in duplicate, a declaration verified by the importer or consignee which states that:

(i) Such vehicle or equipment item was manufactured on a date when there were no applicable safety standards in force, a verbal declaration being acceptable at the option of the district director of customs for vehicles entering at the Canadian and Mexican borders; or

(ii) Such vehicle or equipment item was not manufactured in conformity with applicable standards but has since been brought into conformity, such declaration to be accompanied by the certificate of the manufacturer, contractor, or other person who has brought such vehicle or equipment item into conformity which described the nature and extent of the work performed; or

(iii) Such vehicle or equipment item does not conform with applicable standards, but that the importer or consignee will bring such vehicle or equipment item into conformity with such standards; or

(iv) Such vehicle is a new vehicle being imported for purposes of resale which does not presently conform to all applicable safety standards because readily attachable equipment items are not attached, but that there is affixed to its windshield a label stating the standard with which and the manner in which such vehicle does not conform and that the vehicle will be brought into conformity by attachment of such equipment items before it will be offered for sale to the first purchaser for purposes other than resale; or

(v) The importer or consignee is a nonresident of the United States, importing such vehicle or equipment item primarily for personal use or for the purpose of making repairs or alterations to the vehicle or equipment item, for a period not exceeding 1 year from the date of entry, and that he will not resell it in the United States during that time: *Provided*, That persons regularly entering the United States by a motor vehicle at the Canadian and Mexican borders may apply to the district director of customs for an appropriate means of identification to be affixed to such vehicle which will serve in place of the declaration required by this paragraph; or

(vi) The importer or consignee is a member of the armed forces of a foreign country on assignment in the United States, or is a member of the Secretariat of a public international organization so designated pursuant to 59 Stat. 669 on assignment in the United States, or is a member of the personnel of a foreign government on assignment in the United States who comes within the class of persons for whom free entry of motor vehicles has been authorized by the Department of State and that he is importing such vehicle or equipment item for purposes other than resale; or

(vii) The importer or consignee is importing such vehicle or equipment item solely for the purposes of show, test, experiment, competition, repairs, or alterations and that such vehicle or equipment item will not be sold or licensed for use on the public roads.

(3) Any declaration given under this section (except an oral declaration accepted at the option of the district director of customs under subparagraph (2)(i) of this paragraph) shall state the name and address of the importer or consignee, the date and the entry number, a description of any equipment item, the make and model, engine serial, and body serial numbers of any vehicle or other identification numbers, and the city and State in which it is to be registered and principally located if known. The district director of customs shall immediately forward the original of such declaration to the Federal Highway Administration of the Department of Transportation.

(c) *Release under bond.* If a declaration filed in accordance with paragraph (b) of this section states that the entry is being made under circumstances described in paragraph (b)(2)(iii) of this section, the entry shall be accepted only if the importer gives a bond on customs Form 7551, 7553, or 7595 for the production of a statement verified by the importer or consignee that the vehicle or equipment item described in the declaration filed by the importer has been brought into conformity with applicable safety standards and identifying the manufacturer, contractor, or other person who has brought such vehicle or equipment item into conformity with such standards and describing the nature and extent of the work performed. The bond shall be in the amount required under § 25.4(a) of this chapter. Within 90 days after such entry, or such additional period as the district director of customs may allow for good cause shown, the importer or consignee shall deliver to the district director of customs the statement described in this paragraph, which the district director of customs shall forward to the Federal Highway Administration. If such statement is not delivered to the district director of customs for the port of entry of such vehicle or equipment item within 90 days of the date of entry or such additional period as may be allowed by the district director of customs, for good cause shown, the importer or consignee shall deliver or cause to be delivered to the district director of customs those vehicles or equipment items, which were released in accordance with this paragraph. In the event that any such vehicle or equipment item is not redelivered within 5 days following the date specified in the preceding sentence, liquidated damages shall be assessed in the full amount of a bond given on Form 7551. When the transaction has been charged against a bond given on Form 7553 or 7595, liquidated damages shall be assessed in the amount that would have been demanded under the preceding sentence if the merchandise

had been released under a bond given on Form 7551.

(d) *Merchandise refused entry.* If a vehicle or equipment item is denied entry under the provisions of paragraph (b) of this section, the district director of customs shall refuse to release the merchandise for entry into the United States and shall issue a notice of such refusal to the importer or consignee.

(e) *Disposition of merchandise refused entry into the United States; redelivered merchandise.* Vehicles or equipment items which are denied entry under paragraph (b) of this section or which are redelivered in accordance with paragraph (c) of this section and which are not exported under customs supervision within 90 days from the date of notice of refusal of admission or date of redelivery shall be disposed of under customs laws and regulations: *Provided, however,* That any such disposition shall not result in an introduction into the United States of a vehicle or equipment item in violation of the National Traffic and Motor Vehicle Safety Act of 1966.

(Sec. 623, 46 Stat. 759, as amended, sec. 108, 80 Stat. 722; 19 U.S.C. 1623; 15 U.S.C. 1397)

Since motor vehicles and items of motor vehicle equipment subject to the standards prescribed in 23 CFR Part 255, may shortly be in transit to United States ports for entry, it is important that these regulations be put into effect at the earliest possible date. It is therefore found that the advance publication requirement under 5 U.S.C. 553 is impracticable and good cause is found for adopting these regulations effective upon publication in the FEDERAL REGISTER.

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

Approved: January 2, 1968.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

Approved: January 5, 1968.

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 68-416; Filed, Jan. 9, 1968; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Quarters for Veterans Administration Employees Overseas

1. In Part 1 immediately following § 1.10, a new centerhead is added to read as follows:

QUARTERS FOR VETERANS ADMINISTRATION EMPLOYEES OVERSEAS

2. Section 1.11 is added to read as follows:

§ 1.11 Quarters for Veterans Administration employees in Government-owned or rented buildings overseas.

Pursuant to the provisions of 5 U.S.C. 5912, a U.S. citizen employee of the Veterans Administration permanently stationed in a foreign country may be furnished, without cost to him, living quarters, including heat, fuel, and light, in a Government-owned or rented building. When in the interest of the service and when administratively feasible, an agreement may be entered into by the Chief Benefits Director or his designee with another Federal agency, which is authorized to furnish quarters, to provide such quarters for Veterans Administration employees under the provisions of 31 U.S.C. 686. Quarters provided will be in lieu of any living quarters allowance to which the employee may otherwise be entitled.

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective date of approval.

Approved: January 4, 1968.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 68-348; Filed, Jan. 9, 1968; 8:46 a.m.]

PART 2—DELEGATIONS OF AUTHORITY

Chief Benefits Director or Designee

§ 2.84 When in the interest of the Service and when administratively feasible, Chief Benefits Director or his designee is authorized to enter into an agreement with another Federal agency, which is authorized to furnish quarters, to provide living quarters, including heat, fuel, and light, in a Government-owned or rented building, for Veterans Administration employees permanently stationed in a foreign country under the provisions of 31 U.S.C. 686.

This delegation of authority is identical to § 1.11 of this chapter.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 68-365; Filed, Jan. 9, 1968; 8:48 a.m.]

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

Miscellaneous Amendments

1. In Part 6, §§ 6.17a and 6.18 are revised to read as follows:

§ 6.17a Correction of errors.

(a) Where timely tender of the required premium is made by check or draft which is not paid on presentation for payment, but it is shown by satisfactory evidence that such nonpayment was due to an error on the part of the bank on which such check or draft was drawn, or was the result of an error in the instrument, and not for lack of funds, the insurered will be given an additional period of 31 days, from the date of letter notifying him of such nonpayment, in which to tender an amount sufficient to pay all premiums through the current month.

(b) Where timely tender of the required premium is made by check or draft which may not be presented for payment because of an error in execution thereof, but it is shown by satisfactory evidence that the remitter had sufficient funds in the bank on which such check or draft was drawn which would have enabled the bank to make payment had it been properly executed and presented, the insured will be given an additional period of 31 days, from the date of letter notifying him of such error, in which to tender an amount sufficient to pay all premiums through the current month.

§ 6.18 Acceptance of a late premium.

Where a premium on U.S. Government life insurance is not paid within the grace period but payment is tendered during the lifetime of the insured and within 61 days of the due date, such tender may be regularly applied as a timely premium payment.

2. In § 6.78, paragraph (a) is amended to read as follows:

§ 6.78 Provisions for reinstatement.

(a) Subject to the U.S. Government life insurance provisions of title 38, United States Code, and Veterans Administration Regulations issued thereunder, any insurance which has lapsed or may hereafter lapse and which has not been surrendered for a cash value or for paid-up insurance may be reinstated upon written application signed by the applicant, and, except as hereinafter provided in this paragraph, upon payment of all premiums in arrears, with interest from their several due dates, provided such applicant at the time of application and tender of premiums is in the required state of health as shown in § 6.79 (a) or (b), whichever is applicable, and submits satisfactory evidence thereof at the time of application and tender of premiums. Interest on premiums in arrears shall be at the rate of 5 per centum per annum, compounded annually, to the first monthly premium due date after July 31, 1946, and thereafter at the rate of 4 per centum per annum, compounded annually: *Provided,* That no interest on premiums in arrears will be required if reinstatement is effected within 6 months from the due date of the premium in default. The payment or reinstatement of any indebtedness against any policy must be made, with interest, and if such indebtedness with interest exceeds the reserve of the policy at the time of application for reinstatement thereof, then the amount of such excess shall, except as provided in § 6.81, be paid by the applicant as a condition of the reinstatement of the indebtedness

and of the policy. A lapsed U.S. Government life insurance policy which is in force under extended term insurance may be reinstated without health statement or other medical evidence, if application and tender of premiums with the required interest are made not less than 5 years prior to the date such extended insurance would expire. In any case in which the extended insurance under an endowment policy provides protection to the end of the endowment period, such policy may be reinstated upon application and payment of the premiums with the required interest, and health statement or other medical evidence will not be required. U.S. Government life insurance on the 5-year level premium term plan may be reinstated at any time after lapse and within the 60-month period upon satisfactory evidence of the insurability of the insured and upon payment of two monthly premiums, one for the month of lapse, the other for the premium month in which reinstatement is effected. Any indebtedness against the policy must be paid or reinstated with interest. The provisions of the "reinstatement" clause in U.S. Government life insurance policies are hereby amended accordingly.

* * * * *

3. Sections 6.79 and 6.80 are revised to read as follows:

§ 6.79 Health requirements.

U.S. Government life insurance may be reinstated:

(a) Within 6 calendar months including the calendar month for which the unpaid premium was due, provided the applicant be in as good health on the date of application and tender of premiums as he was on the last day of the grace period of the premium in default and furnishes satisfactory evidence thereof.

(b) After expiration of the 6 calendar months mentioned in paragraph (a) of this section, provided applicant is in good health on the date of application and tender of premiums and furnishes satisfactory evidence thereof.

§ 6.80 Application and medical evidence.

The applicant for reinstatement of U.S. Government life insurance, during his lifetime and before becoming totally and permanently disabled, must submit a written application signed by him and furnish evidence of health as required in § 6.79 at the time of application. Applicant's own statement of comparative health may be accepted as proof of insurability for the purpose of reinstatement under § 6.79(a), but, whenever deemed necessary in any such case by the Administrator, report of physical examination may be required. Applications for reinstatement submitted after expiration of the applicable period mentioned in § 6.79(a) must be accompanied by satisfactory evidence of good health: *Provided*, That if the insurance becomes a claim after the tender of the amount necessary to meet reinstatement requirements but before full compliance with the requirements of this section, and the applicant was in the required state of health at the date that he made the tender of the amount necessary to meet reinstatement requirements, and that there is satisfactory reason for his noncompliance the Director, Insurance Service, in Central Office and the Insurance Officer, Veterans Administration Center, Philadelphia, Pa., may, if the applicant be dead, waive any or all of the requirements of this section (except payment of the necessary premiums) or, if the applicant be living, allow compliance with this section as of the date the required amount necessary to reinstate was received by the Veterans Administration.

4. Section 6.164 is revised to read as follows:

§ 6.164 Total disability provision for U.S. Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930, and section 748 of title 38, United States Code.

The total disability provision for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930, and section 748 of title 38, United States Code, is as follows:

U.S. GOVERNMENT LIFE INSURANCE

TOTAL DISABILITY PROVISION

Age of insured_____ Monthly_____
Quarterly_____
Attached to Semiannual_____
Policy No. K_____ Annual_____

Provision for waiver of premiums and payment of monthly income attached to and made a part of U.S. Government life insurance policy No. K_____in amount of $_____ issued on the life of_____ hereafter designated as the insured.

If the insured becomes totally disabled as the result of disease or injury before attaining the age of 65 years and is continuously so disabled for a period of 4 consecutive months or more and before default in payment of any premium and if due proof satisfactory to the Administrator of Veterans Affairs (hereinafter referred to as the Administrator) of such disability and the continuance of such disability is furnished before default in payment of a premium on this provision or within 1 year from the due date of the premium in default, the United States of America will:

(a) Waive the payment of each premium on the policy and on this provision, beginning with the first monthly premium falling due after the monthly income becomes payable and continuing as long as such monthly income is paid. Any premiums tendered for the period covered by the waiver will be refunded to the insured if living, otherwise to the designated beneficiary.

(b) Pay to the insured a monthly income at the rate of $5.75 for each $1,000 insurance as shown on the face of the policy, on any multiple of $500. Such payments shall be effective as of the first day of the fifth consecutive month of continuous total disability and shall continue to be so payable during such total disability. Any monthly income payments due the insured by reason of total disability and not paid during his lifetime shall be paid to the beneficiary under the policy.

The insured must file written application for total disability benefits and must file due proof of such total disability: *Provided*, That in the event the insured dies without filing application and the Administrator finds that the insured's failure to file such application was due to circumstances beyond the insured's control, the application and due proof may be filed by the beneficiary within 1 year after the death of the insured. Except as hereinafter provided, the monthly income payments may relate back to a date not exceeding 6 months prior to the date of death of the insured.

Total disability as referred to herein is any impairment of mind or body which continuously renders it impossible for the disabled person to follow any substantially gainful occupation. Except as provided above in this regulation, the monthly income payments may relate back to a date not exceeding 6 months prior to receipt of due proof of such total disability but not prior to the first day of the fifth consecutive month of continuous total disability. Without prejudice to any other cause of disability, the loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden, shall be deemed to be total disability, and monthly income payments for any of these specifically enumerated causes of total disability may be paid from the first day of the fifth consecutive month of such continuous total disability. However, such anatomical and functional loss shall not be deemed to be a total disability under a total disability provision originally issued subsequent to December 15, 1936.

Notwithstanding the fact that proof of total disability may have been accepted as satisfactory, proof of the continuance of such total disability may be required at any time or times during the first 2 years after receipt of proof of total disability, but not more frequently thereafter than once a year. If the insured shall fail to furnish satisfactory evidence of the continuance of such total disability, or if it appears that the insured is able to engage in an occupation or perform work for compensation or profit, no further monthly income payments will be made and no further waiver of the payment of premiums will be granted, and thereafter premiums on the policy and on this provision will become due and payable as provided in the policy and in this provision.

The payment of a monthly income by reason of the total disability of the insured in accordance with this provision may be concurrent with or independent of the insured's right to receive total permanent disability benefits under the policy. Neither the payment of a monthly income under this provision nor the payment of total permanent disability benefits under the policy shall reduce the amount of the monthly income payment payable for total disability under this provision or the amount of the monthly installment payable for total permanent disability under the policy.

If the policy shall lapse, or be surrendered for a cash value or for extended insurance, or mature as an endowment, then this provision shall cease and no further premium will be payable. If the policy shall become paid up at the end of the premium-paying period, then this provision may be continued in force by the payment of monthly premiums as herein provided. If the policy be surrendered prior to the expiration of the premium-paying period for paid-up insurance in an amount of not less than $1,000, the insured may continue this provision in multiples of $500 by the payment of the required premiums as they become due. If the amount of paid-up insurance is less than $1,000, this provision shall cease, and no further premium will be payable.

The waiver of premiums and the payment of the monthly income, as herein provided, shall be in addition to all other benefits and privileges under the policy, including the participation in such dividends on the policy as may be determined by the Administrator of Veterans Affairs.

This provision may be canceled by the insured at any time upon written request to the Veterans Administration. This provision shall terminate and be of no further force and effect if any premium on the policy or on this provision be not paid when due or within the grace period or 31 days thereafter. If a premium be not paid as stipulated, then this provision shall cease and terminate but may be reinstated upon satisfactory evidence of good health, and the payment of the required premiums. The premium requirement to reinstate this provision, if attached to a permanent plan policy of insurance, is the payment of all premiums in arrears with interest at the rate of 5 percent per annum, compounded annually, to the first monthly premium due date after July 31, 1946, and thereafter at the rate of 4 percent per annum, compounded annually: *Provided*, That no interest on premiums in arrears will be required if reinstatement is effected within 6 months from the due date of the premium in default. The premium requirement to reinstate this provision, if attached to a 5-year level premium term policy, is the payment of two monthly premiums, one for the month of lapse, the other for the month of reinstatement. If the application and the required premiums are submitted within 6 months after the due date of the premium in default, reinstatement may be effected upon satisfactory evidence showing the applicant to be in as good health on the date of application and tender of premiums as he was on the last day of the grace period of the premium in default.

This provision is issued under authority of section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930, and section 748 of Title 38, United States Code, and is subject to the applicable provisions of Title 38, United States Code, and amendments and supplements thereto, and to the regulations of the Veterans Administration now in force or hereafter published. The terms and conditions of the policy which are not contrary to or inconsistent with the terms and conditions of this provision are hereby expressly made a part of this provision.

This provision is issued in consideration of the application, evidence of good health, and the payment of a premium of _____ dollars and _____ cents in addition to the premium on the policy, said premium to be paid on the day and date this provision takes effect and on the same day of each month thereafter or within the grace period of 31 days.

This provision takes effect on the _____ day of _____, 19__.

ADMINISTRATOR OF VETERANS AFFAIRS.

Countersigned at Washington, D.C.

Examined and issued _____ 19__.

_____D. No. _____

(Registrar)

5. In § 6.168, paragraphs (C), (E), and (G) of the total permanent disability provision are amended to read as follows:

§ 6.168 Total permanent disability provision for U.S. Government life insurance on the special endowment at age 96 plan policy.

* * * * *

(C) In the event of the death of the insured without filing claim for waiver, such claim may be filed by the beneficiary with evidence of the insured's right to waiver under this provision within 1 year after the death of the insured. If the beneficiary be insane or a minor, such beneficiary may file claim for waiver with evidence of the insured's right to waiver under this provision within 1 year after removal of such legal disability. If the beneficiary files written claim for waiver of premiums and the other requirements for such waiver under this provision are met, waiver of premiums for this provision (as well as this policy) may be granted effective with the first monthly premium due after the start of total permanent disability, except that premiums due more than 1 year prior to the date of the insured's death will be waived only if it is found that the insured's failure to submit timely claim or satisfactory evidence to show the existence or continuance of total permanent disability was due to circumstances beyond the insured's control.

* * * * *

(E) Notwithstanding the fact that proof of total permanent disability may have been accepted as satisfactory, proof of continuance of total permanent disability may be required at any time. If the insured fails to provide any evidence required to determine whether total permanent disability has continued or if it is found that an insured is no longer totally permanently disabled, the waiver of premiums shall cease as of the date of such finding. Thereafter, this policy (including this provision) may be continued by the payment of premiums, the due date of the first premium payable being the next regular monthly due date of the premium under the policy and the provision. This policy and provision shall not lapse prior to the date of expiration of the grace period allowed for the payment of such premium or prior to the expiration of 31 days after date of notice to the insured of the termination of the premium waiver, whichever is the later date. Such notice shall be sent by registered mail or by certified mail to the insured at his last address of record and sufficient notice will be deemed to have been given when such letter has been placed in the mail by the Veterans Administration. However, an additional period of not more than 31 days for payment of premiums may be granted in any case in which it is shown that the failure to make payment within 31 days after notice as defined above was due to circumstances beyond the insured's control; but premiums in such case must be paid during the lifetime of the insured. The failure of the insured to furnish a correct current address at which mail will reach him promptly shall not be grounds for a further extension of time for payment of premiums.

* * * * *

(G) If a premium be not paid as stipulated, then this provision shall lapse but may be reinstated upon satisfactory evidence of good health and upon payment of all premiums in arrears with interest at the rate of 4 percent per annum, compounded annually. However, no interest on premiums in arrears will be required if reinstatement is effected within 6 months from the due date of the premium in default. If application and the required premiums are submitted within 6 months after the due date of the premium in default, reinstatement may be effected upon satisfactory evidence showing the applicant to be in as good health on the date of application and tender of premiums as he was on the last day of the grace period of the premium in default.

* * * * *

6. In § 6.170(b), subparagraph (3) is amended to read as follows:

§ 6.170 Renewal of U.S. Government life insurance on the 5-year level premium term plan.

* * * * *

(b) * * *

(3) (i) If application for reinstatement is submitted and the premiums tendered within 6 premium months after lapse, including the premium month for which the unpaid premium was due, insurance will be reinstated provided the applicant be in as good health on the date of application and tender of premiums as he was on the last day of the grace period of the premium in default and furnishes satisfactory evidence thereof.

(ii) If application for reinstatement is submitted and the premiums tendered after expiration of the 6-month period mentioned in subdivision (i) of this subparagraph, insurance will be reinstated provided applicant is in good health (§ 6.155) on the date of application and tender of premiums and furnishes satisfactory evidence thereof.

7. In Part 8, §§ 8.7, 8.7a, and 8.7b are revised to read as follows:

§ 8.7 Payment of insurance premiums by mail.

When it appears by satisfactory evidence that the person to whom National Service life insurance has been granted, or any person acting on his behalf has deposited in the mail within the grace period or in accordance with § 8.7b an envelope addressed to the Veterans Administration, Washington, D.C., or any field station of the Veterans Administration containing money, check, draft, or money order, in payment of a premium, such insurance will not lapse for a nonpayment of such premium: *Provided*, That any such check or draft is paid on presentation for payment or the conditions of § 8.7a are met.

§ 8.7a Correction of errors.

(a) Where timely tender of the required premium is made by check or draft which is not paid on presentation for payment, but it is shown by satisfactory evidence that such nonpayment was due to an error on the part of the bank on which such check or draft was drawn, or was the result of an error in the instrument, and not for lack of funds, the insured will be given an additional period of 31 days from the date of letter notifying him of such nonpayment in which to tender an amount sufficient to pay all premiums through the current month.

(b) Where timely tender of the required premium is made by check or draft which may not be presented for payment because of an error in execution thereof, but it is shown by satisfactory evidence that the remitter had sufficient funds in the bank on which such check or draft was drawn which would have enabled the bank to make payment had it been properly executed and presented, the insured will be given an additional period of 31 days from the date of letter notifying him of such error in which to tender an amount sufficient to pay all premiums through the current month.

§ 8.7b Acceptance of a late premium.

Where a premium on National Service life insurance is not paid within the grace period but payment is tendered during the lifetime of the insured and within 61 days of the due date, such tender may be regularly applied as a timely premium payment.

8. In § 8.22, paragraphs (a) and (c) are amended to read as follows:

§ 8.22 Reinstatement of National Service life insurance.

(a) *Reinstatement of National Service life insurance except insurance reinstated pursuant to section 781 of title 38, United States Code, or section 725 of Title 38, United States Code.* Subject to the National Service life insurance provisions of Title 38, United States Code, and Veterans Administration regulations issued thereunder, any insurance which has lapsed or may hereafter lapse and which has not been surrendered for a cash value or for paid-up insurance may be reinstated upon written application signed by the applicant, and, except as hereinafter provided in this paragraph, upon payment of all premiums in arrears, with interest from their several due dates, provided such applicant at the time of application and tender of premiums is in the required state of health as shown in § 8.23 (a) or (b), whichever is applicable, and submits evidence thereof at the time of application and tender of premiums. Interest on premiums in arrears shall be at the rate of 5 per centum per annum, compounded annually, to the first monthly premium due date after July 31, 1946, and thereafter at the rate of 4 per centum per annum, compounded annually: *Provided*, That no interest on premiums in arrears will be required if reinstatement is effected within 6 months from the due date of the premium in default. The payment or reinstatement of any indebtedness against any policy must be made, and if such indebtedness with interest exceeds the reserve of the policy at the time of application for reinstatement thereof, then the amount of such excess shall be paid by the applicant as a condition of the reinstatement of the indebtedness and of the policy. A lapsed National Service life insurance policy which is in force under extended term insurance may be reinstated without health statement or other medical evidence, if application and tender of premiums with the required interest are made not less than 5 years prior to the date such extended insurance would expire. In any case in which the extended insurance under an endowment policy provides protection to the end of the endowment period, such policy may be reinstated upon application and payment of the premiums with the required interest, and health statement or other medical evidence will not be required. National Service life insurance on the level premium term plan may be reinstated by written application of the insured accompanied by evidence of insurability and tender of two monthly premiums, one for the month of lapse, the other for the premium month in which reinstatement is effected. Application for reinstatement of level premium term insurance accompanied by evidence of insurability and tender of premiums must be submitted prior to the expiration of the 5-year term period, except as provided in § 8.85.

* * * * *

(c) *Reinstatement of insurance issued under section 725, Title 38, United States Code.* Subject to the National Service life insurance provisions of Title 38, United States Code, and Veterans Administration regulations issued thereunder, any insurance issued under 38 U.S.C. 725 which has been lapsed for not more than 5 years, and which has not been surrendered for a cash value or for paid-up insurance may be reinstated upon written application signed by the applicant, payment of the monetary requirements hereinafter set forth in this paragraph, and submission of satisfactory evidence that at the time of application and tender of monetary requirements, the applicant was in the required state of health as shown by § 8.23 (a) or (b), whichever is applicable. The payment or reinstatement of any indebtedness against any policy must be made, and if such indebtedness with interest exceeds the reserve of the policy at the time of application for reinstatement thereof, then the amount of such excess shall be paid by the applicant as a condition of the reinstatement of the indebtedness and of the policy. A policy which has been lapsed for 6 premium months or less may be reinstated upon meeting the health requirements as shown by § 8.23(a) and payment of all premiums in arrears. A policy which has been lapsed for more than 6 premium months but not more than 5 years may be reinstated upon meeting the health requirements as shown by § 8.23(b) and payment of all premiums in arrears with interest from their several due dates at the rate of 4 per centum per annum compounded annually. A lapsed policy which is in force under extended term insurance may be reinstated without health statement or other medical evidence, if application and tender of the required premiums and interest are made within 5 years after the date of lapse and not less than 5 years prior to the date such extended term insurance would expire. In any case in which the extended insurance under an endowment policy, which has not been lapsed for more than 5 years, provides protection to the end of the endowment period, such policy may be reinstated, without health statement or other medical evidence, upon application and tender of the required premiums and interest prior to the end of the endowment period.

* * * * *

9. Sections 8.23 and 8.24 are revised to read as follows:

§ 8.23 Health requirements.

National Service life insurance on any plan may be reinstated if application and tender of premiums are made:

(a) Within 6 premium months including the premium month for which the unpaid premium was due, provided the applicant be in as good health on the date of application and tender of premiums as he was on the last day of the grace period of the premium in default and furnishes satisfactory evidence thereof.

(b) After expiration of the 6-month period mentioned in paragraph (a) of this section, provided applicant is in good health (§ 8.1) on the date of application and tender of premiums and furnishes satisfactory evidence.

§ 8.24 Application and medical evidence.

The applicant for reinstatement of National Service life insurance, during his lifetime and within 5 years after the date of lapse if the insurance was issued under 38 U.S.C. 725, must submit a written application signed by him and furnish satisfactory evidence of health as required in § 8.23 at the time of application. Applicant's own statement of comparative health may be accepted as proof of insurability for the purpose of reinstatement under § 8.23(a), but, whenever deemed necessary in any such case, report of physical examination may be required. Applications for reinstatement submitted after expiration of the applicable period mentioned in § 8.23(a) must be accompanied by satisfactory evidence of good health. If the insurance becomes a claim after the tender of the amount necessary to meet reinstatement requirements but before full compliance with the requirements of this section, and the applicant was in a required state of health at the date that he made the tender of the amount necessary to meet reinstatement requirements, and that there is satisfactory reason for his noncompliance, the Director, Insurance Service, in Central Office and Insurance Officers, Veterans Administration Centers, St. Paul, Minn., and Philadelphia, Pa., may, if the applicant be dead, waive any or all requirements of this section (except payment of the necessary premiums) or, if the applicant be living, allow compliance with this section as of the date the required amount necessary to reinstate was received by the Veterans Administration.

10. In § 8.85, paragraphs (a) and (b)(3) are amended to read as follows:

§ 8.85 Renewal of National Service life insurance on the 5-year level premium term plan and limited convertible 5-year level premium term plan.

(a) Effective July 23, 1953, except as provided in paragraph (c) of this section, all or any part of National Service life insurance on the 5-year level premium term plan or limited convertible 5-year level premium term plan, in any multiple of $500 and not less than $1,000, which is not lapsed at the expiration of any 5-year term period, shall be automatically renewed without application or medical examination for a successive 5-year period at the applicable level premium term rate for the then attained age of the insured: *Provided*, That in any case in which the insured is shown by satisfactory evidence to be totally disabled at the expiration of the term period of his insurance under conditions which would entitle him to continued insurance protection but for such expiration, such insurance, if subject to renewal under this paragraph, shall be automatically renewed for an additional period of 5 years at the premium rate for the then attained age. The renewal of insurance for any successive 5-year

period will become effective as of the day following the expiration of the preceding term period, and the premium for such renewal will be at the applicable level premium term rate for the attained age of the policyholder on that day: *Provided further*, That no insurance is subject to renewal if the policyholder has exercised his optional right to change to another plan of insurance.

(b) * * *

(3) (i) If application for reinstatement is submitted and the premiums tendered within 6 premium months after lapse, including the premium month for which the unpaid premium was due, insurance will be reinstated provided the applicant be in as good health on the date of application and tender of premiums as he was on the last day of the grace period of the premium in default and furnishes satisfactory evidence thereof.

(ii) If application for reinstatement is submitted and the premiums tendered after expiration of the 6-month period mentioned in subdivision (i) of this subparagraph, insurance will be reinstated provided applicant is in good health (§ 8.1) on the date of application and tender of premiums and furnishes satisfactory evidence thereof.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: December 28, 1967.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 68-349; Filed, Jan. 9, 1968; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5A of Title 41 is amended as follows:

PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

The table of contents for Part 5A–2 is amended to add the following new entry:

Sec.
5A–2.201–54 Weighting of items for aggregate awards (indefinite quantity contracts).

Subpart 5A–2.2—Solicitation of Bids

Section 5A–2.201–54 is added to include guidance on the weighting of items to be awarded in the aggregate under solicitations for bids for indefinite quantity contracts.

§ 5A–2.201–54 Weighting of items for aggregate awards (indefinite quantity contracts).

(a) Each item in a group of items to be awarded in the aggregate under a solicitation for bids for indefinite quantity contracts shall be assigned a weight in accordance with § 5–2.201–54 and this section.

(b) (1) The assignment of a weight to each item in a group to be awarded in the aggregate is to establish a basis for selecting for award the bid which is likely to result in the lowest overall cost to the Government. Since the actual costs to the Government will depend upon the quantities of each item purchased under the resulting contract, it is imperative that the weight assigned to each item represent the best estimate of the quantity which will be purchased during the contract period.

(2) Under no circumstances should weights be based on the estimated dollar value of purchases. Weights based on dollar values are more likely to distort bid evaluation and result in the making of awards which will not be at the lowest overall cost to the Government; and such distortion will become greater as the variation among the prices of the items composing the aggregate becomes greater. However, if the dollar values of previous purchases (e.g., total dollar value of orders under recent contract) are the only data available, satisfactory estimates of the quantities which will be required may be arrived at by dividing the total dollar value of purchases of an item by the unit price paid to determine the quantity purchased and then adjusting that quantity to reflect any expected increase or decrease.

(c) Although using the full estimated quantities as weights would give the most accurate results, the estimated quantity figures may be reduced to smaller numbers to simplify the computations involved in evaluating bids. However, in reducing the figures care should be taken to assure that the reduced figures are substantially in the same proportion as the estimated quantities so that the results will not be distorted. For example, using the reduced figures in column B, below, as weights in lieu of the quantities in column A would not materially distort the results and would simplify the evaluation process.

Column A	*Column B*
756,000	76
272,000	27
176,000	18

(d) No attempt should be made to adjust weights so that they total a set figure (e.g., 100). Not only are such totals of no consequence, but the adjustments made for that purpose can introduce errors which result in a distortion of the relative proportions.

PART 5A–3—PROCUREMENT BY NEGOTIATION

Subpart 5A–3.2—Circumstances Permitting Negotiation

Section 5A–3.202(a) is revised to read as follows:

§ 5A–3.202 Public exigency.

(a) Military purchase requests citing an issue priority designator 1 through 6, inclusive, assigned in accordance with the Uniform Materiel Issue Priority System prescribed by DoD Instruction No. 4410.6 dated August 24, 1966, and civilian agency purchase requests citing a priority designator Ø3 or Ø6, prescribed by FEDSTRIP Operating Guide (section 14, chapter 2), shall be considered as identifying a circumstance within the purview of §§ 1–3.202 and 5–3.202(b) and as constituting the required statement of justification to support the findings and determination to be made by the contracting officer. Such issue priority designators are to be generated and provided only by the requisitioning activity and cannot be generated by anyone else for the purpose of conforming or upgrading the priority designator to a requested delivery date. (While circumstances may justify public exigency negotiation of requirements on a military purchase request citing an issue priority designator 7 through 20, or on a civilian agency purchase request citing an issue priority designator Ø8 or 15, the specific circumstances justifying use of this authority must be set forth in the required determination and findings.) This paragraph (a) applies only to requests for the purchase of nonstores items and of stock items for direct delivery.

* * * * *

PART 5A–73—FEDERAL SUPPLY SCHEDULE PROGRAM

Subpart 5A–73.1—Production and Maintenance

Section 5A–73.119–2 is revised to add a citation. As revised the section reads as follows:

§ 5A–73.119–2 Aggregate awards.

Provision may be made for aggregate awards in those instances where the character of the item or service makes such an arrangement desirable. Whenever this is necessary, the invitation for bids shall clearly set forth the basis on which the low bidder will be determined. This shall be accomplished as prescribed in §§ 5–2.201–54 and 5A–2.201–54.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); and 41 CFR 5–1.101(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: December 26, 1967.

L. E. SPANGLER,
Acting Commissioner, Federal Supply Service.

[F.R. Doc. 68-339; Filed, Jan. 9, 1968; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Miscellaneous Amendments

On May 13, 1967, a notice of rule making was published in the FEDERAL REGISTER (32 F.R. 7215–7219) proposing to amend Part 73 of the Public Health Service Regulations, largely for clarifying purposes and to eliminate repetition.

Views and arguments respecting the proposed standards were invited to be submitted within 60 days after publication of the notice in the FEDERAL REGISTER, and notice was given of intention to make any amendments that were adopted effective 30 days after the date of their publication in the FEDERAL REGISTER.

After consideration of all comments submitted, which included requests for an extension of time to make labeling changes, the following amendment to Part 73 of the Public Health Service Regulations is hereby adopted to become effective 30 days after the date of publication in the FEDERAL REGISTER, except that changes in labeling requirements shall be effective 180 days after the date of publication in the FEDERAL REGISTER.

1. Amend § 73.1(i)(2) of the Public Health Service Regulations by deleting "the" where it first appears preceding "blood", by deleting "of an animal" and "and not intended for ingestion", and by inserting a period in lieu of the comma immediately following "cells".

2. Amend § 73.1(i)(5)(ii) by deleting "and not intended for ingestion", and by inserting a period in lieu of the comma immediately following "serum".

3. Amend § 73.1(k) by deleting the comma after "intended", by deleting the comma after "person" where it first appears, and by inserting a comma after "diagnosis" where it first appears.

4. Amend § 73.1(l) by changing "container" to "package".

5. Amend § 73.1(n).

6. Amend § 73.1(y) by changing "container" to "vessel".

7. Amend § 73.1 by adding three paragraphs, (cc), (dd), and (ee).

The affected portions of § 73.1 read as follows:

§ 73.1 **Definitions.**

* * * * *

(i) * * *

(2) A therapeutic serum is a product obtained from blood by removing the clot or clot components and the blood cells.

* * * * *

(5) * * *

(ii) To a therapeutic serum, if composed of whole blood or plasma or containing some organic constituent or product other than a hormone or an amino acid, derived from whole blood, plasma, or serum.

* * * * *

(k) A product is deemed "applicable to the prevention, treatment, or cure of diseases or injuries of man" irrespective of the mode of administration or application recommended, including use when intended through administration or application to a person as an aid in diagnosis, or in evaluating the degree of susceptibility or immunity possessed by a person, and including also any other use for purposes of diagnosis if the diagnostic substance so used is prepared from or with the aid of a biological product.

(l) "Proper name", as applied to a product, means the name designated in the license for use upon each package of the product.

* * * * *

(n) "Expiration date" means the calendar month and year, and where applicable, the day and hour, that the dating period ends.

* * * * *

(y) "Lot" means that quantity of uniform material identified by the manufacturer as having been thoroughly mixed in a single vessel.

* * * * *

(cc) "Container" (referred to also as "final container") is the immediate unit, bottle, vial, ampule, tube, or other receptacle containing the product as distributed for sale, barter, or exchange.

(dd) "Package" means the immediate carton, receptacle, or wrapper, including all labeling matter therein and thereon, and the contents of the one or more enclosed containers. If no package, as defined in the preceding sentence, is used, the container shall be deemed to be the package.

(ee) "Label" means any written, printed, or graphic matter on the container or package or any such matter clearly visible through the immediate carton, receptacle, or wrapper.

8. Amend § 73.7 to read as follows:

§ 73.7 **Changes to be reported.**

(a) *General.* Important proposed changes in location, equipment, management and responsible personnel, or in manufacturing methods and labeling, of any product for which a license is in effect or for which an application for license is pending, shall be reported to the Director, Division of Biologics Standards, by the manufacturer, and unless in case of an emergency, not less than 30 days in advance of the time such changes are intended to be made.

(b) *Manufacturing methods and labeling.* Proposed changes in manufacturing methods and labeling may not become effective until notification of acceptance is received from the Director, Division of Biologics Standards.

(c) *Failure to report.* Failure to report a change as required shall constitute a ground for summary suspension of a license.

9. Amend § 73.21 to read as follows:

§ 73.21 **Procedure.**

Except as otherwise provided in this part, licenses for foreign establishments and products shall be issued, suspended, and revoked in the same manner as licenses for domestic establishments and products. Each foreign establishment holding a license and sending, carrying, or bringing any licensed product into any State or possession for sale, barter, or exchange shall file with the Director, Division of Biologics Standards, the name and address of each person to whom such a product is thus sent, carried, or brought. Foreign licensees shall notify each person in the United States to whom such a product is thus sent, carried, or brought, to keep such records of distribution as are required of domestic licensed establishments. Failure to give such notice to maintain records shall constitute ground for revocation of license.

10. Amend § 73.23 to read as follows:

§ 73.23 **Samples for each importation.**

Random samples of each importation, obtained by the Collector of Customs and forwarded to the Director, Division of Biologics Standards, shall be at least two final containers of each lot of product. A copy of the associated documents which describe and identify the shipment shall accompany the shipment for forwarding with the samples to the Director, Division of Biologics Standards. For shipments of 20 or less final containers, samples need not be forwarded, provided a copy of an official release from the Division of Biologics Standards accompanies each shipment.

§ 73.36 **[Amended]**

11. Amend § 73.36(b) by changing the phrase "Processing vessels, storage containers," to "Processing and storage vessels," in the third sentence.

12. Amend § 73.36(e)(3) by changing "containers" to "vessels" in the second sentence.

13. Amend § 73.36(e)(4) to read as follows:

(4) *Live vaccine processing.* Space used for processing a live vaccine shall not be used for any other purpose during the processing period for that vaccine and such space shall be decontaminated prior to initiation of the processing. Live vaccine processing areas shall be isolated from and independent of any space used for any other purpose by being either in a separate building, in a separate wing of a building, or in quarters at the blind end of a corridor and shall include adequate space and equipment for all processing steps up to filling into final containers. Test procedures which potentially involve the presence of microorganisms other than the vaccine strains, or the use of tissue culture cell lines other than primary cultures, shall not be conducted in space used for processing live vaccine.

14. Amend § 73.36(e) by adding a new subparagraph (5) to read as follows:

(5) *Equipment and supplies—contamination.* Equipment and supplies used in work on or otherwise exposed to any pathogenic or potentially pathogenic agent shall be kept separated from equipment and supplies used in the manufacture of products to the extent necessary to prevent cross contamination.

15. Amend § 73.36(f)(2) to read as follows:

(2) *Quarantine of animals*—(i) *General.* No animal shall be used in processing unless kept under competent daily inspection and preliminary quarantine for a period of at least 7 days before use, or as otherwise provided in this part. Only healthy animals free from detectable communicable diseases shall be used. Animal, must remain in overt good health throughout the quarantine periods and particular care shall be taken during the quarantine periods to reject animals of the equine genus which may be infected with glanders and animals which may be infected with tuberculosis.

(ii) *Quarantine of monkeys.* In addition to observing the pertinent general quarantine requirements, monkeys used as a source of tissue in the manufacture of vaccine shall be maintained in quarantine for at least 6 weeks prior to use, except when otherwise provided in this part. Only monkeys that have reacted negatively to tuberculin at the start of the quarantine period and again within 2 weeks prior to use shall be used in the manufacture of vaccine. Due precaution shall be taken to prevent cross-infection from any infected or potentially infected monkeys on the premises. Monkeys to be used in the manufacture of a live vaccine shall be maintained throughout the quarantine period in cages closed on all sides with solid materials except the front which shall be screened, with no more than two monkeys housed in one cage. Cage mates shall not be interchanged.

16. Amend § 73.36(f)(3) to read as follows:

(3) *Immunization against tetanus.* Horses and other animals susceptible to tetanus, that are used in the processing steps of the manufacture of biological products, shall be treated adequately to maintain immunity to tetanus.

17. Amend § 73.36(f)(4) to read as follows:

(4) *Immunization and bleeding of animals used as a source of products.* Toxins or other nonviable antigens administered in the immunization of animals used in the manufacture of products shall be sterile. Viable antigens, when so used, shall be free of contaminants, as determined by appropriate tests prior to use. Injections shall not be made into horses within 6 inches of bleeding site. Horses shall not be bled for manufacturing purposes while showing persistent general reaction or local reaction near the site of bleeding. Blood shall not be used if it was drawn within 5 days of injecting the animals with viable microorganisms. Animals shall not be bled for manufacturing purposes when they have an intercurrent disease. Blood intended for use as a source of a biological product shall be collected in clean, sterile vessels. When the product is intended for use by injection, such vessels shall also be pyrogen-free.

18. Amend § 73.36(f) by adding a new subparagraph (7) to read as follows:

(7) *Monkeys used previously for experimental or test purposes.* Monkeys that have been used previously for experimental or test purposes with live microbiological agents shall not be used as a source of kidney tissue for the manufacture of vaccine. Except as provided otherwise in this part, monkeys that have been used previously for other experimental or test purposes may be used as a source of kidney tissue upon their return to a normal condition, provided all quarantine requirements have been met.

19. Amend § 73.36(f) by adding a new subparagraph (8) to read as follows:

(8) *Necropsy examination of monkeys.* Each monkey used in the manufacture of vaccine shall be examined at necropsy under the direction of a qualified pathologist, physician, or veterinarian having experience with diseases of monkeys, for evidence of ill health, particularly for (i) evidence of tuberculosis, (ii) presence of herpes-like lesions, including eruptions or plaques on or around the lips, in the buccal cavity or on the gums, and (iii) signs of conjunctivitis. If there are any such signs or other significant gross pathological lesions, the tissue shall not be used in the manufacture of vaccine.

20. Insert a new § 73.39 to read as follows:

§ 73.39 Reporting of errors.

The Director, Division of Biologics Standards, shall be notified promptly of errors or accidents in the manufacture of products that may affect the safety, purity, or potency of any product.

21. Revise § 73.50 to read as follows:

§ 73.50 Container label.

(a) *Full label.* The following items shall appear on the label affixed to each container of a product capable of bearing a full label:

(1) The proper name of the product;

(2) The name, address, and license number of manufacturer;

(3) The lot number or other lot identification;

(4) The expiration date;

(5) The recommended individual dose, for multiple dose containers.

(b) *Package label information.* If the container is not enclosed in a package, all the items required for a package label shall appear on the container label.

(c) *Partial label.* If the container is capable of bearing only a partial label, the container shall show as a minimum the name (expressed either as the proper or common name), the lot number or other lot identification and the name of the manufacturer; in addition, for multiple dose containers, the recommended individual dose. Containers bearing partial labels shall be placed in a package which bears all the items required for a package label.

(d) *No container label.* If the container is incapable of bearing any label, the items required for a container label may be omitted, provided the container is placed in a package which bears all the items required for a package label.

(e) *Visual inspection.* When the label has been affixed to the container a sufficient area of the container shall remain uncovered for its full length or circumference to permit inspection of the contents.

22. Redesignate § 73.51 as § 73.52 and § 73.52 as § 73.51. As thus redesignated, revise §§ 73.51 and 73.52 to read as follows:

§ 73.51 Package label.

The following items shall appear on the label affixed to each package containing a product:

(a) The proper name of the product;

(b) The name, address, and license number of manufacturer;

(c) The lot number or other lot identification;

(d) The expiration date;

(e) The preservative used and its concentration, or if no preservative is used and the absence of a preservative is a safety factor, the words "no preservative";

(f) The number of containers, if more than one;

(g) The amount of product in the container expressed as (1) the number of doses, (2) volume, (3) units of potency, (4) weight, (5) equivalent volume (for dried product to be reconstituted), or (6) such combination of the foregoing as needed for an accurate description of the contents, whichever is applicable;

(h) The recommended storage temperature;

(i) The words "Shake Well", "Do not Freeze" or the equivalent, as well as other instructions, when indicated by the character of the product;

(j) The recommended individual dose if the enclosed container(s) is a multiple-dose container;

(k) The route of administration recommended, or reference to such directions in an enclosed circular;

(l) Known sensitizing substances, or reference to an enclosed circular containing appropriate information;

(m) The type and calculated amount of antibiotics added during manufacture;

(n) The inactive ingredients when a safety factor, or reference to an enclosed circular containing appropriate information;

(o) The adjuvant, if present;

(p) The source of the product when a factor in safe administration;

(q) The identity of each microorganism used in manufacture, and, where applicable, the production medium and the method of inactivation, or reference to an enclosed circular containing appropriate information;

(r) Minimum potency of product expressed in terms of official standard of potency or, if potency is a factor and no U.S. standard of potency has been prescribed, the words "No U.S. standard of potency."

§ 73.52 Proper name; package label; legible type.

(a) *Position.* The proper name of the product on the package label shall be placed above any trade-mark or trade name identifying the product and symmetrically arranged with respect to other printing on the label.

(b) *Prominence.* The point size and type-face of the proper name shall be at least as prominent as the point size and type-face used in designating the trade-mark and trade name. The contrast in color value between the proper name and the background shall be at least as great as the color value between the trade-mark and trade name and the background. Typography, layout, contrast, and other printing features shall not be used in a manner that will affect adversely the prominence of the proper name.

(c) *Legible type.* All items required to be on the container label and package label shall be in legible type. "Legible type" is type of a size and character which can be read with ease when held in a good light and with normal vision.

23. Amend § 73.53 to read as follows:

§ 73.53 Divided manufacturing responsibility to be shown.

If two or more establishments participate in the manufacture of a product, the name, address, and license number of each must appear on the package label, and on the label of the container if capable of bearing a full label.

§ 73.73 [Amended]

24. Amend § 73.73(d)(1) by deleting the word "container".

25. Amend § 73.73(d)(2) by changing "container" to "vessel" after the word "bulk" at the end of the first sentence.

26. Amend § 73.73(e)(2)(i) by changing "container" to "test vessel" in the title and by changing "container" to "vessel" in the text.

27. Amend § 73.78 to read as follows:

§ 73.78 Constituent materials.

(a) *Ingredients, preservative, diluents, adjuvants.* All ingredients used in a licensed product, and any diluent provided as an aid in the administration of the product, shall meet generally accepted standards of purity and quality. Any preservative used shall be sufficiently nontoxic so that the amount present in the recommended dose of the product will not be toxic to the recipient, and in the combination used shall not denature the specific substances in the product below the minimum acceptable potency within the dating period when stored at the recommended temperature. Products in multiple dose containers shall contain a preservative, except that a preservative need not be added to Yellow Fever Vaccine, Poliovirus Vaccine, Live, Oral, or to viral vaccines labeled for use with the jet injector, or to dried vaccines when the accompanying diluent contains a preservative. An adjuvant shall not be affect adversely the safety or potency of product contain more than 0.85 milligram of aluminum, determined by assay, or more than 1.14 milligrams of aluminum, determined by calculation on the basis of the amount of aluminum compound added.

(b) *Extraneous protein; cell culture produced vaccines.* Extraneous protein known to be capable of producing allergenic effects in human subjects shall not be added to a final virus medium of cell culture produced vaccines intended for injection. If serum is used at any stage, its calculated concentration in the final medium shall not exceed 1:1,000,000.

(c) *Antibiotics.* A minimum concentration of antibiotics, other than penicillin, may be added to the production substrate of viral vaccines.

28. Amend § 73.83 by revising the first sentence to read as follows:

§ 73.83 Date of manufacture.

The date of manufacture shall be determined as follows:

* * * * *

29. Amend § 73.84 to read as follows:

§ 73.84 Periods of cold storage.

Except as otherwise provided in the regulations of this part, products may be held in cold storage by the manufacturer as follows:

At a temperature not above 5°C.—1 year.
At a temperature not above 0°C.—2 years.

30. Amend § 73.85 to read as follows:

§ 73.85 Dating period.

The dating period for a combination of two or more products shall be no longer than the dating period of the component product with the shortest dating period. The dating period for a product shall begin on the date of manufacture, except that the dating period may begin on the date of issue from the manufacturer's cold storage, provided the product was maintained as prescribed in § 73.84. If held in the manufacturer's cold storage beyond the period prescribed, the dating period shall be reduced by a corresponding period.

31. Amend § 73.144(a).

32. Paragraph (b) of § 73.144 is deleted.

33. Paragraph (c) of § 73.144 is deleted.

34. Amend § 73.144(e).

35. Amend § 73.144(h).

The affected portions of § 73.144 read as follows:

§ 73.144 General requirements.

(a) *Final container tests.* In addition to the tests required pursuant to § 73.75, an immunological and virological identity test shall be performed on the final container if it was not performed on each pool or the bulk vaccine prior to filling.

(b) [Deleted]

(c) [Deleted]

* * * * *

(e) *Labeling.* In addition to the item required by other applicable labeling provisions of this part, single-dose container labeling for vaccine which is not protected against photochemical deterioration shall include a statement cautioning against exposure to sunlight.

* * * * *

(h) *Samples and protocols.* For each lot of vaccine, the following materials shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) A protocol which consists of a summary of the history of the manufacture of each lot including all results of each test for which test results are requested by the Director, Division of Biologics Standards.

(2) A total of no less than 120 ml. in 10 ml. volumes, in a frozen state (—60° C.), of preclarification bulk vaccine containing no preservative or adjuvant, and no less than 100 ml. in 10 ml. volumes, in a frozen state (—60° C.), of post-clarification bulk vaccine containing stabilizer but no preservative or adjuvant, taken prior to filling into final containers.

(3) A total of no less than 200 recommended doses of the vaccine in final labeled containers distributed equally between the number of fillings made from each bulk lot, except that the representation of a single filling shall be no less than 30 final containers.

36. Amend the first sentence of § 73.151(c) to read as follows:

§ 73.151 Manufacture of Measles Virus Vaccine, Inactivated.

* * * * *

(c) *Virus propagated in monkey kidney tissue cultures.* Only Macaca or Cercopithecus monkeys, or a species found by the Director, Division of Biologics Standards, to be equally suitable, which have met all the quarantine requirements, shall be used as the source of kidney tissue for the manufacture of Measles Virus Vaccine, Inactivated.

* * * * *

37. Section 73.154(a) is deleted.

38. Amend § 73.154(b).

39. Section 73.154(d) is deleted.

40. Section 73.154(e) is deleted.

41. Amend § 73.154(f)(4).

The affected portions of § 73.154 read as follows:

§ 73.154 General requirements.

(a) [Deleted]

(b) *Extraneous protein.* The final vaccine shall have a protein nitrogen content of less than 0.02 milligram per individual human dose.

* * * * *

(d) [Deleted]

(e) [Deleted]

(f) * * *

(4) A protocol which consists of a summary of the history of the manufacture of each lot including all results of

each test for which test results are requested by the Director, Division of Biologics Standards.

§ 73.351 [Amended]

42. Amend § 73.351(d) by changing "containers" to "vessels" in the first sentence.

43. Revise the caption following "73.23" in the Table of Contents to read as follows:

Sec.
73.23 Samples for each importation.

44. Add the following designation to the Table of Contents immediately following "73.38 Retention samples".

Sec.
73.39 Reporting of errors.

45. Revise the section designations for the group of sections entitled "Standards for Products: Labels", in the Table of Contents to read as follows:

STANDARDS FOR PRODUCTS: LABELS

Sec.
73.50 Container label.
73.51 Package label.
73.52 Proper name; package label; legible type.
73.53 Divided manufacturing responsibility to be shown.
73.54 Name of selling agent or distributor.
73.55 Products for export.

46. Revise the caption following "73.-78" in the Table of Contents to read as follows:

Sec.
73.78 Constituent materials.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U.S.C. 262)

Dated: December 13, 1967.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved: January 2, 1968.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 68-354; Filed, Jan. 9, 1968; 8:47 a.m.]

PART 73—BIOLOGICAL PRODUCTS

Additional Standards: Whole Blood (Human)

On October 3, 1967, a notice of rule making was published in the FEDERAL REGISTER (32 F.R. 13775) proposing to amend Part 73 of the Public Health Service Regulations, by revising the proper name designated in licenses for Citrated Whole Blood (Human) and Heparinized Whole Blood (Human), and by making related revisions in the labeling provisions for these products.

Views and arguments respecting the proposed standards were invited to be submitted within 30 days after publication of the notice in the FEDERAL REGISTER, and notice was given of intention to make any amendments that were adopted effective on the date of their publication in the FEDERAL REGISTER, except that use of labels with the product name "Citrated Whole Blood (Human)" will not be considered a violation where obtained pursuant to an agreement negotiated prior to the effective date of these amendments.

After consideration of all comments submitted, which included requests for an extension of time to make labeling changes, the following amendment to Part 73 of the Public Health Service Regulations is hereby adopted to become effective on the date of publication in the FEDERAL REGISTER, except that use of labels with the product name "Citrated Whole Blood (Human)" will not be considered a violation where obtained pursuant to an agreement negotiated prior to the effective date of these amendments.

Amend Part 73 of the Public Health Service Regulations, as follows:

§ 73.86 [Amended]

1. Amend § 73.86 by deleting the following product listings, their respective dating periods and manufacturer's recommended storage in labeling:

Citrated Whole Blood (Human).	Twenty-one days provided labeling recommends storage between 1° and 10° C. § 73.84 does not apply.
Heparinized Whole Blood (Human).	Forty-eight hours provided labeling recommends storage between 1° and 10° C. § 73.84 does not apply.

2. Amend § 73.86 by inserting the following immediately preceding the listing for "Yellow Fever Vaccine":

Whole Blood (Human) collected in—	
(a) ACD solution.	Twenty-one days provided labeling recommends storage between 1° and 10° C. § 73.84 does not apply.
(b) Heparin solution.	Forty-eight hours provided labeling recommends storage between 1° and 10° C. § 73.84 does not apply.
(c) CPD solution.	Twenty-one days provided labeling recommends storage between 1° and 10° C. § 73.84 does not apply.

3. Amend § 73.300 to read as follows:

§ 73.300 Proper name and definition.

The proper name of this product shall be Whole Blood (Human). Whole Blood (Human) is defined as blood collected from human donors for transfusion to human recipients.

4. Amend § 73.302(d) to read as follows:

§ 73.302 Collection of the blood.

* * * * *

(d) *The anticoagulant solution.* The anticoagulant solution shall be sterile and pyrogen-free. One of the following formulae shall be used in the indicated volumes:

(1) *Anticoagulant acid citrate dextrose solution (ACD).*

	Solution A	Solution B
Tri-sodium citrate ($Na_3C_6H_5O_7 \cdot 2H_2O$).	22.0 gm.	13.2 gm.
Citric acid ($C_6H_8O_7 \cdot H_2O$)	8.0 gm.	4.8 gm.
Dextrose ($C_6H_{12}O_6 \cdot H_2O$)	24.5 gm.	14.7 gm.
Water for injection (U.S.P.) to make.	1,000 ml.	1,000 ml.
Volume per 100 ml. blood	15 ml.	25 ml.

(2) *Anticoagulant heparin solution.*

Heparin sodium (U.S.P.)	75,000 units.
Sodium chloride injection (U.S.P.) to make.	1,000 ml.
Volume per 100 ml. blood	6 ml.

A buffer to maintain stability shall be added, if necessary.

(3) *Anticoagulant citrate phosphate dextrose solution (CPD).*

Tri-sodium citrate ($Na_3C_6H_5O_7 \cdot 2H_2O$).	26.3 gm.
Citric acid ($C_6H_8O_7 \cdot H_2O$)	3.27 gm.
Dextrose ($C_6H_{12}O_6 \cdot H_2O$)	25.5 gm.
Monobasic sodium phosphate ($NaH_2PO_4 \cdot H_2O$).	2.22 gm.
Water for injection (U.S.P.) to make.	1,000 ml.
Volume per 100 ml. blood	14 ml.

* * * * *

5. Amend § 73.305(a) to read as follows:

§ 73.305 Labeling.

* * * * *

(a) *Anticoagulant*—(1) *Name.* The name of the anticoagulant immediately preceding and of no less prominence than the proper name, expressed as follows:

(i) either "ACD", or "acid citrate dextrose solution",

(ii) either "Heparinized" or "heparin solution",

(iii) either "CPD" or "citrate phosphate dextrose solution".

(2) *Quantity.* The quantity and kind of anticoagulant used and the volume of blood corresponding with the formula prescribed under § 73.302(d).

* * * * *

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U.S.C. 262)

Dated: December 22, 1967.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved: January 2, 1968.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 68-353; Filed, Jan. 9, 1968; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Subpart A—General Provisions

Subpart D—Federal Loan Insurance

MISCELLANEOUS AMENDMENTS

1. Section 177.1 is amended: (1) By substituting for the matters contained in paragraph (b) a definition of "Internal Revenue Code"; (2) by revising paragraph (c) defining "academic year"; (3) to include in paragraph (e) defining "eligible institution" the amendment to the Act made by section 204 of the International Education Act of 1966; and (4) by adding two new paragraphs, paragraph (q) defining "professional or graduate student" and paragraph (r) defining "totally and permanently disabled". As so amended, § 177.1 reads as follows:

§ 177.1 Definitions.

As used in this part:

* * * * *

(b) "Internal Revenue Code" means the Internal Revenue Code of 1954 as amended (Title 26, United States Code).

(c) The term "academic year" means a period of time, typically eight or nine months, which consists of two semesters, two trimesters or three quarters.

* * * * *

(e) The term "eligible institution" or "institution" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term includes any institution outside the States which is comparable to an institution described in the preceding sentence and which has been approved by the Commissioner for the purpose of this part, and also includes any public or other nonprofit collegiate or associate degree school of nursing and any school which provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of subparagraphs (1), (2), (4), and (5) of this paragraph. If the Commissioner determines that a particular category of such schools does not meet the requirements of subparagraph (5) of this paragraph because there is no nationally recognized accrediting agency or association qualified to accredit schools in such category, he shall, pending the establishment of such an accrediting agency or association, appoint an advisory committee, composed of persons specially qualified to evaluate training provided by schools in such category, which shall (*a*) prescribe the standards of content, scope, and quality which must be met in order to qualify schools in such category to participate in the program pursuant to this part, and (*b*) determine whether particular schools not meeting the requirements of subparagraph (5) of this paragraph meet those standards. For purposes of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

* * * * *

(q) "Professional or graduate student" means, in general, a student who is enrolled in an academic program of instruction above the college level which is provided at an institution of higher education. The term includes (1) that portion of any program involving a period of study beyond 4 years of study at the college level, or (2) any portion of a program leading to (i) a first professional degree, when at least 3 years of study at the college level are required for entrance into a program leading to such degree, or (ii) a degree beyond the bachelor's or first professional degree.

(r) "Totally and permanently disabled" means the inability to engage in any substantial gainful activity because of a medically determinable impairment, which impairment is expected to continue for a long and indefinite period of time, or to result in death.

2. Section 177.2(a) is amended by including appropriate references to the Federal loan insurance program. As so amended, § 177.2(a) reads as follows:

§ 177.2 Student eligibility for interest benefits.

(a) A student (1) who has received a loan from an eligible lender under (i) a student loan insurance program meeting the requirements of § 177.12 or § 177.13, (ii) a direct State student loan program meeting the requirements of § 177.14, or (iii) the program of Federal loan insurance provided for in Subpart D of this part, (2) who is enrolled or has been accepted for enrollment as at least a half-time student in an eligible institution, (3) whose adjusted family income is less than $15,000 and (4) who is a national of the United States or is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, is eligible for payment on his behalf of a portion of the interest as determined under § 177.15 or § 177.38.

* * * * *

3. In view of the addition to this part of Subpart D, covering the insurance of loans by the Federal Government, § 177.3 (d) dealing with the method of determination of adjusted family income is amended so as to provide that the designation of the agencies that will make the determination may be different under the various programs. As so amended § 177.3(d) reads as follows:

§ 177.3 Adjusted family income.

* * * * *

(d) *Method of determination.* The determination of the adjusted family income of a student borrower shall be made on the basis of information submitted on forms supplied or approved by the Commissioner. The determination shall be made each time funds are advanced, except that no new determination need be made with respect to funds advanced (1) within the same tax year in which a determination was last made or (2) on a line of credit extended after May 31, 1967, where a determination has been made during the preceding 12-month period in connection with funds advanced on such line of credit.

4. Part 177 of Title 45 of the Code of Federal Regulations, dealing with the administration of Title IV, Part B of the Higher Education Act of 1965, is hereby amended by adding a new subpart, Subpart D, covering the terms and conditions under which the Commissioner of Education will insure loans made by lenders to students in institutions of higher education.

The new Subpart D reads as follows:

Subpart D—Federal Loan Insurance

Sec.

AUTHORITY: The provisions of this Subpart D issued under secs. 421–435; 79 Stat. 1236–1249, 20 U.S.C. 1071–1085.

Subpart D—Federal Loan Insurance

§ 177.31 Purpose.

The purpose of this subpart is to make federally insured loans available to the eligible students of a State where the Commissioner is unable to find that insured loans are reasonably available under State and private nonprofit student loan insurance programs covered by an agreement entered into pursuant to § 177.12.

§ 177.32 Issuance of Federal loan insurance certificates.

(a) The Commissioner will enter into agreements with eligible lenders in accordance with section 432(a)(3) of the Act under which a default in the repayment of the principal amount of loans made by the lender (on instruments which meet the requirements of § 177.37) will be covered by Federal loan insurance certificates issued pursuant to the provisions of this subpart.

(b) Each eligible lender with which the Commissioner has entered into an agreement pursuant to paragraph (a) of this section may make application to the Commissioner for the issuance of a certificate of Federal loan insurance in connection with each application for a loan which the lender has initially determined to be eligible for such insurance coverage. Upon receipt of such application, which shall be filed on such form and in such manner as may be determined by the Commissioner, the Commissioner shall determine whether or not the loan is insurable and if the loan is determined to be insurable, the Commissioner shall issue a certificate of insurance to the lender covering the loan and setting forth the amount of the insurance. The insurance evidenced by a certificate of insurance shall become effective upon the date of issuance of the certificate and shall extend to all disbursements made pursuant to the loan, except that no disbursements made on a loan prior to the issuance of the certificate of insurance shall be covered by such certificate.

(c) The amount of loss on any loan covered by a certificate of insurance issued by the Commissioner under this subpart shall be the amount equal to the unpaid balance of the principal amount of such loan other than any interest or any other charges which may have been added to, and become a part of, the principal amount of the loan.

(d) The Commissioner may, if he finds it necessary to do so in order to assure an equitable distribution of the benefits of this part, assign, within the maximum amount specified within the Act, Federal loan insurance quotas applicable to eligible lenders, or to States or areas, and may from time to time reassign unused portions of these quotas.

(e) The lender may not make disbursement of any of the proceeds of the loan to a student borrower earlier than is reasonably necessary to meet the purposes for which the loan was made.

§ 177.33 Limitations governing maximum amount of federally insured loans.

(a) *Annual amounts.* The Commissioner will not insure loans to any student in any academic year of study in an amount in excess of $1,500 in the case of a professional or graduate student and $1,000 in the case of any other student after taking into account other loans covered by this part which the student has already received during the same period of study. The Commissioner will, however, insure loans of proportionately larger amounts made to a full-time student pursuing a program of study longer than an academic year, but in no event for any 12-month period in amounts in excess of $2,000 in the case of a professional or graduate student and $1,333 in the case of any other student after taking into account other loans covered by this part which the student has already received during such 12-month period of study.

(b) *Aggregate amounts.* The Commissioner will not insure any amount of a loan which, together with the outstanding principal on all other loans covered under this part, exceeds $7,500 in the case of a graduate or professional student or $5,000 in the case of any other student.

(c) *Vocational loans.* The Commissioner will not insure loans to any student under this subpart for any academic year if such student has already received a loan for that academic year which was made or insured by the Commissioner under Part 178 of this chapter (the National Vocational Student Loan Insurance Program).

§ 177.34 Eligibility for insured loans.

Loans by eligible lenders who have in effect an agreement with the Commissioner are insurable under this subpart only if made to a student who (a) has been accepted for enrollment at an eligible institution, or in the case of a student attending an eligible institution, is in good standing there as determined by the institution, (b) is carrying at least one-half the normal full-time workload as determined by the institution, (c) provides the lender with a statement from the institution certifying that the conditions stated in paragraphs (a) and (b) of this section have been met, and in addition, sets forth a current schedule of tuition and fees, and its estimate of the costs of room, board, and any other costs which the institution determines to be necessary to the pursuit of the student's education, (d) provides the lender with a statement of any financial aids which are to be made available to him during the period for which the loan is sought, (e) provides the lender an assurance that the loan will not be used for any purpose other than for the costs of education for the period covered by the application, and (f) provides to the lender a statement listing the dates and amounts of other loans to him, which are covered under this part and Part 178 of this chapter.

§ 177.35 Rate of interest; late charges.

(a) *Rate of interest.* The maximum rate of interest on the unpaid principal balance of a loan may not exceed 6 percent per year calculated from the date of disbursement of funds by the lender to the borrower, exclusive of any premium for insurance.

(b) *Late charges.* The note may provide for the assessment of a charge for failure of the borrower to pay all or any part of an installment within 10 days after its due date or to file satisfactory evidence of entitlement to deferment of such installment pursuant to § 177.37(e). The amount of any such charge may not exceed 5 cents for each dollar of each installment due or $5 per each such installment whichever is the lesser.

§ 177.36 Insurance premiums.

(a) *Rate.* The lender will be liable to the Commissioner on all insured loans to pay a premium in an amount equal to one-fourth of 1 percent per annum of the unpaid principal balance of the loan (excluding interest or other charges which may have been added to principal).

(b) *Collection of premiums.* Premiums covering that period of time which runs from the disbursal of the loan to the time that it is anticipated, in accordance with instructions issued by the Commissioner, that repayment of principal is to begin shall be payable at the time the loan is disbursed. Premiums attributable to all other periods during which the loan is outstanding shall be payable perodically as determined by the Commissioner except that the Commissioner may waive the payment of all or part of such premiums if he determines that such premiums are not necessary to the maintenance of an adequate reserve fund for the payment of claims.

(c) *Payment of premiums.* The Commissioner may set off insurance premiums payable to him by the lender against amounts payable by the Commissioner to the lender on account of interest benefits or claims.

§ 177.37 Advancement and repayment of loans.

(a) *Evidence of indebtedness.* All insurable loans shall be evidenced by a promissory note which meets the requirements of section 427(a) of the Act. The Commissioner shall from time to time make available a promissory note form which meets the statutory requirements. Any substantive deviation from the provisions of the most current promissory note form made available by the Commissioner must be approved by the Commissioner prior to the making of any loans to be evidenced thereby. A copy of every executed note shall be supplied to the student maker thereof.

(b) *Security and endorsement.* The loan shall be made without security and without endorsement, except that if the borrower is a minor and his note would not constitute a valid and enforceable obligation under applicable local law, endorsement may be required.

(c) *Commencement of repayment.* The note evidencing the loan shall provide

for repayment of the principal amount together with interest thereon in periodic installments beginning not earlier than 9 months nor later than 1 year after the date on which the student ceases to carry at an eligible institution at least one-half the normal full-time academic workload as determined by that institution.

(d) *Repayment period.* The terms of the note shall provide: (1) For repayment over a period of not less than 5 years, nor more than 10 years from the commencement of the repayment period, but in no event over a period in excess of 15 years from the date of execution of the note; and (2) that the total of the payments by a borrower during any period during which repayment of principal is required with respect to the aggregate amount of all loans to that borrower that are insured by the Commissioner under this part shall be at a rate of not less than $360 per annum or the balance of all such loans (together with interest thereon) whichever amount is less.

(e) *Deferment.* Periodic installments of principal need not be paid, but interest shall accrue and be paid, during any period (1) in which the borrower is pursuing a full-time course of study at an institution of higher education within the United States or at a comparable institution outside the United States approved for that purpose by the Commissioner, (2) not in excess of 3 years, during which the borrower is a member of the Armed Forces of the United States, (3) not in excess of 3 years during which the borrower is in service as a volunteer under the Peace Corps Act, or (4) not in excess of 3 years during which the borrower is in service as a volunteer under Title VIII of the Economic Opportunity Act of 1964. Where repayment of the loan is deferred, the period of deferment shall not be included in the minimum or maximum periods allowed for repayment of the loan provided for in paragraph (d) of this section.

(f) *Student's liability for interest.* The student borrower shall not be liable for any portion of the interest on the note which is payable by the Commissioner, and the lender will not collect or attempt to collect such portion of the interest. Interest on loans insured under this subpart which is not payable by the Commissioner shall be payable in installments over the period of the loan except that if provided in the note or other written agreement, any interest payable by the student may be deferred until not later than the date upon which payment of the first installment of principal falls due, in which case, interest that has so accrued during that period may be added on that date to the principal (but without thereby increasing the insurance liability under this part).

(g) *Acceleration.* The student borrower may accelerate repayment of the whole or any part of the loan without penalty.

(h) *Payment of insurance premiums.* The lender may require that the borrower pay, in addition to principal and interest due, an amount equal to the insurance premium that the lender is required to pay to the Commissioner on any loan.

§ 177.38 Payment of interest benefits.

(a) Where an insured loan is made to a student who on the basis of information submitted to the lender on the loan application meets the requirements of § 177.2, the Commissioner shall, on the basis of such information and periodic inquiries of the institution as to the enrollment status of the student borrower, determine the interest to be paid at the applicable rate on behalf of each student.

(b) The payment shall be limited to:

(1) The total amount of the interest on the unpaid principal balance of each loan which accrues prior to the beginning of the repayment period of such loan; and

(2) Three percent per year of the unpaid principal balance of any such loan thereafter.

(c) In no event shall payments under subparagraph (1) or (2) of paragraph (b) of this section include any interest on interest or any other charges which may have been added to principal or exceed the interest payable by the student.

(d) The Commissioner's obligation to pay interest shall terminate (1) upon default by the borrower, or (2) upon a determination of the death or total and permanent disability of the borrower but (i) in cases where the repayment period has commenced, not later than 120 days following the failure to receive a regularly scheduled installment or (ii) in cases where the repayment period has not commenced, not later than 120 days following the holder's receipt of a request for loan cancellation on account of such causes.

§ 177.39 Loan cancellation; death or disability.

(a) In the event the borrower dies, the obligation to make any further payments of principal and interest shall be canceled. A determination as to whether or not a borrower is entitled to cancellation on account of death shall be made by the holder on the basis of a certificate of death or such other official proof as is conclusive under State law.

(b) In the event the borrower becomes totally and permanently disabled, the obligation to pay any further payments of principal and interest shall be canceled. A determination based on medical evidence supplied by the borrower on forms provided by the Commissioner as to whether the borrower is entitled to cancellation of indebtedness on account of total and permanent disability shall be made by the holder, subject to the approval of the Commissioner.

§ 177.40 Procedures for filing claims.

(a) *General.* The Commissioner will honor claims for reimbursement for loss on a loan insured pursuant to this subpart only if: (1) The loan is determined to be in default (as defined in § 177.1(o)) or has been canceled in accordance with § 177.39 or the borrower has been adjudicated a bankrupt; (2) the lender has used due diligence in attempting to effect collection of a defaulted loan; (3) a written demand for payment has been made on the borrower and any endorser on a defaulted note not less than 30 days nor more than 60 days prior to the filing of the claim for loss; and (4) the claim is supported by such documents as are required by the Commissioner.

(b) *Collection of loans.* The lender shall use due diligence in the servicing and collection of loans insured under this subpart, and shall utilize collection practices no less extensive and forceful than those generally in force among financial institutions.

(c) *Filing of claim application.* A claim for reimbursement for loss on an insured loan shall be filed on a form provided by the Commissioner and may be made at such time as the lender has determined, in the case of default, that the loan cannot be collected, or after such time as the lender determines the borrower to have died or become totally and permanently disabled, or upon notification that the borrower has been adjudicated a bankrupt. Such claims shall be submitted together with the original or copies of all documents relating to the approval and servicing of the loan including all collection efforts made (whether by the original lender or by any subsequent holder) and in the case of a loan in default, an affidavit, on a form to be supplied by the Commissioner to the effect that to the best of the lender's knowledge and belief, the borrower is not entitled to deferment of the repayment of the principal of the loan as provided for in § 177.37(e). In cases of loss on account of cancellation for death or total and permanent disability, the claim shall also be accompanied by the documents forming the basis for the determination. In cases of bankruptcy the claim shall be accompanied by copies of any correspondence including proofs of claim directed to or received from the referee in bankruptcy and any objections to the discharge of which the lender may be aware.

(d) *Assignment of note.* Payment of a claim shall be contingent upon receipt of an assignment to the United States of America of all right, title and interest of the lender of the note on which the claim is filed, without warranty except that the note qualifies for insurance under this subpart.

§ 177.41 Records, reports, and inspections.

(a) The lender shall maintain complete and accurate records of all federally insured loan accounts which shall reflect each transaction so as to afford ready identification of each borrower's account and the status thereof and shall contain full and proper documentation to support a claim for loss.

(b) The lender shall retain all records pertaining to each applicant to whom a loan is made until such time as the Commissioner has no further need for such records.

(c) The lender shall submit such reports and information as the Commissioner may reasonably require in connection with the administration of the program, and will permit the Government's authorized representatives at any reasonable time to inspect the books and accounts of the lender insofar as they relate to loans insured under this subpart.

§ 177.42 Transfer of insured loan.

(a) A loan insured under this subpart shall not be transferred or assigned, including assignment as security, except to another eligible lender.

(b) The Commissioner shall be notified of any assignment of a note insured under this subpart where the right to receive interest payments has also been assigned. The borrower shall be notified of the assignment of any note insured under this subpart where the assignment results in his being required to make installment payments or direct other matters connected with the loan to another party.

(c) The approval of the Commissioner is required prior to transfer or assignment of a note to any eligible lender who has not entered into an agreement with the Commissioner pursuant to this subpart. The Commissioner shall approve such transfer or assignment only if he has assurance that all matters required of lenders under this part will be complied with by one or more of the parties to such transfer or assignment.

(d) The insurance coverage on notes transferred or assigned in accordance with the provisions of this section shall remain in full force and effect and any matters required of lenders in order to perfect a claim on such notes under this part may be performed by the transferee or assignee.

§ 177.43 Termination of insurance.

The agreement covering insurance of loans provided for in § 177.32 may be terminated after reasonable notice and an opportunity for a hearing, if the Commissioner finds the lender has failed to comply with any of the provisions of this part including (a) the exercise of reasonable care and diligence in the making and collection of loans, (b) payment of premiums required pursuant to § 177.36, or (c) the filing of such reports and the keeping of such records as may be required pursuant to § 177.41. After issuance to and the receipt of such notice by the lender, and pending action taken on the basis of a hearing, if any, the Commissioner shall no longer issue certificates of loan insurance pursuant to § 177.32(b).

§ 177.44 Forbearance.

Nothing in this subpart shall be construed to preclude any forebearance for the benefit of the student borrower which may be agreed upon by the parties to the insured loan and approved by the Commissioner.

(Secs. 421–435; 79 Stat. 1236–1249, 20 U.S.C. 1071–1085)

Dated: October 31, 1967.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: January 2, 1968.

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

[F.R. Doc. 68-351; Filed, Jan. 9, 1968; 8:47 a.m.]

PART 178—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS AND DIRECT FEDERAL LOANS TO VOCATIONAL STUDENTS

Subpart A—General Provisions

Subpart D—Federal Loan Insurance

MISCELLANEOUS AMENDMENTS

1. Section 178.1 is amended (1) by deleting the last sentence from paragraph (c) dealing with the definition of "academic year", and (2) by adding a new paragraph, paragraph (p) dealing with the definition of "totally and permanently disabled". As so amended, § 178.1 reads as follows:

§ 178.1 Definitions.

As used in this part:

* * * * *

(c) "Academic year" means the period of time in which a full-time student would normally be expected to complete 28 semester hours, 42 quarter hours, or 900 clock hours of instruction or its equivalent.

* * * * *

(p) "Totally and permanently disabled" means the inability to engage in any substantial gainful activity because of a medically determinable impairment, which impairment is expected to continue for a long and indefinite period of time or to result in death.

2. Section 178.2(a) is amended to make a correction in the fourth condition of eligibility and by including appropriate references to the Federal loan insurance program. As so amended, § 178.2(a) reads as follows:

§ 178.2 Student eligibility for interest benefits.

(a) A student (1) who has received a loan from an eligible lender under (i) a student loan insurance program meeting the requirements of § 178.12 or § 178.13, (ii) a direct State student loan program meeting the requirements of § 178.14, or (iii) the program of Federal loan insurance provided for in Subpart D of this part, (2) who is enrolled or has been accepted for enrollment as at least a half-time student in an eligible institution, (3) whose adjusted family income is less than $15,000 and (4) who is a national of the United States, or is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, or has his principal actual dwelling place, of a continuing and lasting nature as distinguished from temporary, without regard to his intent, in the Trust Territory of the Pacific Islands is eligible for payment on his behalf of a portion of the interest as determined under § 178.15 or § 178.38.

* * * * *

3. In view of the addition to this part of Subpart D, covering the insurance of loans by the Federal Government, § 178.3(d) dealing with the method of determination of adjusted family income is amended so as to provide that the designation of the agencies that will make the determination may be different under the various programs. As so amended § 178.3(d) reads as follows:

§ 178.3 Adjusted family income.

* * * * *

(d) *Method of determination.* The determination of the adjusted family income of a student borrower shall be made on the basis of information submitted on forms supplied or approved by the Commissioner. The determination shall be made each time funds are advanced, except that no new determination need be made with respect to funds advanced (1) within the same tax year in which a determination was last made or (2) on a line of credit extended after May 31, 1967, where a determination has been made during the preceding 12-month period in connection with funds advanced on such line of credit.

4. Part 178 of Title 45 of the Code of Federal Regulations, dealing with the administration of the National Vocational Student Loan Insurance Act of 1965, is hereby amended by adding a new subpart, Subpart D, covering the terms and conditions under which the Commissioner of Education will insure loans made by lenders to vocational students.

The new Subpart D reads as follows:

Subpart D—Federal Loan Insurance

AUTHORITY: The provisions of this Subpart D issued under secs. 2–17, 79 Stat. 1037–1049; 20 U.S.C. 981–996.

Subpart D—Federal Loan Insurance

§ 178.31 Purpose.

The purpose of this subpart is to make federally insured loans available to the eligible students of a State where the Commissioner is unable to find that insured loans are reasonably available

under State and private nonprofit student loan insurance programs covered by an agreement entered into pursuant to § 178.12.

§ 178.32 Issuance of Federal loan insurance certificates.

(a) The Commissioner will enter into agreements with eligible leaders in accordance with section 14(a)(3) of the Act under which a default in the repayment of the principal amount of loans made by the lender (on instruments which meet the requirements of § 178.37) will be covered by Federal loan insurance certificates issued pursuant to the provisions of this subpart.

(b) Each eligible lender with which the Commissioner has entered into an agreement pursuant to paragraph (a) of this section may make application to the Commissioner for the issuance of a certificate of Federal loan insurance in connection with each application for a loan which the lender has initially determined to be eligible for such insurance coverage. Upon receipt of such application, which shall be filed on such form and in such manner as may be determined by the Commissioner, the Commissioner shall determine whether or not the loan is insurable and if the loan is determined to be insurable, the Commissioner shall issue a certificate of insurance to the lender covering the loan and setting forth the amount of the insurance. The insurance evidenced by a certificate of insurance shall become effective upon the date of issuance of the certificate and shall extend to all disbursements made pursuant to the loan, except that no disbursements made on a loan prior to the issuance of the certificate of insurance shall be covered by such certificate.

(c) The amount of loss on any loan covered by a certificate of insurance issued by the Commissioner under this subpart shall be the amount equal to the unpaid balance of the principal amount of such loan other than any interest or any other charges which may have been added to, and become a part of, the principal amount of the loan.

(d) The Commissioner may, if he finds it necessary to do so in order to assure an equitable distribution of the benefits of this part, assign, within the maximum amount specified within the Act, Federal loan insurance quotas applicable to eligible lenders, or to States or areas, and may from time to time reassign unused portions of these quotas.

(e) The lender may not make disbursement of any of the proceeds of the loan to a student borrower earlier than is reasonably necessary to meet the purposes for which the loan was made.

§ 178.33 Limitations governing maximum amount of federally insured loans.

(a) *Annual amounts.* The Commissioner will not insure loans to any student in any academic year of study in an amount in excess of $1,000 after taking into account other loans covered by this part which the student has already received during the same period of study. The Commissioner will, however, insure loans of proportionately larger amounts made to a full-time student pursuing a program of study longer than an academic year, but in no event for any 12-month period in amounts in excess of $1,333 after taking into account other loans covered by this part which the student has already received during such 12-month period of study.

(b) *Aggregate amounts.* The Commissioner will not in the case of an individual student insure and amount of a loan which, together with the outstanding principal on all other loans to such student covered under this part, exceeds $2,000.

(c) *Higher education loans.* The Commissioner will not insure loans to any student under this subpart for any academic year if such student has already received a loan for that academic year which was insured by the Commissioner under Part 177 of this chapter (the Higher Education Student Loan Insurance Program).

§ 178.34 Eligibility for insured loans.

Loans by eligible lenders who have in effect an agreement with the Commissioner are insurable under this subpart only if made to a student who (a) has been accepted for enrollment at an eligible institution, or in the case of a student attending an eligible institution, is in good standing there as determined by the institution, (b) is carrying at least one-half the normal full-time workload as determined by the institution, (c) provides the lender with a statement from the institution certifying that the conditions stated in paragraphs (a) and (b) of this section have been met, and in addition, sets forth a current schedule of tuition and fees, and its estimate of the costs of room, board and any other costs which the institution determines to be necessary to the pursuit of the student's education, (d) provides the lender with a statement of any financial aids which are to be made available to the student during the period for which the loan is sought, (e) provides the lender an assurance that the loan will not be used for any purpose other than for the costs of education for the period covered by the application, and (f) provides to the lender a statement listing the dates and amounts of other loans to him, which are covered under this part and Part 177 of this chapter.

§ 178.35 Rate of interest; late charges.

(a) *Rate of interest.* The maximum rate of interest on the unpaid principal balance of a loan may not exceed 6 percent per year calculated from the date of disbursement of funds by the lender to the borrower, exclusive of any premium for insurance.

(b) *Late charges.* The note may provide for the assessment of a charge for failure of the borrower to pay all or any part of an installment within 10 days after its due date or to file satisfactory evidence of entitlement to deferment of such installment pursuant to §178.37(e). The amount of any such charge may not exceed 5 cents for each dollar of each installment due or $5 per each such installment whichever is the lesser.

§ 178.36 Insurance premiums.

(a) *Rate.* The lender will be liable to the Commissioner on all insured loans to pay a premium in an amount equal to one-fourth of 1 percent per annum of the unpaid principal balance of the loan (excluding interest or other charges which may have been added to principal).

(b) *Collection of premiums.* Premiums covering that period of time which runs from the disbursal of the loan to the time that it is anticipated in accordance with instructions issued by the Commissioner, that repayment of principal is to begin shall be payable at the time the loan is disbursed. Premiums attributable to all other periods during which the loan is outstanding shall be payable periodically as determined by the Commissioner except that the Commissioner may waive the payment of all or part of such premiums if he determines that such premiums are not necessary to the maintenance of an adequate reserve fund for the payment of claims.

(c) *Payment of premiums.* The Commissioner may set off insurance premiums payable to him by the lender against amounts payable by the Commissioner to the lender on account of interest benefits or claims.

§ 178.37 Advancement and repayment of loans.

(a) *Evidence of indebtedness.* All insurable loans shall be evidenced by a promissory note which meets the requirements of section 8(a) of the Act. The Commissioner shall from time to time make available a promissory note form which meets the statutory requirements. Any substantive deviation from the provisions of the most current promissory note form made available by the Commissioner must be approved by the Commissioner prior to the making of any loans to be evidenced thereby. A copy of every executed note shall be supplied to the student maker thereof.

(b) *Security and endorsement.* The loan shall be made without security and without endorsement, except that if the borrower is a minor and his note would not constitute a valid and enforceable obligation under applicable local law, endorsement may be required.

(c) *Commencement of repayment.* The note evidencing the loan shall provide for repayment of the principal amount together with interest thereon in periodic installments beginning (1) not earlier than 9 months nor later than 1 year after the date on which the student ceases to carry at an eligible institution at least one-half the normal full-time academic workload as determined by that institution and (2) in the case of correspondence students, not earlier than 9 months nor later than 1 year after the expiration of a 90-day period following the student borrower's failure to submit a required assignment, or the expiration of a 90-day period following the stated normal time for completion of the program, whichever comes first.

(d) *Repayment period.* The terms of the note shall provide: (1) For repayment over a period of not less than 3 years, nor more than 6 years from the commencement of the repayment period, but in no event over a period in excess of 9 years from the date of execution of the note; and (2) that the total of the payments by a borrower during any period during which repayment of principal is required with respect to the aggregate amount of all loans to that borrower that are insured by the Commissioner under this part shall be at a rate of not less than $360 per annum or the balance of all such loans (together with interest thereon) whichever amount is less.

(e) *Deferment.* Periodic installments of principal need not be paid, but interest shall accrue and be paid during any period (1) in which the borrower is pursuing a full-time course of study at an institution of higher education within the United States or at a comparable institution outside the United States approved for that purpose by the Commissioner, (2) not in excess of 3 years, during which the borrower is a member of the Armed Forces of the United States, or (3) not in excess of 3 years during which the borrower is in service as a volunteer under the Peace Corps Act. Where repayment of the loan is deferred, the period of deferment shall not be included in the minimum or maximum period allowed for repayment of the loan provided for in paragraph (d) of this section.

(f) *Student's liability for interest.* The student borrower shall not be liable for any portion of the interest on the note which is payable by the Commissioner, and the lender will not collect or attempt to collect such portion of the interest. Interest on loans insured under this subpart which is not payable by the Commissioner shall be payable in installments over the period of the loan except that if provided in the note or other written agreement, any interest payable by the student may be deferred until not later than the date upon which payment of the first installment of principal falls due, in which case, interest that has so accrued during that period may be added on that date to the principal (but without thereby increasing the insurance liability under this part).

(g) *Acceleration.* The student borrower may accelerate repayment of the whole or any part of the loan without penalty.

(h) *Payment of insurance premiums.* The lender may require that the borrower pay, in addition to principal and interest due, an amount equal to the insurance premium that the lender is required to pay to the Commissioner on any loan.

§ 178.38 Payment of interest benefits.

(a) Where an insured loan is made to a student who on the basis of information submitted to the lender on the loan application meets the requirements of § 178.2, the Commissioner shall on the basis of such information and periodic inquiries of the institution as to the enrollment status of the student borrower, determine the interest to be paid at the applicable rate on behalf of each student.

(b) The payment shall be limited to:

(1) The total amount of the interest on the unpaid principal balance of each loan which accrues prior to the beginning of the repayment period of such loan; and

(2) Three percent per year of the unpaid principal balance of any such loan thereafter.

(c) In no event shall payments under subparagraph (1) or (2) of paragraph (b) of this section include any interest on interest or any other charges which may have been added to principal or exceed the interest payable by the student.

(d) The Commissioner's obligation to pay interest shall terminate (1) upon default by the borrower, or (2) upon a determination of the death or total and permanent disability of the borrower but (i) in cases where the repayment period has commenced, not later than 120 days following the failure to receive a regularly scheduled installment or (ii) in cases where the repayment period has not commenced, not later than 120 days following the holder's receipt of a request for loan cancellation on account of such causes.

§ 178.39 Loan cancellation; death or disability.

(a) In the event the borrower dies, the obligation to make any further payments of principal and interest shall be canceled. A determination as to whether or not a borrower is entitled to cancellation on account of death shall be made by the holder on the basis of a certificate of death or such other official proof as is conclusive under State law.

(b) In the event the borrower becomes totally and permanently disabled, the obligation to pay any further payments of principal and interest shall be canceled. A determination based on medical evidence supplied by the borrower on forms provided by the Commissioner as to whether the borrower is entitled to cancellation of indebtedness on account of total and permanent disability shall be made by the holder, subject to the approval of the Commissioner.

§ 178.40 Procedures for filing claims.

(a) *General.* The Commissioner will honor claims for reimbursement for loss on a loan insured pursuant to this subpart only if: (1) The loan is determined to be in default (as defined in § 178.1(n)) or has been canceled in accordance with § 178.39 or the borrower has been adjudicated a bankrupt; (2) the lender has used due diligence in attempting to effect collection of a defaulted loan; (3) a written demand for payment has been made on the borrower and any endorser on a defaulted note not less than 30 days nor more than 60 days prior to the filing of the claim for loss; and (4) the claim is supported by such documents as are required by the Commissioner.

(b) *Collection of loans.* The lender shall use due diligence in the servicing and collection of loans insured under this subpart, and shall utilize collection practices no less extensive and forceful than those generally in force among financial institutions.

(c) *Filing of claim application.* A claim for reimbursement for loss on an insured loan shall be filed on a form provided by the Commissioner and may be made at such time as the lender has determined, in the case of default, that the loan cannot be collected, or after such time as the lender determines the borrower to have died or become totally and permanently disabled or upon notification that the borrower has been adjudicated a bankrupt. Such claims shall be submitted together with the original or copies of all documents relating to the approval and servicing of the loan including all collection efforts made (whether by the original lender or by any subsequent holder) and in the case of a loan in default, an affidavit, on a form to be supplied by the Commissioner to the effect that to the best of the lender's knowledge and belief, the borrower is not entitled to deferment of the repayment of the principal of the loan as provided for in § 178.37(e). In cases of loss on account of cancellation for death or total and permanent disability, the claim shall also be accompanied by the documents forming the basis for the determination. In cases of bankruptcy the claim shall be accompanied by copies of any correspondence, including proofs of claim, directed to or received from the referee in bankruptcy and any objections to the discharge of which the lender may be aware.

(d) *Assignment of note.* Payment of a claim shall be contingent upon receipt of an assignment to the United States of America of all right, title and interest of the lender of the note on which the claim is filed, without warranty except that the note qualified for insurance under this subpart.

§ 178.41 Records, reports, and inspections.

(a) The lender shall maintain complete and accurate records of all federally insured loan accounts which shall reflect each transaction so as to afford ready identification of each borrower's account and the status thereof and shall contain full and proper documentation to support a claim for loss.

(b) The lender shall retain all records pertaining to each applicant to whom a loan is made until such time as the Commissioner has no further need for such records.

(c) The lender shall submit such reports and information as the Commissioner may reasonably require in connection with the administration of the program, and will permit the Government's authorized representatives at any reasonable time to inspect its books and accounts insofar as they relate to loans insured under this subpart.

§ 178.42 Transfer of insured loan.

(a) A loan insured under this subpart shall not be transferred or assigned, including assignment as security, except to another eligible lender.

(b) The Commissioner shall be notified of any assignment of a note insured

under this subpart where the right to receive interest payments has also been assigned. The borrower shall be notified of the assignment of any note insured under this subpart where the assignment results in his being required to make installment payments or direct other matters connected with the loan to another party.

(c) The approval of the Commissioner is required prior to transfer or assignment of a note to any eligible lender who has not entered into an agreement with the Commissioner pursuant to this subpart. The Commissioner shall approve such transfer as assignment only if he has assurance that all matters required of lenders under this part will be complied with by one or more of the parties to such transfer or assignment.

(d) The insurance coverage on notes transferred or assigned in accordance with the provisions of this section shall remain in full force and effect and any matters required to lenders in order to perfect a claim on such notes under this part may be performed by the transferee or assignee.

§ 178.43 Termination of insurance.

The agreement covering insurance of loans provided for in § 178.32 may be terminated after reasonable notice and an opportunity for a hearing, if the Commissioner finds the lender has failed to comply with any of the provisions of this part including (1) the exercise of reasonable care and diligence in the making and collection of loans, (2) payment of premiums required pursuant to § 178.36, or (3) the filing of such reports and the keeping of such records as may be required pursuant to § 178.41. After issuance to and the receipt of such notice by the lender, and pending action taken on the basis of a hearing, if any, the Commissioner shall no longer issue certificates of loan insurance pursuant to § 178.32(b).

§ 178.44 Forbearance.

Nothing in this subpart shall be construed to preclude any forbearance for the benefit of the student borrower which may be agreed upon by the parties to the insured loan and approved by the Commissioner.

(Secs. 3–17, 79 Stat. 1037–1049; 20 U.S.C. 981–996)

Dated: October 31, 1967.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: January 2, 1968.

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

[F.R. Doc. 68-352; Filed, Jan. 9, 1968; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[RM-960; FCC 68-5]

PART 95—CITIZENS RADIO SERVICE

Continuity of Call Signs for Class B, C, and D Stations

Order. 1. The Commission has before it a petition filed by George Nims Raybin for reconsideration of the Commission's order released under delegated authority pursuant to § 0.332(m) of the Commission's rules on August 11, 1966 (Mimeo No. 87873), denying Mr. Raybin's petition for the institution of rule making to provide for the continuity of call signs of citizens Class B, C, and D stations. This decision was based on the Commission's earlier report and order (FCC 64-687) in Docket No. 14843, released July 29, 1964, which stated that because a number of outstanding licenses were not in accord with the international call sign series and cost considerations did not warrant transferring the data of licenses issued between January 1, 1962, and February 11, 1964, to the electronic computer master record, it would not be feasible to provide for the continuity of call signs in the Citizens Radio Service at that time.

2. The Commission has restudied the matter to ascertain the feasibility of providing such continuity of call signs in the light of current procedures in the Citizens Radio Service. It now appears that factors which required rejection of the original proposal are no longer existent. Licenses bearing call signs that were inconsistent with the international call sign series have now expired. The continued use of the same call sign will be more convenient to the licensee and make unnecessary the expense of changing stationary and transmitter identification cards upon renewal or modification. Accordingly, it is found that the public interest would be served by permitting the issuance of the same call sign to licensees upon renewal or modification of their license.

3. Continuity of call signs in the Citizens Radio Service will be permitted for all renewal or modification applications granted after the effective date of the amendment adopted herein. The amendment adopted herein is procedural in nature and, hence, the prior notice and effective date provisions of 5 U.S.C. 553 are not applicable. Authority for this amendment is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered,* Effective January 10, 1968, that § 95.95(a) of the Commission's rules is amended as set forth below.

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

Adopted: January 4, 1968.

Released: January 5, 1968.

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

Section 95.95(a) is amended to read as follows:

§ 95.95 Station identification.

(a) The call sign of a citizens radio station shall consist of three letters followed by four digits.

* * * * *

[F.R. Doc. 68-366; Filed, Jan. 9, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Marketing Quotas, 1967 and Subsequent Crop Years

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1356, 1375), the Department proposes to amend § 730.31 of the rice marketing quota regulations for 1967 and subsequent crop years in order to implement Public Law 90–191, enacted on December 14, 1967.

The purpose of this amendment is to provide that, effective with 1968 and subsequent crops of rice, if the farm marketing excess of rice determined for any farm is delivered to the Secretary such farm shall be considered to be in compliance with the rice allotment for such year.

Prior to the issuance of this amendment, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration provided such submissions are postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

It is proposed that § 730.31 be amended by adding at the end thereof a new paragraph (e) to read as follows:

§ 730.31 Delivery of the farm marketing excess to the Secretary.

* * * * *

(e) *Delivery of excess rice to comply with allotment.* Effective with 1968 and subsequent crops or rice, if the farm marketing excess of rice determined in accordance with § 730.7 or § 730.10, as applicable, for any farm is delivered to the Secretary as provided in this section, such farm shall be considered to be in compliance with the rice allotment for such year: *Provided,* That the producers involved notify the county committee not later than the final date for disposal of excess rice acreage, as provided in Part 718 of this chapter, Determination of Acreage and Compliance, of their intention to deliver the excess rice: *Provided further,* That such excess rice shall be delivered within 60 calender days after the date on which the harvesting of rice is normally substantially completed in the county as determined in accordance with § 730.10(a) or pursuant to § 730.9.

Signed at Washington, D.C., on January 3, 1968.

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

[F.R. Doc. 68–334; Filed, Jan. 9, 1968; 8:45 a.m.]

Consumer and Marketing Service

[7 CFR Part 1016]

[Docket No. AO–312–A14]

MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn, 999 West Patrick Street, Junction of U.S. 40W and U.S. 15 bypass, Frederick, Md., beginning at 10 a.m., on January 25, 1968, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Upper Chesapeake Bay marketing area.

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

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

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

Proposed by Harvey Dairy, Inc.:

Proposal No. 1. Include in the Upper Chesapeake Bay marketing area the entire military establishment known as Fort Ritchie which is located in Washington County, Md.

Proposed by Maryland Cooperative Milk Producers, Inc.:

Proposal No. 2. Delete the period at the end of § 1016.61(a), insert a colon and add the following provisos:

Provided, That if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order:

And provided further, That on the basis of a written application made either by the plant operator or by the cooperative association supplying milk to such operator's plant, at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for the purposes of this paragraph shall exclude (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, E. Hickman Greene, Post Office Box 6848, Towson Station, 20 East Susquehanna Avenue, Baltimore, Md. 21204; or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on January 5, 1968.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68–368; Filed, Jan. 9, 1968; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Ch. IV]

[Docket No. 67–55]

COMMON CARRIERS OF FREIGHT BY WATER IN FOREIGN COMMERCE OF THE UNITED STATES

Rules Governing Filing of Agreements; Rescheduling of Filing Dates

By FEDERAL REGISTER publication of November 28, 1967 (32 F.R. 16226), the Federal Maritime Commission extended

the time for filing comments in this proceeding to January 15, 1968.

Upon request, and good cause appearing, time for filing comments is enlarged to and including February 1, 1968, for all parties. Hearing Counsel shall reply to comments on or before March 1, 1968. Answers to Hearing Counsel's reply shall be submitted on or before March 22, 1968.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 68-369; Filed, Jan. 9, 1968; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 68-344, Federal Deposit Insurance Corporation, *infra*.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 585]

CALIFORNIA

Notice of Classification of Public Lands for Multiple Use Management

DECEMBER 28, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands described in paragraph 3 are classified for multiple use, together with any lands therein that may become public lands in the future. As used herein, "Public Lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Publication of this notice has the effect of segregating the described lands from appropriation only under the Agricultural Land Laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. sec. 334), from sale under sec. 2455 of the Revised Statutes as amended (43 U.S.C. 1171), and the lands described in paragraph 4 from appropriation under the Mining Laws (30 U.S.C. Ch. 2). The lands shall remain open to all other applicable forms of appropriation.

3. The public lands are located in Northwestern San Bernardino County and are shown on the Trona Planning Unit Classification Map, which is on file in the Riverside District and Land Office, Bureau of Land Management, California.

The overall description of the area is as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

SAN BERNARDINO COUNTY

T. 25 S., R. 40 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 26 S., R. 40 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 27 S., R. 40 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 28 S., R. 40 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 25 S., R. 41 E., unsurveyed.
T. 26 S., R. 41 E
T. 26 S., R. 41 E.
T. 27 S., R. 41 E.
T. 28 S, R 41 E.
T. 28 S., R. 41 E.
T. 30 S., R. 41 E.,
Secs. 1 to 5, inclusive;
Sec. 6, W½;
Sec. 7, NE¼NE¼, NE¼NW¼NE¼, S½NW¼NW¼NE¼, S½NW¼NE¼, S½NE¼, W½, and SE¼;
Secs. 8 to 36 inclusive.
T. 31 S., R. 41 E.
T. 32 S., R. 41 E.
T. 25 S., R. 42 E., partly unsurveyed.
T. 26 S., R. 42 E.
T. 27 S., R. 42 E.,
Secs. 1 to 12, inclusive;
Secs. 16 to 21, inclusive;
Secs. 25 and 26;
Secs. 29 to 32, inclusive;
Secs. 35 and 36.
T. 28 S., R. 42 E.
T. 29 S., R. 42 E.
T. 30 S., R. 42 E.
T. 31 S., R. 42 E.
T. 32 S., R. 42 E.
T. 25 S., R. 43 E.
T. 26 S., R. 43 E.
T. 27 S., R. 43 E.,
Secs. 1 and 2;
Secs. 6 and 7;
Secs. 9 to 36, inclusive.
T. 28 S., R. 43 E.
T. 29 S., R. 43 E.
T. 30 S., R. 43 E.
T. 31 S., R. 43 E.
T. 32 S., R. 43 E.
T. 25 S., R. 44 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 26 S., R. 44 E.
T. 27 S., R. 44 E.
T. 28 S., R. 44 E.
T. 29 S., R. 44 E.
T. 30 S., R. 44 E.
T. 31 S., R. 44 E.,
Secs. 1 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 25 S., R. 45 E.
T. 26 S., R. 45 E.
T. 27 S., R. 45 E.
T. 28 S., R. 45 E.
T. 29 S., R. 45 E.
T. 30 S., R. 45 E.
T. 31 S., R. 45 E.
T. 25 S., R. 46 E.
T. 26 S., R. 46 E.
T. 27 S., R. 46 E.
T. 28 S., R. 46 E.
T. 29 S., R. 46 E.
T. 30 S., R. 46 E.
T. 31 S., R. 46 E.
T. 25 S., R. 47 E.
T. 26 S., R. 47 E.
T. 27 S., R. 47 E.
T. 28 S., R. 47 E.
T. 29 S., R. 47 E.
T. 30 S., R. 47 E.
T. 31 S., R. 47 E.

SAN BERNARDINO MERIDIAN, CALIFORNIA

SAN BERNARDINO COUNTY

T. 13 N., R. 1 E.
T. 14 N., R. 1 E.,
Secs. 15 to 22, inclusive;
Secs. 25 to 36, inclusive.

The public lands to be classified aggregate approximately 406,642 acres.

4. As provided in paragraph 2 above, the following lands are further segregated from appropriation under the Mining Laws (totaling approximately 5,510 acres in San Bernardino County, Calif.).

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 27 S., R. 42 E.,
Sec. 13;
Sec. 14;
Sec. 15, S½S½SE¼;
Sec. 22, NE¼, SW¼NW¼SW¼, SW¼SW¼, SW¼SE¼SW¼, NE¼SE¼, NE¼NW¼SE¼;
Sec. 23, E½, NW¼, N½SW¼, N½SW¼SW¼, SE¼SW¼SW¼, SE¼SW¼;
Sec. 24, NW¼;
Sec. 27, NW¼NW¼NE¼, S½NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 28, E½E½;
Sec. 33, NE¼NE¼;
Sec. 34, N½NW¼.
T. 27 S., R. 43 E. (unsurveyed) Geologic Natural Area,
Sec. 3;
Sec. 4;
Sec. 5, E½, and that part of W½ lying east of the center line of the Trona Railway right-of-way;
Sec. 8, NE¼, and that part of the E½NW¼ lying east of the center line of the Trona Railway right-of-way.
T. 31 S., R. 45 E.,
Sec. 30, S½NW¼, S½.

5. Comments were received following publication of the Notice of Proposed Classification (32 F.R. 14861), or at the Public Hearing held at Barstow, Calif., on November 30, 1967. All written and oral comments were carefully considered and no changes were deemed necessary.

6. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2(c).

E. J. PETERSEN,
Acting State Director.

[F.R. Doc. 68-321; Filed, Jan. 9, 1968; 8:45 a.m.]

[Serial No. U-4069]

UTAH

Notice of Proposed Classification of Public Lands for Multiple Use Management; Correction

In F.R. Doc. 67-15088 appearing at pages 20988 and 20989 of the issue for Friday December 29, 1967 the following statements should be added immediately following the land description for each county:

UTAH COUNTY

The public lands in the area described aggregate approximately 7,000 acres.

DUCHESNE AND UINTAH COUNTIES

The public lands in the area described aggregate approximately 90,000 acres.

CARBON COUNTY

The public lands in the area described aggregate approximately 430,000 acres.

The total area described aggregates approximately 527,000 acres of public land.

R. D. NIELSON,
State Director.

[F.R. Doc. 68-324; Filed, Jan. 9, 1968; 8:45 a.m.]

Office of the Secretary

ADMINISTRATOR, SOUTHWESTERN POWER ADMINISTRATION, ET AL.

Notice of Basic Compensation

Pursuant to the provisions of section 211 of the Postal Revenue and Federal Salary Act of 1967 (Public Law 90-206), the salaries of the Administrator, Southwestern Power Administration, the Governor of Guam, and the Governor of the Virgin Islands were adjusted to $27,055 per annum.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 28, 1967.

[F.R. Doc. 68-325; Filed, Jan. 9, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

GRAIN STANDARDS

Inspection Points

Statement of considerations. On September 6, 1967, there was published in the FEDERAL REGISTER (32 F.R. 12755) a notice of proposed rule making to consider requests from certain interested parties asking that licensed grain inspectors be authorized to post their licenses to inspect and grade grain under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) at one or more of the following additional places in Iowa:

Jefferson, Greene County.
Perry, Dallas County.
Waterloo, Black Hawk County.

Inspection agencies, members of the grain trade, and other interested parties were given an opportunity to submit written data, views, or arguments with respect to the need, operation, and support of the proposed established inspection points.

Interested persons or organizations were given until October 9, 1967, to submit written data, views, or arguments with respect to the requests.

The Des Moines Grain Exchange submitted data, views, and arguments in favor of an inspection point at Perry, Dallas County, Iowa. This was the only response received from an inspection agency. Supporting data, views, and arguments were submitted by the Farmers Grain Dealers Association of Iowa Cooperative, Des Moines, Iowa. No contrary written data, views, or arguments were submitted with respect to establishing a grain inspection point at Perry.

Pursuant to the authority contained in section 8 of the U.S. Grain Standards Act, as amended (7 U.S.C. 84), Perry, Dallas County, Iowa, is hereby approved under the U.S. Grain Standards Act as a place where licensed inspectors may post their licenses, and the Des Moines Grain Exchange is hereby authorized to station one or more licensed inspectors at that point. Notice will be given to interested parties of the effective date that grain inspection services will be provided under the Act at Perry, Iowa.

No data, views, or arguments were submitted by interested parties regarding the requests to establish inspection points at Jefferson, Greene County, Iowa, and Waterloo, Black Hawk County, Iowa. Accordingly, the requests are hereby declined without prejudice.

(Sec. 8, 39 Stat. 485; 7 U.S.C. 84; 29 F.R. 16210, as amended)

Done at Washington, D.C., this 4th day of January 1968.

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

[F.R. Doc. 68-337; Filed, Jan. 9, 1968; 8:46 a.m.]

Federal Crop Insurance Corporation

MANAGER

Notice of Basic Compensation

Pursuant to the provisions of section 309 of the Federal Employees Salary Act of 1964 (Public Law 88-426), notice is hereby given that the basic compensation for the position of Manager of the Federal Crop Insurance Corporation of the U.S. Department of Agriculture, has been adjusted to $27,055 per annum effective October 8, 1967.

Done at Washington, D.C., this 5th day of January 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68-338; Filed, Jan. 9, 1968; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

ASSISTANT GENERAL MANAGER FOR MILITARY APPLICATION [1] ET AL.

Notice of Basic Compensation

Pursuant to the provisions of 5 U.S.C. 5364, the salaries of the following positions, established by the Atomic Energy Act of 1954, as amended, were adjusted from $25,890 to $27,055 per annum, effective October 8, 1967:

Title of position	*Authorizing section of Atomic Energy Act of 1954, as amended*
Assistant General Manager for Military Application,[1] and Program Division Directors.	Sec. 25a.
Director, Division of Inspection	Sec. 25c.
Executive Management Positions	Sec. 25d.

[1] New title conferred by Public Law 90-190, effective December 14, 1967. Position previously titled Director, Division of Military Application.

Dated: January 4, 1968.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 68-319; Filed, Jan. 9, 1968; 8:45 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Equal Opportunity.

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

[F.R. Doc. 68-328; Filed, Jan. 9, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Confidential Assistant to the Administrator, Social and Rehabilitation Services.

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

[F.R. Doc. 68-329; Filed, Jan. 9, 1968; 8:45 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business December 30, 1967, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 464,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 186,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 82,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated January 1961, and any amendments thereto.[1] The original Report of Condition required to be furnised hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1961, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated January 1961, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] K. A. RANDALL,
Chairman.

WILLIAM B. CAMP,
Comptroller of the Currency.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
J. L. ROBERTSON,
Vice Chairman.

[F.R. Doc. 68-344; Filed, Jan. 9, 1968; 8:46 a.m.]

INSURED STATE BANKS NOT MEMBERS OF FEDERAL RESERVE SYSTEM EXCEPT BANKS IN DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

Call for Annual Report of Income and Dividends

Pursuant to the provisions of section 7(a) of the Federal Deposit Insurance Act each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, is required to make a Report of Income and Dividends for the calendar year 1967 on Form 73 (revised December 1967)[1] to the Federal Deposit Insurance Corporation within 10 days after notice that such report shall be made. Said Report of Income and Dividends shall be prepared in accordance with "Instructions for the preparation of Report of Income and Dividends on Form 73", dated December 1961, and any amendments thereto.[1]

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 68-364; Filed, Jan. 9, 1968; 8:48 a.m.]

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

Call for Annual Report of Income and Dividends

Pursuant to the provisions of section 7(a) of the Federal Deposit Insurance Act each insured mutual savings bank not a member of the Federal Reserve System is required to make a Report of Income and Dividends for the calendar year 1967 on Form 73 (Savings), revised December 1951,[1] to the Federal Deposit Insurance Corporation within 10 days after notice that such report shall be made. Said Report of Income and Dividends on Form 73 (Savings)," dated Dewith "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings)," dated December 1962, and any amendments thereto.[1]

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 68-363; Filed, Jan. 9, 1968; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[No. 21,302]

BONUS RATES

Resolution

JANUARY 4, 1968.

Resolved, that Federal Home Loan Bank Board Resolution No. 21,194, dated December 12, 1967, to become effective January 15, 1968, is amended by the addition of two new subparagraphs to paragraph 5, subparagraphs (iv) and (v), immediately after subparagraph (iii), to read as follows:

5. The association's board of directors adopts a resolution setting forth a bonus rate not in excess of 1 percent per annum, subject to the following provisions:

* * * * *

(iv) A bonus rate may not be fixed which, when added to other earnings at the time such rate is fixed, would cause any applicable regulatory maximum rate of return to be exceeded.

(v) For any distribution period in which other earnings on the account, when added to the bonus, would cause any applicable regulatory maximum rate of return to be exceeded, the bonus rate shall be reduced to such rate as will cause total earnings on the account to equal the applicable regulatory maximum rate of return.

Resolved further, that the third paragraph of the Application and Agreement for 48-to-96 Month Bonus Plan Account, set forth as Exhibit A attached to said Resolution, be amended by the addition of the following sentence:

However, the stated bonus rate may be reduced in any distribution period so that, when added to other earnings, the total earnings shall not exceed any applicable regulatory maximum rate or return.

Provided, that the effective date of this Resolution shall be January 15, 1968.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68-361; Filed, Jan. 9, 1968; 8:47 a.m.]

[1] Filed as part of original document.

[1] Filed as part of original document.

[1] Filed as part of original document.

FEDERAL POWER COMMISSION

[Docket No. RI68-304, etc.]

SINCLAIR OIL & GAS CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 28, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rates supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until dispositions of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedures (18 CFR 1.8 and 1.37(f)) on or before February 15, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-304	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	197	4	United Gas Pipe Line Co. (Gibson Field, Terrebonne Parish, La.) (South Louisiana).	$3,135	12- 4-67	[2] 1- 4-68	6- 4-68	[5] [6] 18.5	[3] [4] [5] 20.625	
RI68-305	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, Tex. 77001.	85	[10] 6	United Gas Pipe Line Co. (Abbeville Field, Vermillion Parish, La.) (South Louisiana).	2,460	12- 4-67	[7] 1- 4-68	6- 4-68	[9] 15.75	[4] [8] 23.5	
	----do----	40	2	Lone Star Gas Co. (Riviere Lease, Stephens County, Okla.) (Oklahoma "Other" Area).	321	12- 4-67	[7] 1- 4-68	6- 4-68	11.0	[14] [15] [16] 13.01	
RI68-306	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al.	8	[10] [13] 14	United Gas Pipe Line Co. (Abbeville Field, Vermillion Parish, La.) (South Louisiana).	15,716	12- 4-67	[7] 1- 4-68	6- 4-68	[11] 20.25 [12] 20.0	[4] [8] 23.5	
RI68-307	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, Attn: Mr. John J. Carter.	390	10	Texas Eastern Transmission Corp. (West George West Field, Live Oak County, Tex.) (RR. District No. 2).	859	12- 8-67	[2] 2- 5-68	7- 5-68	[18] 14.3733	[16] [17] [18] 14.8733	RI66-376.
	----do----	391	20	Texas Eastern Transmission Corp. (Helen Gohlke Field, De Witt County, Tex.) (RR. District No. 2).	45	12- 8-67	[2] 2- 5-68	7- 5-68	15.35	[16] [19] 15.6	RI67-277.[20]
RI68-308	W. H. Doran, Jr., Post Office Box 648, Alice, Tex. 78332.	1	6	United Gas Pipe Line Co. (Lou Ella Field, San Patricio County, Tex.) (RR. District No. 4).	1,231	12- 7-67	[7] 1- 7-68	6- 7-68	[21] 13.25	[16] [17] [21] 14.25	
RI68-309	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	34	28	Texas Eastern Transmission Corp. (Tom Lyne Field et al. Live Oak County, Tex.) (RR. District No. 2).	45,338	12- 7-67	[2] 2- 5-68	7- 5-68	[22] 14.8733	[16] [17] [22] 14.8733	RI63-272.
	----do----	244	15	Texas Eastern Transmission Corp. (North Hostetter Field, McMullen County, Tex.) (RR. District No. 1).	2,075	12- 8-67	[2] 2- 5-68	7- 5-68	[22] 14.8733	[16] [17] [22] 15.3733	RI63-272.
	----do----	35	21	Texas Eastern Transmission Corp. (Meyersville Field, De Witt County, Tex.) (RR. District No. 2).	88	12- 7-67	[2] 2- 5-68	7- 5-68	[22] 14.3733	[16] [17] [22] 14.8733	RI63-311.
	----do----	37	18	Texas Eastern Transmission Corp. (Jennie Bell Field, De Witt County, Tex.) (RR. District No. 2).	2,715	12- 7-67	[2] 2- 5-68	7- 5-68	[23] 14.3733	[16] [17] [23] 14.8733	RI63-311.
	----do----	134	10	Texas Eastern Transmission Corp. (Meyersville Field, De Witt County, Tex.) (RR. District No. 2).	254	12- 7-67	[2] 2- 5-68	7- 5-68	[23] 14.3733	[16] [17] [23] 14.8733	RI63-311.
	----do----	161	9	Texas Eastern Transmission Corp. (Cabeza Creek Field, Goliad County, Tex.) (RR. District No. 2).	874	12- 7-67	[2] 5- 5-68	7- 5-68	[23] 14.3733	[16] [17] [23] 14.8733	RI63-311.
	----do----	229	4	West Texas Gathering Co. (Emperior Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	2,720	11-27-67	[2] 1- 1-68	6- 1-68	17.0	[16] [17] 18.0	RI63-272.
RI68-310	Colton and Colton (Operator) et al, D-204 Petroleum Center, San Antonio, Tex. 78209.	1	3	United Gas Pipe Line Co. (McFadden Field, Refugio County, Tex.) (RR. District No. 2).	6,077	12-11-67	[7] 1-11-68	6-11-68	13.1664	[16] [17] 14.1792	

See footnotes at end of table.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-311	Atlantic Richfield Co. (Operator) et al.	36	19	Texas Eastern Transmission Corp. (San Domingo Field, Bee County, Tex.) (RR. District No. 2).	2,113	12- 7-67	2- 5-68[2]	7- 5-68	[28] 14.3733	[16 17 23] 14.8733	RI63-312.
RI68-312	Barnwell, Inc. (Operator) et al., Beck Bldg., Shreveport, La.	1	2	Texas Gas Transmission Corp. (Minden Field, Webster and Claiborne Parishes, La.) (North Louisiana).	27,000	11-30-67	1- 1-68[2]	6- 1-68	[5 24] 18.25	[4 5 17 24] 19.75	
RI68-313	Ashland Oil & Refining Co. (Operator) et al., Post Office Box 18695, Oklahoma City, Okla. 73118.	156	2	Texas Gas Transmission Corp. (Bastrop Area, Morehouse Parish, La.) (North Louisiana).	5,000	11-30-67	1- 1-68[2]	6- 1-68	[5 24] 16.75	[4 5 17 24] 17.75	
RI68-314	do	182	1	Northern Natural Gas Co. (Northeast Catesby Field, Ellis County, Okla.) (Panhandle Area).	116	12- 6-67	1- 6-68[3]	6- 6-68	[32] 19.380	[4 17 25] 20.535	
RI68-315	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	188	5	El Paso Natural Gas Co. (South Erick Field, Beckham County, Okla.) (Oklahoma "Other" Area).	212	12- 4-67	1- 4-68[7]	6- 4-68	13.0	[16 17] 14.0	RI67-272.
	do	392	3	Panhandle Eastern Pipe Line Co. (Bishop et al., Fields, Ellis County, Okla.) (Panhandle Area).	5,553	12- 4-67	1- 4-68[7]	6- 4-68	[26] 18.972	[16 17 26] 20.088	
	do	366	2	Colorado Interstate Gas Co. (Patrick Draw Field, Sweetwater County, Wyo.).	6,774	12- 4-67	1- 4-68[7]	6- 4-68	[27] 14.5	[16 17] 15.5	
	do	378	1	Montana-Dakota Utilities Co. (Indian Butte Field, Freemont County, Wyo.).	([28])	12- 4-67	[7] 1- 4-68	6- 4-68	[27 29] 15.0	[16 17 29] 16.0	
RI68-316	The Shamrock Oil & Gas Corp. (Operator), Post Office Box 631, Amarillo, Tex. 79105.	23	4	Northern Natural Gas Co. (McKee Plant, Moore County, Tex.) (RR. District No. 10).	54,900	12- 4-67	[7] 1- 4-68	6- 4-68	[5] 16.0	[5 16 17] 17.0	RI63-246.
RI68-317	Alliance Oil & Gas Co., Post Office Box 245, Anadarko, Okla. 73005.	1	4	Cities Service Gas Co. (West Cement Field, Caddo County, Okla.) (Oklahoma "Other" Area).	4,553	12- 1-67	[7] 1- 1-68	6- 1-68	12.0	[16 17] 13.0	RI63-247.
RI68-318	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	205	1	Panhandle Eastern Pipe Line Co. (Northeast Gage Field, Ellis County, Okla.) (Panhandle Area).	277	12- 1-67	[2] 1- 1-68	6- 1-68	[30] 17.34	[16 17 30] 18.375	
	do	207	2	Panhandle Eastern Pipe Line Co. (South Peek Field, Ellis County, Okla.) (Panhandle Area).	205	12- 1-67	[2] 1- 1-68	6- 1-68	[30] 17.34	[16 17 30] 18.375	
	do	209	2	Northern Natural Gas Co. (Woodward and Ellis Counties, Okla.) (Panhandle Area).	5,721	12- 1-67	[2] 1- 1-68	6- 1-68	[30] 17.255	[16 17 30] 18.285	
RI68-319	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	247	11	Texas Gas Transmission Corp. (Minden Field, Webster Parish, La.) (North Louisiana).	68	11-30-67	[2] 1- 1-68	6- 1-68	[5 24 31] 18.25	[4 5 17 24 31] 19.75	
RI68-320	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	138	4	Panhandle Eastern Pipe Line Co. (South Peek Field, Ellis County, Okla.) (Panhandle Area).	46,612	11-29-67	[2] 1- 1-68	6- 1-68	[30] 19.584	[17 18 30] 20.751	
RI68-321	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	94	2	Texas Gas Transmission Corp., (Cartwright Field, Jackson Parish, La.) (North Louisiana).	14	12- 6-67	[7] 1- 6-68	6- 6-68	[5 24] 18.75	[4 5 17 24] 20.25	
	do	95	4	Texas Gas Transmission Corp. (Terryville Field, Lincoln Parish, La.) (North Louisiana).	3,900	12- 6-67	[7] 1- 6-68	6- 6-68	[5 24] 18.25	[4 5 17 24] 19.75	
	do	96	2	Texas Gas Transmission Corp., (Bull Creek Field, Claiborne and Union Parishes, La.) (North Louisiana).	600	12- 6-67	[7] 1- 6-68	6- 6-68	[5 24] 18.25	[4 5 17 24] 19.75	
	do	101	4	Texas Gas Transmission Corp., (Carlton, Calhoun, and Tremont Areas, Jackson, Lincoln, and Ouachita Parishes, La.) (North Louisiana).	1,170	12- 6-67	[7] 1- 6-68	6- 6-68	[5 24] 18.25	[4 5 17 24] 19.75	
RI68-322	Kerr McGee Corp. (Operator) et al.	98	5	Texas Gas Transmission Corp., (North Grambling Field, Lincoln Parish, La.) (North Louisiana).	7,040	12- 6-67	[7] 1- 6-68	6- 6-68	[5 24] 18.75	[4 5 17 24] 20.25	
RI68-323	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	42	3	Panhandle Eastern Pipe Line Co. (South Peek Field, Ellis County, Okla.) (Panhandle Area).	4,460	12- 4-67	[7] 1- 4-68	6- 4-68	[32] 19.89	[16 17 32] 21.06	
RI68-324	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	128	3	Lone Star Gas Co. (C. D. Smith Unit, Sholem Alechem Field, Carter County, Okla.) (Oklahoma "Other" Area).	8,890	12- 6-67	[7] 1- 6-68	6- 6-68	12.0	[16 17] 13.0	RI67-10.
RI68-325	M. B. Chastain (Operator) et al., Townhouse Apartments No. 414, Shreveport, La.	5	2	Texas Gas Transmission Corp. (Carthage Field, Panola County, Tex.) (RR District No. 4).	1,840	12- 5-67	[7] 1- 5-68	6- 5-68	[5] 14.6	[5 16 17] 15.6	

See footnotes at end of table.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-326	Union Pacific Railroad Co., Natural Resources Division, 5480 Ferguson Dr., Los Angeles, Calif. 90022.	6	3	Colorado Interstate Gas Co. (Wamsutter Unit Area, Sweetwater County, Wyo.).	6,000	12- 1-67	[2] 1- 1-68	6- 1-68	[27] 15.0	[16] [17] 16.0	
	do	4	5	Colorado Interstate Gas Co. (Table Rock Field, Sweetwater County, Wyo.).	30,000	12- 1-67	[2] 1- 1-68	6- 1-68	16.0	[16] [33] 17.0	RI63-254.
	do	5	4	Colorado Interstate Gas Co., (Patrick Draw Area, Sweetwater County, Wyo.).	14,000	12- 1-67	[2] 1- 1-68	6- 1-68	16.0	[16] [17] 17.0	RI63-254.
	do	7	2	Colorado Interstate Gas Co., (Desert Springs Field, Sweetwater County, Wyo.).	22,000	12- 1-67	[2] 1- 1-68	6- 1-68	14.5	[16] [17] 15.5	
	do	12	3	Colorado Interstate Gas Co. (Table Rock Field, Sweetwater County, Wyo.).	3,050	12- 1-67	[2] 1- 1-68	6- 1-68	16.0	[16] [33] 12.7	RI63-169.
RI68-327	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific, Oil Co. (operator) et al., Post Office Box 747, Dallas, Tex. 75221.	19	12	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.). (RR. District No. 8) (Permian Basin Area).	25,000	12- 1-67	[2] 1- 1-68	6- 1-68	17.0	[16] [17] 18.0	RI63-182.
RI68-331	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co.	33	4	Phillips Petroleum Co. (Azalea Field, Midland County, Tex.) (RR. District No. 8) (Permian Basin Area).	320	12- 1-67	[2] 1- 1-68	6- 1-68	[34] 13.56	[16] [17] [34] 14.56	RI63-183.
	do	34	4	do	380	12- 1-67	[2] 1- 1-68	6- 1-68	[34] 13.56	[16] [17] [34] 14.56	RI63-183.
	do	35	4	do	100	12- 1-67	[2] 1- 1-68	6- 1-68	[34] 13.56	[16] [17] [34] 14.56	RI63-179.
	do	36	4	do	720	12- 1-67	[2] 1- 1-68	6- 1-68	[34] 13.56	[16] [17] [34] 14.56	RI63-180.
	do	63	4	do	300	12- 1-67	[2] 1- 1-68	6- 1-68	[34] 13.56	[16] [17] [34] 14.56	RI63-180.

[2] The stated effective date is the effective date requested by Respondent.
[3] "Fractured" rate increase. Contractually due 24.3 cents per Mcf.
[4] Pressure base is 15.025 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] Settlement rate approved by Commission order issued July 1, 1963, in Docket No. G-9291, G-9292 et al.
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] Redetermined rate increase.
[9] Initial certificated rate.
[10] Includes Agreement dated Oct. 25, 1967, which provides for the redetermined rate proposed herein for the 5-year period commencing Oct. 27, 1967. Also provides for elimination of tax reimbursement during such period.
[11] Initial certificated rate pertaining to all acreage covered by Union's Rate Schedule except acreage dedicated to Supplement Nos. 7 and 9.
[12] Conditioned initial certificated rate as provided by orders issued in Opinion No. 436 and pertaining to acreage dedicated by Supplement No. 7 to Union's FPC Gas Rate Schedule No. 8.
[13] Rate change pertains to all acreage except acreage dedicated by Supplement No. 9. Rate for gas sold from such acreage is a temporary certificated rate of 21.25 cents.
[14] Two-step periodic rate increase plus tax reimbursement.
[15] Includes 0.01-cent tax reimbursement.
[16] Pressure base is 14.65 p.s.i.a.
[17] Periodic rate increase.
[18] Plus standard differential of 0.05 cent maintained by Texas Eastern for delivery of dehydrated gas at central point.
[19] "Fractured" rate. Contractually due 16.1233 cents (14.8733-cent base rate plus 0.05-cent dehydration and 0.75-cent delivery pressure service charge allowance).
[20] Rate in effect subject to refund in Docket No. RI67-277. (Includes base rate of 14.6 cents plus delivery pressure service charge of 0.75 cent.)
[21] Includes tax reimbursement of 1.28 percent after deduction of actual compression charge which varies from month to month. Compression charges average 4.58 cents per Mcf and tax reimbursement was calculated as 0.11068 cent before and 0.12342 cent after increase based on a yearly production history.
[22] Includes 0.5 cent per Mcf service charge paid by Texas Eastern for delivery of dehydrated gas at central point by producer.
[23] Plus standard differential of 0.5 cent maintained by Texas Eastern for delivery of dehydrated gas at central point.
[24] Includes 1.75-cent tax reimbursement.
[25] Includes base price of 17 cents plus 2.38 cents upward B.t.u. adjustment (1,140 B.t.u. gas) before increase and base price of 18 cents plus 2.535 cents upward B.t.u. adjustment plus 0.015-cent tax reimbursement after increase. Base price subject to upward and downward B.t.u. adjustment.
[26] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and 18 cents plus upward B.t.u. adjustment after increase for 1,116 B.t.u. gas shown in filing. Base rate subject to upward and downward B.t.u. adjustment.
[27] Initial rate.
[28] No production at present time.
[29] Converted from contract rates of 15.384 cents (initial) and 16.4096 cents (increased) at 15.025 p.s.i.a. to 14.65 p.s.i.a.
[30] Includes base price of 17 cents plus upward B.t.u. adjustment before increase and base price of 18 cents plus upward B.t.u. adjustment plus 0.015-cent tax reimbursement after increase. Base rate subject to upward and downward B.t.u. adjustment.
[31] For acreage covered by Amendments dated Jan. 10, 1967, and Mar. 15, 1967, designated as Supplement Nos. 9 and 10, respectively.
[32] Includes base rate of 17 cents plus 2.89 cents upward B.t.u. adjustment (1,170 B.t.u. gas) before increase and base rate of 18 cents plus 3.06 cents upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[33] Redetermined rate increase.
[34] Includes tax reimbursement of .06 cent per Mcf.

Union Texas Petroleum, a division of Allied Chemical Corp.; Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al.; Colton and Colton (Operator) et al.; Mobil Oil Corp.; The Shamrock Oil & Gas Corp. (Operator); Kerr-McGee Corp.; Kerr-McGee Corp. (Operator) et al.; Midwest Oil Corp.; Skelly Oil Co. and M. B. Chastain (Operator) et al., all request an effective date of January 1, 1968, for their proposed rate increases. Alliance Oil & Gas Co. requests an effective date of December 31, 1967, and W. H. Doran requests an effective date of January 5, 1968, for his proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Humble Oil & Refining Co. requests that should the Commission suspend its rate filings that the suspension periods be a maximum of 1 day, or as short a period as possible. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension with respect to its rate filings and such request is denied.

The proposed rate increases filed by Joseph E. Seagram & Sons, Inc., doing business as Texas Pacific Oil Co. (Operator) et al., and Joseph E. Seagram & Sons, Inc., doing business as Texas Pacific Oil Co. (both referred to herein as Seagram), and Atlantic Richfield Co. (Atlantic) (Supplement No. 4 to Atlantic's FPC Gas Rate Schedule No. 229) exceed the applicable area rate as determined in the rate schedule quality statements accepted pursuant to Opinion No. 468, as amended. Except for the stay of the moratorium in Opinion No. 468, as amended, the aforementioned rate increases would be rejectable because they are in excess of the applicable area ceiling determined in Opinion No. 468. If the moratorium is ultimately upheld upon judicial review, Seagram and Atlantic's rate increases will be rejected ab initio.

With the exception of the rate increases filed by Seagram and Atlantic, mentioned above, which exceed the area rate established in the related quality statements filed pursuant to Opinion No. 468, as amended, all of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 68-243; Filed, Jan. 9, 1968; 8:45 a.m.]

[Docket No. RI68-330]

UNION OIL COMPANY OF CALIFORNIA

Order Providing for Hearing on and Suspension of Proposed Changes in Rates

DECEMBER 28, 1967.

On November 22 and 24, 1967, Union Oil Company of California (Union) [1] tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Address is: Union Oil Center, Los Angeles, Calif. 90017, Attention: Mr. C. E. Smith.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-330	Union Oil Company of California, Union Oil Center, Los Angeles, Calif. 90017, Attn: Mr. C. E. Smith.	52	2	Transcontinental Gas Pipe Line Corp. (Block 46 Field, Vermilion Parish, La.) (Offshore Louisiana).	$29,975	11-24-67	[2] 2-1-68	7-1-68	[3] [4] 19.0	[3] [4] [5] 21.25	
	do	63	[7] 6	Transcontinental Gas Pipe Line Corp. (South Marsh Island Area, Blocks 35 and 49) (Offshore Louisiana).	456,375	11-24-67	[2] 2-1-68	7-1-68	[8] 19.0	[4] [8] 21.5	
	do	43	4	Florida Gas Transmission Co., (Kentucky Mott Field, Victoria County, Tex.) (RR. District No. 2).	215	11-22-67	[2] 2-1-68	7-1-68	[11] 18.0	[9] [10] 19.0	RI63-355.

[2] Upon expiration of statutory notice from Jan. 1, 1968, the date of expiration of the moratorium period.
[3] "Fractured" rate increase. Union contractually due 23.4 cents per Mcf for the 4-year period commencing Dec. 15, 1964.
[4] Pressure base is 15.025 p.s.i.a.
[5] Does not include 1.625-cent tax reimbursement being placed in escrow by Transco in its Docket No. RP63-3 pending final adjudication of the Louisiana taxing jurisdiction.
[6] Settlement rate as approved by Commission order issued June 24, 1963, in Docket Nos. G-13221 et al., Union Texas Petroleum et al. Moratorium on increased rate filings expired Jan. 1, 1968.
[7] Applicable to basic acreage only which is owned by Union. Prior increase to 21.5 cents for interest acquired from Pure Oil Co. was supended in Docket No. RI68-104 until Feb. 10, 1968.
[8] "Fractured" rate increase. Union filing to initial contract rate although contractually due 23.5 cents per Mcf for the 4-year period commencing Oct. 10, 1966.
[9] Periodic rate increase.
[10] Pressure base is 14.65 p.s.i.a.
[11] Last reported rate was a 15 cents initial rate provided by Opinion No. 476 in lieu of a 17 cents initial contract rate. Moratorium on increases above 18 cents pending outcome of Docket No. AR64-2, or Jan. 1, 1968, whichever is earlier.

Union's three proposed rate increases are for gas sold from various fields in Offshore Louisiana and Texas Railroad District No. 2 under rate schedules that are subject to moratorium conditions which prohibit Union from filing rate increases under its FPC Gas Rate Schedule Nos. 52 and 63 until January 1, 1968, and from filing an increase under its FPC Gas Rate Schedule No. 43 in excess of 18 cents, pending the issuance of a final decision in the Texas Gulf Coast Area Rate Proceeding, Docket No. AR64-2, or until January 1, 1968, whichever is earlier. Since the Docket No. AR64-2 proceeding is still pending, the January 1, 1968, moratorium applies. In view of the short period remaining before expiration of the January 1, 1968, moratorium date, and consistent with prior Commission action involving rate increase filings submitted by producers under rate schedules where the moratorium has not as yet expired, we conclude that Union's rate increases should be treated as though filed on January 1, 1968, the date of expiration of the above-mentioned moratoriums, with the Commission's 30-day statutory notice period commencing as of that date in lieu of the dates such filings were submitted.

Union requests an effective date of January 1, 1968, for its proposed rate increases, such date being the date of expiration of the aforementioned moratorium periods. Inasmuch as Union is not authorized to file rate increases under the rate schedules involved prior to January 1, 1968, we believe that the instant filings should be suspended for 5 months from February 1, 1968, the date of expiration of the statutory notice from January 1, 1968. Union's request for a January 1, 1968, effective date is therefore denied.

The proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practic. and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending such hearing and decision thereon, Union's aforementioned rate supplements are hereby suspended and the use thereof deferred until July 1, 1968, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before February 15, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-244; Filed, Jan. 9, 1968; 8:45 a.m.]

[Docket No. RP68-15]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 8, 1968.

Notice is hereby given that Panhandle Eastern Pipe Line Co. on January 4, 1968, filed proposed changes in its FPC gas tariff, to become effective on February 3, 1968. The proposed changes would increase rates by $17.5 million per year to Panhandle's jurisdictional customers, based upon sales for the year ended October 31, 1967, as adjusted. The proposed increases would be applicable to Panhandle's FPC Rate Schedules G-1, G-2, G-3, SG-1, SG-2, SG-3, LS-1, LS-2, SS-1, CS-1, I-1, I-2, and I-3.

Panhandle states that the principal reasons for the rate increase filing are: (1) Increased cost of labor, supplies, and expenses; (2) increased cost of gas supply; (3) the need for a 7.25 percent rate of return and (4) increased taxes, both local and Federal as well as an estimated increase in the latter to include a possible 10 percent surtax which Panhandle states is subject to elimination and refund if such surtax does not materialize.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C. 20426, pursuant to the Commission's rules of practice and procedure on or before January 26, 1968.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-400; Fled, Jan. 9, 1968; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 68-344, Federal Deposit Insurance Corporation, *supra.*

SECURITIES AND EXCHANGE COMMISSION

[812-2190]

ROBERT B. HENSLEY

Notice of Filing of Application for Order of Exemption

JANUARY 4, 1968.

Notice is hereby given that Robert B. Hensley ("Applicant"), 231 West Main Street, Louisville, Ky., has filed an application pursuant to section 9(b) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), for an order of the Commission exempting Applicant from the provisions of section 9(a) of the Act to the extent that such section prevents Applicant from serving as an officer or director of a proposed new investment company and as a director of the investment adviser of such proposed investment company. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

The principal organizers of the proposed new investment company to be called Planned Growth Fund, Inc. ("Fund"), will be the Life Insurance Company of Kentucky ("LOK"), and Electronic Stock Evaluation Corp. ("ESEC"), a registered investment adviser. Applicant is the Chairman of the Board and President of LOK and is also the holder of approximately 20.27 percent of the stock of LOK. Applicant will serve as a director of both the Fund and the investment adviser, which will be Planned Growth Management Corporation ("Management").

The application states that 40 percent of the stock in Management will be held by LOK, and 30 percent of the stock by ESEC. Of the remaining 30 percent of the stock of Management, 20 percent will be held by Robert Scott Hershey of Chicago, Ill., 4 percent by R. Lee Anderson of New York, N.Y., and 2 percent each by Edward C. Bursk of Boston, Mass., Edgar Gunther of New York, N.Y., and Warren P. Schneider of Chicago, Ill. Messrs. Hershey, Bursk, and Gunther will be directors of Management, and Hershey and Bursk will also be directors of the Fund.

In June 1961 Applicant pleaded nolo contendere to a criminal information alleging violation of Rule 17 CFR 240.10b-5 and was sentenced to a fine of $10,000. The information charged offenses relating to the stock of Cardinal Life Insurance Co. ("Cardinal Life") which took place in the year 1957. Since June 1961, Applicant has not been convicted of any felony or misdemeanor involving the purchase or sale of any security or been permanently or temporarily enjoined from engaging in any activity subject to the jurisdiction of the Commission.

Applicant further states that since LOK will have a substantial interest in the new investment company, it is important that LOK should be represented on the boards of the investment company and its adviser by its chief executive officer and largest stockholder and should not be compelled to seat some other person of less consequence to its operation. The application further represents that Applicant has been and is engaged in a great many civic, charitable, and educational activities several of which are listed in the application.

Section 9(a) of the Act, in pertinent part, makes it unlawful for any person of any felony or misdemeanor involving the purchase or sale of any security, to serve or act in the capacity of officer, director, member of an advisory board, investment adviser or depositor of any who within 10 years has been convicted registered investment company. Section 9(b) of the Act permits the filing of an application for an exemption from the provisions of section 9(a) and it authorizes the Commission by order to grant such application, either conditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions contained in section 9(a), as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Notice is hereby given that any interested person, may not later than January 24, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in such application, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments, in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-330; Filed, Jan. 9, 1968; 8:45 a.m.]

WYOMING NUCLEAR CORP.

Order Suspending Trading

JANUARY 4, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Wyoming Nuclear Corp., North Hollywood, Calif., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period commencing January 4, 1968, at 11:30 a.m., e.s.t. through January 13, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-331; Filed, Jan. 9, 1968; 8:45 a.m.]

TARIFF COMMISSION

[TEA-W-7]

KNAPP BROTHERS SHOE MANUFACTURING CORP., BROCKTON, MASS.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of a group of workers of the Packard Division of the Knapp Brothers Shoe Manufacturing Corp., Brockton, Mass., the U.S. Tariff Commission, on the 3d day of January 1968, instituted an investigation under section 301(c)(2) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, footwear like or directly competitive with welt footwear produced by the Packard Division is being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such Division.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of

the Tariff Commission located in Room 437 of the Customhouse.

Issued: January 5, 1968.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 68-347; Filed, Jan. 9, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 5, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41205—*Superphosphate from Epco, Idaho, and Garfield, Utah.* Filed by Western Trunk Line Committee, agent (No. A-2533), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, also ammonium phosphate fertilizer, in carloads, minimum 100,000 pounds, from Epco, Idaho, and Garfield, Utah, to points in Iowa, Minnesota, and Wisconsin.

Grounds for relief—Market competition.

Tariff—Supplement 212 to Western Trunk Line Committee, agent, tariff ICC A-4411.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-356; Filed, Jan. 9, 1968; 8:47 a.m.]

[Notice 480]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 5, 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 35334 (Deviation No. 8), COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J. 07051, filed December 28, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Pittsburgh, Pa., and Erie, 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 Pittsburgh, Pa., over Pennsylvania Highway 65 (formerly Pennsylvania Highway 88) to Rochester, Pa., thence over Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14 to junction Ohio Highway 14A, thence over Ohio Highway 14A to Deerfield, Ohio, thence over Ohio Highway 14 (formerly portion Ohio Highway 14A) to Ravenna, Ohio, thence over Ohio Highway 5 to Akron, Ohio, (2) from Wheeling, W. Va., across the Ohio River to Bridgeport, Ohio, thence over Ohio Highway 7 to Youngstown, Ohio, thence over U.S. Highway 422 to Warren, Ohio, thence over Ohio Highway 82 to Mantua Corners, Ohio, thence over Ohio Highway 44 via Chardon, Ohio, to Painesville, Ohio, thence over U.S. Highway 20 via Willoughby, Ohio, to Cleveland, Ohio, and (3) from Cleveland, Ohio, over Ohio Highway 283 to junction Ohio Highway 640, thence over Ohio Highway 640 to Willoughby, Ohio, thence over U.S. Highway 20 to Kirtland Hills, Ohio, thence over Ohio Highway 84 to junction Ohio Highway 534, thence over Ohio Highway 534 to Geneva, Ohio, thence over U.S. Highway 20 to Silver Creek, N.Y., thence over New York Highway 5 to Buffalo, N.Y., thence over New York Highway 384 to Niagara Falls, N.Y., and return over the same routes.

No. MC 65916 (Deviation No. 1), WARD TRUCKING CORP., Ward Building, 200-14 Seventh Avenue, Altoona, Pa. 16603, filed December 26, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Harrisburg, Pa., over Interstate Highway 81 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction U.S. Highway 1, at Newark, N.J., thence over U.S. Highway 1 to North Bergen, N.J., (2) from State Line (Franklin County), Pa., over Interstate Highway 81 to junction Interstate Highway 78 (near Fredericksburg, Pa.), thence over Interstate Highway 78 to junction U.S. Highway 1 at Newark, N.J., thence over U.S. Highway 1 to North Bergen, N.J., and (3) from (Camp Hill) Harrisburg, Pa., over U.S. Highway 15 to junction Interstate Highway 83, thence over Interstate Highway 83 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction U.S. Highway 1 at Newark, N.J., thence over U.S. Highway 1 to North Bergen, N.J., 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 Blairsville, Pa., over U.S. Highway 22 to Armagh, Pa., thence over Pennsylvania Highway 56 to Johnstown, Pa., thence over Pennsylvania Highway 53 to Cresson, Pa., thence over U.S. Highway 22 via Somerville, N.J., to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., (2) from Cumberland, Md., over U.S. Highway 40 to Hagerstown, Md., thence over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 230 to Lancaster, Pa., thence over U.S. Highway 30 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, N.Y., and return over the same routes.

No. MC 1515 (Deviation No. 421) (Cancels Deviation No. 196), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky., filed December 26, 1967. 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 Fayetteville, N.C., over U.S. Highway 301 to junction Interstate Highway 95, north of Fayetteville, N.C., thence over Interstate Highway 95 to junction U.S. Highway 301, south of Wilson, N.C., thence over U. S. Highway 301 to junction Interstate Highway 95 access route near Battleboro, N.C., thence over access route to junction Interstate Highway 95, west of Battleboro, N.C., thence over Interstate Highway 95 to junction U.S. Highway 301, north of Emporia, Va., thence over U.S. Highway 301 to junction Interstate Highway 95, south of Petersburg, Va., thence over Interstate Highway 95 to Petersburg, Va., 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 Raleigh, N.C., over U.S. Highway 401 to Laurinburg, N.C., and (2) from Richmond, Va., over U.S. Highway 1 via Petersburg and South Hill, Va., and Henderson, N.C., to Raleigh, N.C., and return over the same routes.

No. MC 1515 (Deviation No. 422), GREYHOUND LINES, INC. (Central Division), 210 East Ninth Street, Fort Worth, Tex. 76102, filed December 26, 1967. 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 Minneapolis, Minn., over U.S. Highway 65 to junction Hennepin County Highway 62, thence over

Hennepin County Highway 62 to junction U.S. Highway 212, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Minneapolis, Minn., over U.S. Highway 212 to junction unnumbered highway, thence over unnumbered highway to Carver, Minn., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-357; Filed, Jan. 9, 1968; 8:47 a.m.]

[Notice 1139]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 5, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

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 110683 (Sub-No. 35), filed January 2, 1968. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VIRGINIA, Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: James W. Lawson, 1000 Sixth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite of Westinghouse Electric Corp. at or near Sykesville, Md., as an off-route point in connection with carrier's existing authority to serve Baltimore, Md.

HEARING: January 29, 1968, in Room 108, Federal Building, Charles Center, 31 Hopkins Plaza, Baltimore, Md., before Joint Board No. 112.

No. MC 11185 (Sub-No. 123) (Republication), filed July 7, 1967, published FEDERAL REGISTER issues of July 20, 1967, and December 13, 1967, and republished this issue Applicant: J-T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. 64120. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. By application filed July 7, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) airplane parts and equipment, which because of their delicate and fragile nature, require the use of special equipment or special handling; and (2) airplane parts and airplane equipment, which do not require special handling, when loaded in the same vehicle with airplane parts and equipment which require the use of special equipment or special handling, from points in King, Pierce, and Snohomish Counties, Wash., to Wichita, Kans. A corrected order of the Commission, Operating Rights Board dated November 21, 1967, and served January 2, 1968, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *airplane parts and aircraft assemblies*, from Auburn, Everett, Kent, Renton, and Seattle, Wash., to Wichita, Kans., under a continuing contract with the Beoing Co., of Wichita, Kans.; the holding by applicant of the permit authorized to be issued herein and the holding by Jack Cooper, Jr., and Thom Cooper, a partnership, doing business as J-T Transport Co., of their certificate No. MC 110077 will be consistent with the public interest and the national transportation policy; and 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 permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 121550 (Sub-No. 1) (Republication), filed May 15, 1967, published FEDERAL REGISTER issues of July 7, 1967, and October 18, 1967, and republished this issue. Applicant: JAMES C. WETHERILL, doing business as HATBORO DELIVERY SERVICE, 800 Ivyland Road, Warminster, Pa. 18974. Applicant's representative: S. H. Copelin, 121 South Broad Street, Philadelphia, Pa. 19107. By application filed May 15, 1967, 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 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 the borough of Hatboro, Montgomery County, Pa., and points within 5 miles of the limits of said borough, and the freight terminals, bus terminals, wharves, airports, and Philadelphia Airport, located in Philadelphia, Pa. A corrected order of the Commission, Operating Rights Board dated September 29, 1967, and served December 28, 1967, 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 *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 those points in an area bounded by a line beginning at the junction of U.S. Highway 611 and Bristol Road, and extending southerly on Bristol Road to Pennsylvania Highway 232, thence southerly on Pennsylvania Highway 232 to Pennsylvania Highway 63, thence northerly on Pennsylvania Highway 63 to junction U.S. Highway 611, thence northerly on U.S. Highway 611 to junction Bristol Road, on the one hand, and, on the other, Philadelphia, Pa.; 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 129296 (REPUBLICATION), filed July 31, 1967, published FEDERAL REGISTER issue of August 25, 1967, and republished this issue. Applicant: M & D HAULING, INC., Bliss, N.Y. 14024. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. By application filed July 31, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commrece, as a common carrier by motor vehicle, over irregular routes, of salt and salt products, pepper, in mixed loads with salt, weight of pepper not to exceed 10 percent of the total weight upon which charges are assessed, mineral mixtures and animal feed in packages or blocks in mixed shipments with salt, from Silver Springs, N.Y., to points in Pennsylvania. Applicant presently holds contract carrier authority, in Nos. MC 109703 and MC 109703 Sub 2 which it here seeks to convert to common carrier authority. An order of the Commission, Operating Rights Board dated December 19, 1967, and served January 2, 1968, finds that the present and future public

convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of (1) *salt and salt products;* (2) *pepper* in mixed loads with salt; and (3) *animal mineral feed mixtures,* (except in bulk), in mixed loads with salt, from Silver Springs, N.Y., to points in Pennsylvania; 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; and that an appropriate certificate should be issued, subject to the condition that applicant submit a request in writing for the concurrent cancellation of its permits in Nos. MC 109703 and MC 109703 (Sub-No. 2). 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 decribed 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 preceeding 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 129345 (Republication), filed August 21, 1967, published FEDERAL REGISTER issue of September 8, 1967, and republished this issue. Applicant: ESMONDS DAIRY PRODUCTS, INC., 310 Main Street, Lena, Ill. 61048. Applicant's representative: R. B. Holtan, 28½ West Main Street, Freeport, Ill. 61032. By application filed August 21, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over regular routes, of milk, cream, and other dairy products (except in bulk, in tank vehicles), between Chemung, Ill., and Dubuque, Iowa, from Chemung over Illinois Highway 173 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction U.S. Highway 20, thence over U.S. Highway 20 to Dubuque, and return over the same route, serving the intermediate point of Rockford, Ill. An order of the Commission, Operating Rights Board dated December 19, 1967, and served December 29, 1967, as modified, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over *irregular routes,* of *dairy products* (except in bulk, in tank vehicles), from Chemung and Rockford, Ill., to Dubuque, Iowa, under a continuing contract with Dean's Dairy Products of Dubuque, Inc., of Dubuque, Iowa, 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 permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 115524 (Sub-Nos. 2, 7, and 8 TA) (Notice of Filing of Petition To Modify Permits), filed December 11, 1967. Petitioner: WILLIAM P. BURSCH, doing business as BURSCH TRUCKING, Albuquerque, N. Mex. Petitioner states he is authorized in No. MC 115524 (Sub-No. 2) to transport lumber, as a contract carrier, over irregular routes, between Albuquerque, N. Mex., and Winslow, Ariz., on the one hand, and, on the other, points in Arizona, Utah, Colorado, New Mexico, and those in Texas, Oklahoma, and Kansas on and west of U.S. Highway 77, limited to a transportation service to be performed under a continuing contract, or contracts, with Duke City Lumber Co., Albuquerque, N. Mex. In No. MC 115524 (Sub-No. 7), he is authorized to transport, over irregular routes, lumber, between Albuquerque, N. Mex., on the one hand, and, on the other, points in that part of Kansas, Oklahoma, and Texas, east of U.S. Highway 77, limited to a transportation service to be performed under a continuing contract, or contracts, with the Duke City Lumber Co., of Albuquerque, N. Mex. In No. MC 115524 (Sub-No. 8 TA) carrier holds authority to transport lumber, including molding, for the account of Duke City Lumber Co., from points in Sandoval, Catron, Socorro, Rio Arriba, Santa Fe, Taos, and Colfax Counties, N. Mex., to points in Texas, Kansas, Arkansas, Missouri, Oklahoma, Colorado, and Arizona. From points in Las Animas, Rio Grande, Conejos, Archuleta, La Plata, Costilla, and Montezuma Counties, Colo., and points in Navajo and Coconino Counties, Ariz., to points in New Mexico, Arkansas, Missouri, Oklahoma, Kansas, and Texas. From points in Jasper, Bowie, and Harris Counties, Tex., to points in New Mexico. By the instant petition, petitioner requests to change the restriction now in each that the authorized operations are limited to service with or for the account of Duke City Lumber Co., Albuquerque, N. Mex., to the same restriction except as to "Duke City Lumber Co., Inc., Albuquerque" rather than "Duke City Lumber Co." Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 123681 (Sub-No. 8) (Notice of Filing of Petition for Clarification and Modification), filed December 13, 1967. Petitioner: WIDING TRANSPORTATION, INC., Portland, Oreg. Petitioner's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Pursuant to MC–F–9158 petitioner was issued a certificate in No. MC 123681 (Sub-No. 8) authorizing the transportation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of: Heavy machinery and machines, including tractors, iron, steel, cement, wire, cable, lumber, timbers, pipe, rails, hardware, contractors' and loggers' supplies and equipment, including grocery and commissary supplies when moved with and as a part of camp equipment, in lots of not less than 20,000 pounds, between jobsites in Oregon, Washington, and Idaho. By the instant peition, petitioner prays that the Commission clarify and modify said operating authority so that it will either specify: (1) The commodities now specified therein when moving "from, to, or between job-sites in Oregon, Washington, and Idaho"; or (2) the foregoing commodities when moving in nonradial service "between points in Oregon, Washington, and Idaho". Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 2202 (Sub-No. 337), filed December 14, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio 44309. Applicant's representative: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Massachusetts as off-route points in connection with carrier's presently authorized service in Massachusetts. NOTE: This application is a matter directly related to Docket No. MC–F–9979, published FEDERAL REGISTER issue of December 27, 1967. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 114877 (Sub-No. 5), filed December 21, 1967. Applicant: CARGO-IMPERIAL FREIGHT LINES, INC., 23 South Essex Avenue, Orange, N.J. 07051. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* with usual exceptions, between points in Rhode Island. NOTE: Applicant states that it would tack its present authority with that sought, to perform a service to and from points in New York,

Massachusetts, and Connecticut. Common control may be involved. This application is a matter directly related to Docket No. MC–F–9985, published FEDERAL REGISTER issue of December 27, 1967. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., Providence, R.I., or Washington, D.C.

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–9979. (Correction) (ROADWAY EXPRESS, INC.—Purchase—HUB TRANSPORTATION CO., INC.), published in the December 28, 1967, issue of the FEDERAL REGISTER, on page 20898. This correction to show MC–2202 Sub 337 is a matter directly related in lieu of MC–2202 Sub 237. NOTE: This will mean no change in the protest due date.

No. MC–F–9997. Authority sought for purchase by ANDREWS VAN LINES, INC., Seventh Street, and Park Avenue, Norfolk, Nebr. 68701, of the operating rights of COASTAL MOVING & STORAGE, INC., 4631 Tanglewood Drive, Hyattsville, Md., and for acquisition by CLAYTON L. ANDREWS, 112 South 12th, Norfolk, Nebr., of control of such rights through the purchase. Applicants' attorney: Richard A. Peterson, Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Operating rights sought to be transferred: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a *common carrier*, over irregular routes, between Washington, D.C., on the one hand, and, on the other, points in Maryland and Virginia. Vendee is authorized to operate as a *common carrier* in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Wyoming, Delaware, Maryland, Montana, Idaho, Oregon, Utah, Washington, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9998. Authority sought for purchase by DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo. 65775, of the operating rights of CLARK N. TUNE, doing business as J. J. TUNE, Highway 19 South, Salem, Mo. 65560, and for acquisition by PAUL D. DODDS, MELBOURN DODDS, both also of West Plains, Mo., and DAVID D. DODDS, Mountain Grove, Mo., of control of such rights through the purchase. Applicants' attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Salem, Mo., and Grandin, Mo., serving all intermediate and certain off-route points, between Salem, Mo., and National Stockyards, Ill., serving the intermediate and off-route points of St. Louis, Mo., and East St. Louis, Ill., those in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and those in Dent County, Mo., over two alternate routes in connection with carrier's regular route operations authorized herein; *livestock*, over irregular routes, between certain specified points in Missouri, on the one hand, and, on the other, National Stockyards, Ill.; and *household goods*, and *emigrant movables*, between certain specified points in Missouri, on the one hand, and, on the other, points in Illinois. Vendee is authorized to operate as a *common carrier* in Missouri, Arkansas, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9999. Authority sought for purchase by PAN AMERICAN VAN LINES, INC., 251–57 Jericho Turnpike, Bellerose, Long Island, N.Y. 11426, of the operating rights of PAN AMERICAN MOVING, INC., 251–57 Jericho Turnpike, Bellerose, Long Island, N.Y. 11426, and for acquisition by MICHAEL J. FAZIO, 179 Rhododendrum Drive, Westbury, Long Island, N.Y., of control of such rights through the purchase. Applicants' attorney: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between Julesburg, Colo., and points within 75 miles thereof, on the one hand, and, on the other, points in Wyoming, South Dakota, Nebraska, and Kansas. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, Pennsylvania, Rhode Island, Connecticut, New Jersey, Vermont, Delaware, Maryland, North Carolina, Georgia, Florida, New Hampshire, Maine, Illinois, Indiana, Kentucky, Ohio, Virginia, West Virginia, Nebraska, Missouri, Arkansas, Alabama, Colorado, Kansas, Minnesota, Michigan, Oklahoma, Texas, Wisconsin, South Carolina, South Dakota, Iowa, Mississippi, Tennessee, Louisiana, New Mexico, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: Transferor and Transferee are presently operated under common control. Purpose of this application is to transfer rights to Pan American Van Lines, Inc., and liquidate Pan American Moving, Inc.

No. MC–F–10000. Authority sought for purchase by INTERLINES-BLANKENSHIP MOTOR EXPRESS, 2600 Eighth Street, Berkeley, Calif. 94710, of the operating rights and certain property of BAY FREIGHT LINES, 194 South G Street, Arcata, Calif., and for acquisition by M. D. GILARDY, L. A. DORE, JR., and E. R. PRESTON, all also of Berkeley, Calif., of control of such right and property through the purchase. Applicants' attorney: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–49862 Sub 2, covering the transportation of general commodities, as a common carrier in intrastate commerce, within the State of California. Vendee is authorized to operate as a *common carrier* in California and as a common carrier in intrastate within the State of California. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10001. Authority sought for purchase by HIGHWAY EXPRESS LINES, INC., 3300 South 20th Street, Philadelphia, Pa. 19145, of the operating rights and property of FLEET MOTOR LINES, INC., Tonawanda, N.Y., and for acquisition by E. WILLIAM UTTAL, Apartment 316, Regency Creek Drive, St. Davids, Pa. 19087, of control of such rights and property through the purchase. Applicants' attorney and representatives: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102 and White & Williams, 1900 Land Title Building, Philadelphia, Pa. 19110. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, from New York, N.Y., to points in New York, serving all intermediate points restricted to delivery only, and all intermediate and off-route points in the New York, N.Y., commercial zone as defined by the Commission, restricted to pickup only, from Buffalo, N.Y., to Brockport, N.Y., serving all intermediate points between Niagara Falls and Brockport, inclusive, and the-off-route point of Sanborn, N.Y., restricted to the delivery of shipments moving from Buffalo, between Buffalo, N.Y., and the boundary of the United States and Canada near Niagara Falls, N.Y., serving certain intermediate points, between Buffalo, N.Y., and the boundary of the United States and Canada near Buffalo, serving all intermediate points, from Niagara Falls, N.Y., to Erie, Pa., serving no intermediate points; over four alternate routes for operating convenience only.

General commodities, with exceptions as specified above, over irregular routes, from Niagara Falls, N.Y., to Boston, Mass., between Niagara Falls, N.Y., and New York, N.Y., between Niagara Falls, N.Y., on the one hand, and, on the other, points in that part of New Jersey east of U.S. Highway 206, and north of New Jersey Highway 33, including points on the indicated portions of the highways specified; *batteries*, from Niagara Falls, N.Y., to certain specified points in Pennsylvania; *battery boxes*, from Niagara Falls, N.Y., to points in Middlesex County, Mass.; *abrasive materials*, from Niagara Falls, N.Y., to certain specified points in Connecticut and Massachusetts; *chemicals*, from Niagara Falls, N.Y., to certain specified points in Pennsylvania, Camden, N.J., certain specified points in Connecticut and Massachusetts, from Philadelphia, Pa., to Niagara Falls, N.Y.; *machinery*, from Niagara Falls, N.Y., to Scranton

and Philadelphia, Pa., Bridgeport and New Haven, Conn., and certain specified points in Massachusetts; *paper*, from Niagara Falls, N.Y., to certain specified points in Connecticut and Massachusetts, from Garfield, N.J., to Buffalo, N.Y.; *wallpaper*, from Niagara Falls, N.Y., to Philadelphia, Pa., certain specified points in Connecticut and Massachusetts; *printed matter*, from Niagara Falls, N.Y., to Philadelphia, Pa., certain specified points in Connecticut and Massachusetts: *materials, supplies and equipment*, used or useful in the conduct of bakeries, from Hoboken and Jersey City, N.J., and New York, N.Y., to Buffalo, N.Y.; *Ferroalloys, chemicals, and abrasives*, from Niagara Falls, N.Y., to points in Connecticut and Massachusetts. Vendee is authorized to operate as a *common carrier* in Virginia, Pennsylvania, Delaware, New Jersey, New York, Massachusetts, Maryland, Connecticut, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10002. Authority sought for control by CLEMENT RISBERG, doing business as RISBERG TRUCK SERVICE, 2339 Southeast Grand Avenue, Portland, Oreg. 97214, of RISBERG'S TRUCK LINE, 2339 Southeast Grand Avenue, Portland, Oreg. 97214. Applicants' attorney: John G. McLaughlin, 624 Pacific Building, Portland, Oreg. 97204. Operating rights sought to be controlled: (A) *general commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Portland, Oreg., and Hillsboro, Oreg., serving all intermediate points, between Portland, Oreg., and Forest Grove, Oreg., serving all intermediate points, and all off-route points within 1 mile of the regular route specified, between Forest Grove, Oreg., and junction Oregon Highway 47 and U.S. Highway 99W, serving all intermediate points, (B) between Portland, Oreg., and Agate Beach, Oreg., serving all intermediate points and certain off-route points; *general commodities*, excepting, among others, commodities in bulk, but not excepting, household goods, between Agate Beach, Oreg., and Newport, Oreg., serving no intermediate points, with restriction; *household goods* as defined by the Commission, between Portland, Oreg., and Newport, Oreg., serving all intermediate points, and certain off-route points; *household goods* as defined by the Commission, over irregular routes, between Portland, Oreg., and points in Washington and Yamhill Counties, Oreg., within 20 miles of the regular routes authorized in section A herein, between certain specified points in Oregon, on the one hand, and, on the other, certain specified points in Washington; and *general commodities*, excepting, among others, household goods and commodities in bulk, between Portland, Oreg., on the one hand, and, on the other, points in Clark County, Wash., with restrictions. CLEMENT RISBERG, doing business as RISBERG TRUCK SERVICE is authorized to operate as a *contract carrier* in Oregon and Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10003. Authority sought for control by ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, of FULLER MOTOR EXPRESS, INC., 1200 Shull Street, Post Office Box 198, West Columbia, S.C. 29169, and for acquisition by GALEN J. ROUSH, also of Akron, Ohio, of control of FULLER MOTOR EXPRESS, INC., through the acquisition by ROADWAY EXPRESS, INC. Applicants' attorneys: John R. Turney, 342 West Vista Avenue, Phoenix, Ariz. 85021, and Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Charleston County, S.C., between certain specified points in South Carolina, on the one hand, and, on the other, points in South Carolina, between points in Richland County, S.C., and points in Lexington County, S.C., east of U.S. Highway 176, and all points within 5 miles of West Columbia and Cayce, S.C., between points in Richland County, S.C., and those in that part of Lexington County, S.C. described above, on the one hand, and on the other, points in South Carolina; *cotton*, in bales, between points in South Carolina; *cotton piece goods*, finished and unfinished, between certain specified points in South Carolina; *petroleum products*, in bulk, in tank vehicles, and *crated household goods, furniture, and furnishings*, from North Charleston, S.C., and points within 5 miles of North Charleston, to points in South Carolina, between points in Charleston County, S.C., between certain specified points in South Carolina, on the one hand, and, on the other, points in South Carolina. ROADWAY EXPRESS, INC., is authorized to operate as a *common carrier*, in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10004. Authority sought for purchase by THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Road, Post Office Box 350, Warren, Ohio 44482, of a portion of the operating rights of ADKINS TRANSFER, INC., 2537 Eighth Avenue, Huntington, W. Va. 25700, and for acquisition by J. PHIL FELBURN, 4160 West Broad Street, Columbus, Ohio, of control of such rights through the purchase. Applicants' attorney and representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005, and Nathan Adkins, 2357 Eighth Avenue, Huntington, W. Va. 25700. Operating rights sought to be transferred: *Concrete products, tile, and sod*, as a *common carrier*, over irregular routes, from Ceredo, W. Va., to points in that part of Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 25W to Corbin, Ky., thence along U.S. Highway 25 to the Kentucky-Ohio State line, and points in that part of Ohio on and south of U.S. Highway 40; *coal*, from points in Boyd County, Ky., to Ceredo, and Kenova, W. Va.; and *general commodities*, between points in Wayne County, W. Va., Boyd County, Ky., and Lawrence County, Ohio. Vendee is authorized to operate as a *common carrier* in Michigan, Pennsylvania, West Virginia, New York, Illinois, Indiana, Ohio, Kentucky, Iowa, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-358; Filed, Jan. 9, 1968; 8:47 a.m.]

[Notice 523]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 5, 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 conisst 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 36556 (Sub-No. 11 TA), filed December 29, 1967. Applicant: HOWARD E. BLACKMON, doing business as HOWARD BLACKMON TRUCK SERVICE, 1111 190th Avenue, Post Office Box 186, Somers, Wis. 53171. Applicant's representative: Earle Munger, Schwartz Building, 520 58th Street, Kenosha, Wis. 53140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen ingredients for fur farm animal food and for dog food*, in Cargo-Tainers, from Somers Township, Kenosha County, Wis., to Kankakee, Ill., and points

within 5 miles thereof, for 150 days. Supporting shipper: Bydalek Fur Foods, Route 4, Box 477, Kenosha, Wis. 5310 (Frank M. Bydalek). 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 66562 (Sub-No. 2283 TA), filed December 27, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. 64108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, over regular routes, (1) between Lincoln, Nebr., and McCook, Nebr., serving the intermediate and/or off-route points of Milford, Seward, York Aurora, Grand Island, Hastings, Minden, Holdredge, Oxford, Arapahoe, Cambridge, and Kearney, Nebr.; (a) from Lincoln, over U.S. Highway 34 to the intersection with U.S. Highway 281, thence over U.S. Highway 281 to Grand Island, thence over U.S. Highway 281 to Hastings, Nebr., thence over U.S. Highway 34/U.S. Highway 6 to McCook, and return over the same route; (b) from the intersection of U.S. Highway 34/U.S. Highway 6 and Nebraska Highway 44 over Nebraska Highway 44 to Kearney, Nebr., thence over Nebraska Highway 44 to the intersection with Interstate Highway 80, thence over Interstate Highway 80 to the intersection with U.S. Highway 281, thence over U.S. Highway 281 to Grand Island, and return over the same route; (c) from Lincoln, over Interstate Highway 80 to intersection with Nebraska Highway 44, thence over Nebraska Highway 44 to Kearney, Nebr., and return over the same route; (2) between York, and Geneva, Nebr., serving no intermediate points; from York over U.S. Highway 81 to Geneva, Nebr., and return over the same route; (3) between Fremont, and Norfolk, Nebr., serving the intermediate and/or off-route points of West Point and Wisner, Nebr.; from Fremont, over U.S. Highway 77 to the intersection with U.S. Highway 275, thence over U.S. Highway 275 to Norfolk, Nebr., and return over the same route; (4) between Kearney, Nebr., and Sterling, Colo., serving the intermediate and/or off-route points of Overton, Lexington, Cozad, Gothenburg, North Platte, Ogallala, Oshkosh, Bridgeport, and Sidney, Nebr., and Julesburg, Colo.

(a) From Kearney, over U.S. Highway 30 to the intersection with U.S. Highway 138, thence over U.S. Highway 138/Interstate Highway 80S to Sterling, and return over the same route; (b) from Kearney, over Interstate Highway 80, where and as when completed, to Ogallala, Nebr., and return over the same route; (c) from Ogallala, Nebr., over U.S. Highway 26 to the intersection with U.S. Highway 385, thence over U.S. Highway 385 to the intersection with U.S. Highway 30, thence over U.S. Highway 30 to Sidney, Nebr., thence over U.S. Highway 30 to the intersection with Nebraska Highway 19, thence over Nebraska State 19/Colorado Highway 113 to the intersection with U.S. Highway 138, thence over U.S. Highway 138 to Sterling, Colo., and return over the same route; (5) between Denver, Colo., and Scottsbluff, Nebr., serving the intermediate and/or off-route points of Cheyenne, Burns, and Pine Bluffs, Wyo., and Kimball and Gering, Nebr., and serving the intersection of Colorado Highway 14 and U.S. Highway 87/Interstate Highway 25 for purpose of joinder only; from Denver, Colo., over U.S. Highway 87/Interstate Highway 25 to Cheyenne, Wyo., thence over U.S. Highway 30/Interstate Highway 80 to Kimball, Nebr., thence over Nebraska Highway 71 to Scottsbluff, Nebr., and return over the same route; (6) serving Crete, Nebr., as an intermediate point on existing authority; (7) between Plainview, Nebr., and the intersection of U.S. Highway 20 with U.S. Highway 275, serving the intersection of U.S. Highway 20 and U.S. Highway 275 for purposes of joinder only; from Plainview, Nebr., over U.S. Highway 20 to the intersection with U.S. Highway 275, and return over the same route; (8) between Julesburg, Colo., and Kimball, Nebr., serving the intermediate points of Chappell and Sidney, Nebr., and serving the intersection of U.S. Highway 30/Interstate Highway 80 and U.S. Highway 138/Interstate Highway 80S, for purposes of joinder only.

(a) From Julesburg, Colo., over U.S. Highway 385 to the intersection with U.S. Highway 30/Interstate Highway 80 to Kimball, Nebr., and return over the same route; (b) from Chappell, Nebr., over U.S. Highway 30/Interstate Highway 80 to the intersection with U.S. Highway 138/Interstate Highway 80S, and return over the same route; (9) between Denver and Fort Morgan, Colo., serving no intermediate points; from Denver, Colo., over U.S. Highway 6/Interstate Highway 80S to Fort Morgan, Colo., and return over the same route; (10) between Limon, and Colorado Springs, Colo., serving no intermediate points; from Limon, Colo., over U.S. Highway 24 to Colorado Springs, Colo., and return over the same route; (11) between Fort Collins, Colo., and Cheyenne, Wyo., serving the intermediate point of Laramie, Wyo.; from Fort Collins, Colo., over U.S. Highway 287 to Laramie, Wyo., thence over U.S. Highway 30/Interstate Highway 80 to Cheyenne, Wyo., and return over the same route; (12) between Laramie, Wyo., and Logan, Utah, serving the intermediate and/or off-route points of Rawlins, Rock Springs, Green River, Evanston, Kemmerer, Wyo.; Ogden, Clearfield, Layton, Woods Cross, Salt Lake City, Brigham City, and Tremonton, Utah; (a) from Laramie, over U.S. Highway 30/Interstate Highway 80 to the intersection with U.S. Highway 30S/Interstate Highway 80, thence over U.S. Highway 30S/Interstate Highway 80 to the intersection with U.S. Highway 189/Interstate Highway 80, thence over U.S. Highway 189/Interstate Highway 80 to the intersection with U.S. Highway 40, thence over U.S. Highway 40 to Salt Lake City, Utah, thence over U.S. Highway 91/Interstate Highway 15 to Logan, Utah, and return over the same route.

(b) From the junction of U.S. Highway 30/Interstate Highway 80, U.S. Highway 30S/Interstate Highway 80 and U.S. Highway 30N, over U.S. Highway 30N to Kemmerer, Wyo., thence over U.S. Highway 189 to the intersection with U.S. Highway 30S/Interstate Highway 80, and return over the same route; (c) from the intersection of U.S. Highway 30S/Interstate Highway 80 and U.S. Highway 30S/Interstate Highway 80N over U.S. Highway 30S/Interstate Highway 80N to Ogden, Utah, and return over the same route; (d) from Logan, Utah, over Utah Highway 69 to the intersection with Utah State Highway 102, thence over Utah Highway 102 to the intersection with U.S. Highway 30S/Interstate Highway 15, thence over U.S. Highway 30S/Interstate Highway 15 to Brigham City, Utah, and return over the same route. Restrictions: (1) The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. (2) Shipments transported shall be limited to those moving through bills of lading or express receipts. NOTE: Applicant requests that the authority for the proposed operations, if granted, be construed as an extension, to be joined, tacked, and combined with R E A's existing authority in MC 66562 and subs thereunder, thereby negating the restrictions against tacking or joinder customarily placed upon temporary authority, for 150 days. Supporting shippers: There are approximately 65 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 66562 (Sub-No. 2284 TA), filed December 29, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: James C. Ingwersen, 1815 Egbert Avenue, San Francisco, Calif. 94124. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service between Oakland, Calif. and Reno, Nev. Restrictions: (1) The service to be performed by the applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. (2) Shipments transported by applicant shall be limited to those on through bills of lading or express receipts. (3) Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. NOTE: Applicant requests that the

authority for the proposed operation, if granted, be construed as an extension, to be joined and combined with REA's existing authority in MC 66562 and subs thereunder, thereby negating the restrictions against tacking or connections customarily placed upon temporary authorities, for 150 days. Supporting shippers: There are approximately seven statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 123176 (Sub-No. 8 TA), filed December 29, 1967. Applicant: WILLIAM D. SMITH, doing business as K. G. & C. TRUCK LINE, 925 Quincy Drive, Hamilton, Ohio 45013. Applicant's representative: William D. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria Heights, Ill., to Cincinnati, Hamilton, Ironton, Portsmouth, and Ripley, Ohio and points in St. Clair Township, Butler County Ohio; and, *empty malt beverage containers*, on the return, for 180 days. Supporting shippers: Pabst Brewing Co., 917 West Juneau Avenue, Milwaukee, Wis. 53201; H. Dennert Distributing Corp., 1045 Hopkins Street, Cincinnati, Ohio 45203; Butler Beverage Co., 2144 Jackson Road, Hamilton, Ohio 45011; Callahan Distributing Co., 915 South Third Street, Ironton, Ohio 45638; Brown County Beer Distributors, Box 5, Ripley, Ohio 45167. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 530 Main Street, Cincinnati, Ohio 45202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-359; Filed, Jan. 9, 1968; 8:47 a.m.]

[Notice 71]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 5, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69982. By order of December 29, 1967, the Transfer Board, on reconsideration, approved the transfer to Louis Miller Trucking Corp., New York, N.Y., of the operating rights in certificate No. MC-94927 issued September 26, 1958, to Sidney Miller; Victor Pustilnick, and Bert Miller, doing business as Louis Miller & Co., Lindenhurst, N.Y., authorizing the transportation of cut goods, trimmings, buttons, etc., and finished garments, between New York, N.Y., and points in specified counties in New Jersey. Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102, Gerald D. Broder, 341 Madison Avenue, New York, N.Y. 10017, attorneys for applicants.

No. MC-FC-70053. By order of December 29, 1967, the Transfer Board approved the transfer to Pell Bros. Motor Service, Inc., Chicago, Ill., of the operating rights in certificate of registration No. MC-20878 (Sub-No. 2), issued March 18, 1965, to Francis W. Pell, John F. Pell, Thomas H. Pell, Marie E. Pell, Administratrix, and Michael A. Pell, a partnership, doing business as Pell Bros. Motor Service, Chicago, Ill., authorizing the transportation of commodities general, within a 50-mile radius of 1235 West 21st Street, Chicago, Ill., and to transport such property to or from any point outside of such authorized area of operation for a shipper or shippers within such area. George Q. St. George, 77 West Washington Street, Chicago, Ill. 60602, attorney for applicants.

No. MC-FC-70068. By order of December 29, 1967, the Transfer Board approved the transfer to Boitano-Pacific Trucking Co., Inc., Snohomish, Wash., of the operating rights in certificate No. MC-113559, issued August 8, 1953, to Eugene Boitano, doing business as Eugene Boitano Trucking Co., Everett, Wash., authorizing the transportation of lumber, from and to points in Washington. Richard B. John-Everett, Wash. 98201, attorney for applicant.

No. MC-FC-70101. By order of December 29, 1967, the Transfer Board approved the transfer to Tigelaar & DeWeerd, Inc., Hudsonville, Mich., of certificates in Nos. MC-108696, MC-108696 (Sub-No. 3), and MC-108696 (Sub-No. 6), issued November 3, 1949, October 2, 1959, and October 31, 1966, respectively, to Jacob A. Tigelaar, Ada Tigelaar, Henry J. DeWeerd, and Cornelia DeWeerd, a partnership, doing business as Tigelaar & DeWeerd, Hudsonville, Mich., authorizing the transportation of fresh fruits and vegetables, from Hudsonville, Mich., to Chicago, Ill.; livestock feeds, from Chicago, Ill., to Hudsonville, Mich.; fresh fruits and vegetables, from Hudsonville, Mich., and points within 50 miles thereof, to Cleveland, Archbold, Elyria, and Youngstown, Ohio; Pittsburgh, Erie, and Chambersburg, Pa.; and Buffalo, Medina, Rochester, and Albany, N.Y.; insecticidies and fungicides, from Middleport, N.Y., to points in Farmington Township in Oakland County, Orange Township in Iona County, Grand Rapids Township, in Kent County, Saugatuck Township in Allegan County, and Benton and Coloma Townships in Berrien County, Mich.; insecticides and fungicides in packages and drums, and parts for sprayers and spray equipment, when accompanying shipments thereof, from Middleport, N.Y., to Erie, Mich., points in Ottawa, Van Buren, and Muskegon Counties, Mich., and those in Allegan County, Mich., except Saugatuck Township; and limestone, except in bulk, from Greencastle, Ind., to Hudsonville, Mich., points in Ottawa and Kent Counties, Mich., as specified. Rodger T. Ederer, 117 West Allegan Street, Lansing, Mich. 48933, attorney for applicants.

No. MC-FC-70107. By order of December 29, 1967, the Transfer Board approved the transfer to Topeka Radiator & Body Works, Inc., Topeka, Kans., of certificate in No. MC-116266, issued August 12, 1957, to Milford E. Edsall, doing business as Edsall Auto Service, Topeka, Kans., authorizing the transportation of wrecked, damaged, or disabled motor vehicles, trailers, and semitrailers between Topeka, Kans., on the one hand, and, on the other, points in Missouri, Oklahoma, and Nebraska. Clyde N. Christey, 641 Harrison Street, Topeka, Kans., 66603, attorney for applicants.

No. MC-FC-70108. By order of December 29, 1967, the Transfer Board approved the transfer to Deason Transfer and Storage Co., Inc., Selma, Ala., of certificate of registration in No. MC-120899 (Sub-No. 1) issued January 6, 1964, to W. E. Deason and Otto Deason, a partnership, doing business as Deason Transfer & Storage Co., Selma, Ala., authorizing the transportation of household goods within a 200-mile radius of Clanton, Ala. J. Douglas Harris, Bell Building, Montgomery, Ala. 36104, attorney for applicants.

No. MC-FC-70111. By order of December 29, 1967, the Transfer Board approved the transfer to Saxonville Wholesale Lumber Warehouse Co., a corporation, Saxonville, Mass., of permit in No. MC-74056, issued January 8, 1965, to Louis Janvrin and Donald L. Janvrin, a partnership, doing business as B. T. Janvrin Sons Co., Hampton Falls, N.H., authorizing the transportation of lumber, piling, bridge timbers, and logs between points in York and Cumberland Counties, Me., on the one hand and, on the other, Providence, R.I., and points in certain specified counties in Massachusetts and New Hampshire. Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-70126. By order of December 29, 1967, the Transfer Board approved the transfer to Kramer Trucking Co., Inc., Rutherford, N.J., of the operating rights in certificate No. MC-96524, issued July 2, 1951, to James A. McEwan Corp., Brooklyn, N.Y., authorizing the transportation, over irregular routes, of machinery, between points in the New York, N.Y., commercial zone, as defined those in New Jersey, as defined, those in a described portion in Connecticut, and

those in a described portion of Pennsylvania. George A. Olsen, 69 Tennele Avenue, Jersey City, N.J. 07306, representative for transferee. William D. Traub, 10 East 40th Street, New York, N.Y. 10016, representative for transferor.

No. MC–FC–70127. By order of December 29, 1967, the Transfer Board approved the transfer to Phillips Truck Line, Inc., Memphis, Tenn., of the operating rights in certificate No. MC–46797, issued by the Commission, September 16, 1953, to Leland B. Phillips and Marie Phillips, a partnership, doing business as Phillips Truck Line, Memphis, Tenn., authorizing the transportation, over regular routes of general commodities, excluding household goods, liquid commodities in bulk, and other specified commodities, between Houlka, Miss., and Mathiston, Miss., between Houston, Miss., and Europa, Miss., and between Woodland, Miss., and West Point, Miss.; and of general commodities, excluding household goods, commodities in bulk, and other specified commodities, excluding household goods, commodities in bulk, and other specified commodities, between Memphis, Tenn., and Europa, and between Memphis, Tenn., and Clahoun City, Miss.; and over irregular routes, general commodities, except classes A and B explosives, household goods, as defined, and commodities requiring special equipment, between Memphis, Tenn., and Vardaman, Miss., and points within 15 miles of Vardaman. James H. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103, attorney for applicants.

No. MC–FC–70133. By order of December 29, 1967, the Transfer Board approved the transfer to Charles Freiser, Inc., Bronx, N.Y., of the operating rights set forth in permit No. MC–126879 issued October 29, 1965, to Charles Freiser, Bronx, N.Y., authorizing the transportation of wallboard and cement, liquid or paste, used in the installation thereof, aluminum moldings and flashings, plastic materials, aluminum nails, filter strips of rubber composition, insulating materials, and furring or studding, composed of iron or steel, from Lodi, N.J., to New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., restricted against the transportation of these commodities in bulk, in tank vehicles. Charles P. Trayford, 137 East 36th Street, New York, N.Y. 10016, representative for applicants.

No. MC–FC–70135. By order of December 29, 1967, the Transfer Board approved the transfer to Bill Dahlke, The Mover, Inc., Indian Orchard, Mass., of the operating rights in certificate No. MC–77683 issued September 14, 1940, to William A. Dahlke, doing business as Bill Dahlke, The Mover, Indian Orchard, Mass., authorizing the transportation of household goods, between Springfield, Mass., and points in Massachusetts within 10 miles thereof, on the one hand, and, on the other, points in New Hampshire, Vermont, Maine, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Rhode Island, and the District of Columbia. William L. Mobley, 1694 Main Street, Springfield, Mass. 01103, representative for applicants.

No. MC–FC–70139. By order of December 29, 1967, the Transfer Board approved the transfer to Jacob Lazer, doing business as Bond Motor Express Co., Paterson, N.J., of the operating rights in certificate No. MC–34805 issued August 23, 1943, to Nello Rocco, Harrison, N.J., and acquired by transferor herein, Nello (Neil) Rocco pursuant to MC–FC–68434, authorizing the transportation, of steel building products, over irregular routes, from Harrison, N.J., to points and places in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, with no transportation for compensation on return. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, practitioner for applicants.

No. MC–FC–70140. By order of December 29, 1967, the Transfer Board approved the transfer to Martin Schultze, Route 1, Osmond, Nebr. 68765, of the operating rights in certificate No. MC–88889 issued March 21, 1962, to Wayne G. Mosel, doing business as Mosel Truck Line, Plainview, Nebr. 68769, authorizing the transportation of livestock, hay, grain, emigrant movables, farm machinery and parts, building material, and petroleum products, in containers, between points in Nebraska and Iowa.

No. MC–FC–70142. By order of December 29, 1967, the Transfer Board approved the transfer to Apex Leasing Co., Inc., 6494 Rhodes, St. Louis, Mo. 63109, of the operating rights in certificate No. MC–50799 issued January 6, 1943, to Archie Edward Wicklein, doing business as A. E. Wicklein Truck Service, 6117 Southwest Avenue, St. Louis, Mo. 63109, authorizing the transportation of general commodities, over irregular routes, between points and places in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 656.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–406; Filed, Jan. 9, 1968; 8:48 a.m.]

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