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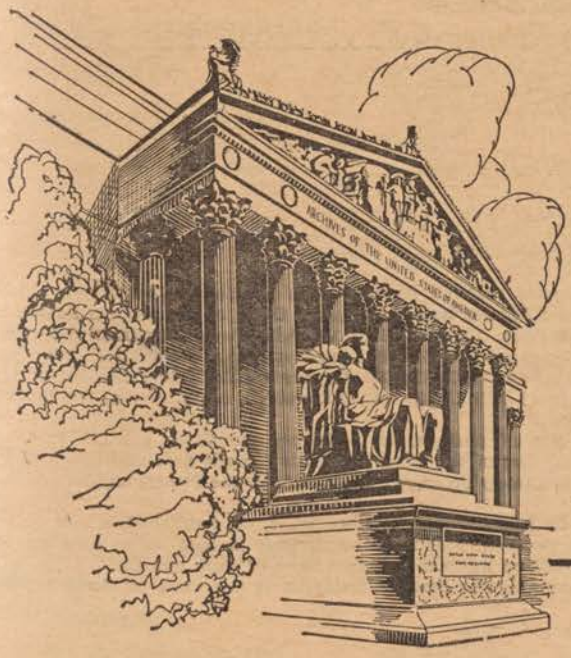
Tuesday, March 12, 1968 · Washington, D.C.

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Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Customs Bureau
Federal Aviation Administration
Federal Communications Commission
Federal Crop Insurance Corporation
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
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Foreign Direct Investments Office
General Services Administration
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Securities and Exchange Commission
Small Business Administration

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LIST OF CFR SECTIONS AFFECTED

1949–1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

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Title 3—THE PRESIDENT

Proclamation 3835

SMALL BUSINESS WEEK, 1968

By the President of the United States of America

A Proclamation

Today the United States possesses the strongest, most dynamic economy in man's history—an economy created by wise use of the system of free, competitive enterprise.

Throughout the development of our dynamic marketplace, the small businesses of America have been the building blocks of our economic structure. The creative abilities and diversified commercial efforts of small businessmen have fostered the innovative genius that has always been the hallmark of American economic progress.

Today there are more than five million small businesses in the United States, supplying many of the goods and services of our communities while providing a variety of job opportunities to local citizens. Perhaps even more important, small business continues to offer the citizen who has the talent, the will—and the chance—a means of fulfilling his dream of taking a meaningful, productive role in our national life.

Your Government has recognized the importance of each of these contributions of the small businessman, and through the Small Business Administration:

—offers counsel and economic assistance to owners of small businesses;

—provides financial assistance and guarantees rental payments to energetic citizens seeking to bring more business and more jobs into poverty-locked ghettoes;

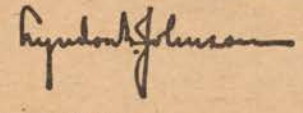
—aids small firms in competing for government contracts;

—seeks ways of protecting small firms against criminal acts.

These programs, as expanded by the Small Business Act Amendments I signed last fall, help insure that small business will continue to provide a reservoir of economic opportunities for our nation. It is appropriate that all citizens share in an expression of our national appreciation of the present, and the historic, contributions of the small businessman to our economic development.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the week beginning May 12, 1968 as Small Business Week, and I urge industrial and commercial organizations, chambers of commerce, boards of trade, and other public and private organizations to participate in ceremonies recognizing the significant contributions, past and present, of small business to our land, our culture, and our ideals.

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



[F.R. Doc. 68-3096; Filed, Mar. 8, 1968; 5:00 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3105 is amended to show that one position of Confidential Assistant to the Commissioner of Customs is no longer excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, subparagraph (7) of paragraph (b) of § 213.3105 is revoked.

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

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

[F.R. Doc. 68–3002; Filed, Mar. 11, 1968; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the title of a position listed in Schedule C as Confidential Assistant and Private Secretary to the Secretary is changed to Executive Secretary to the Secretary, and that one of the positions of Special Assistant to the Secretary now is under the Under Secretary. Effective on publication in the FEDERAL REGISTER, subparagraphs (2), (6), and (17) of paragraph (a) of § 213.3384 are amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(2) One Executive Secretary and one Confidential Assistant and Private Secretary to the Secretary.

* * * * *

(6) Special Assistant (Model Cities Program) to the Under Secretary.

* * * * *

(17) One Special Assistant to the Secretary.

* * * * *

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

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

[F.R. Doc. 68–2991; Filed, Mar. 11, 1968; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Confidential Assistant to the Assistant Secretary for Individual and Family Services is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (n) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(n) *Office of the Assistant Secretary for Individual and Family Services.* * * *

(2) One Confidential Assistant to the Assistant Secretary.

* * * * *

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

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

[F.R. Doc. 68–3069; Filed, Mar. 11, 1968; 8:50 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Rates of Premium Pay

Section 550.154 is amended to clarify the percentage of premium pay that may be paid for irregular or occasional overtime work. Effective on publication in the FEDERAL REGISTER, subparagraphs (2) and (3) of paragraph (a) of § 550.154 are amended as set out below.

§ 550.154 Rates of premium pay payable under § 550.151.

(a) * * *

(2) A position which requires an average of over five but not more than 7 hours a week of irregular or occasional overtime work—15 percent;

(3) A position which requires an average of over seven but not more than 9 hours a week of irregular or occasional overtime work—20 percent.

* * * * *

(5 U.S.C. 5548)

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

[F.R. Doc. 68–2990; Filed, Mar. 11, 1968; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTY PREVIOUSLY DESIGNATED FOR COMBINED CROP INSURANCE

The county listed below is hereby deleted from the list of counties published in the FEDERAL REGISTER on October 11, 1967 (32 F.R. 14091), which were designated for combined crop insurance for the 1968 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

SOUTH DAKOTA

Lake.

(Secs. 506, 516, 52 Stat. 73, as amended 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 68–3023; Filed, Mar. 11, 1968; 8:50 a.m.]

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

[Lemon Reg. 310, 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 § 910.610 (Lemon Reg. 310, 33 F.R. 4105) are hereby amended to read as follows:

§ 910.610 Lemon Regulation 310.

* * * * *

(b) *Order.* * * *

(1) * * *

* * * * *

(ii) District 2: 223,200 cartons.

* * * * *

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

Dated: March 7, 1968.

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

[F.R. Doc. 68-2999; Filed, Mar. 11, 1968; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4378]

[Anchorage 1048]

ALASKA

Exclusions From Chugach National Forest

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The following described tracts of land, occupied as homesites, are hereby excluded from the Chugach National Forest and restored, subject to valid existing rights, for purchase as homesites under section 10 of the act of May 14, 1898 (30 Stat. 413; 48 U.S.C. 461), as amended:

Latitude 60°66½′ N., longitude 149°36½′ W.

CLEAR LAKE HOMESITE GROUP

(a) Homesite No. 214, lot 4, U.S. Survey 3390 (unapproved), lot 5, U.S. Survey 4979 (unapproved), 2.83 acres.

(b) Homesite No. 215, lot 4, Tract B, U.S. Survey 4979 (unapproved), 1.58 acres.

(c) Homesite No. 204, lot 2, Tract B, U.S. Survey 4979 (unapproved), 1.58 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 5, 1968.

[F.R. Doc. 68-2971; Filed, Mar. 11, 1968; 8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 9]

PART 101—ADMINISTRATION

Miscellaneous Amendments

Part 101 of Title 13 of the Code of Federal Regulations is hereby amended by revising § 101.4 thereof to read as follows:

§§ 101.4 List of public-use SBA forms.

Number	Date	Reference [1]	Title	Code [2]
1	7-67	ND 135-5	Purchase Order	P
1A	1-58	ND 135-5	Purchase Order (Continuation Sheet)	P
4—Part I	9-67	ND 510-1	Application for Loan	P
4—Part II	12-67	ND 510-1	Application for Loan—Statement of Personal History	P
4 Schedule A	8-66	ND 510-1	Summary of Collateral Offered by Applicant as Security for Loan and SBA Appraiser's Evaluation Report.	P
4A	9-67	ND 510-1	Instruction Sheet (Form 4, Part 1 and Schedule A)	P
4B	4-66	ND 510-1	Essential Information Required for Loans to Producers of Minerals, Metals, Fuel Except Oil, and Gas (Mining Loans).	P
4C	9-64	ND 560-1	Essential Information for Substantial Economic Injury Disaster Loans.	P
4H	3-65	ND 510-1	Convalescent Nursing Homes	P
5	8-67	ND 560-1	Application for Disaster Loan—Business	P
5B	7-67	ND 560-1	Application for Disaster Loan of $2500 or Less	P
5C	7-67	ND 560-1	Application for Disaster Loan—Home	P
6B	6-67	ND 510	Application for Loan	P
74	3-66	ND 615-1A	Application for Certificate of Competency	P
74A	10-66	ND 615-1A	Instructions for the Preparation of SBA Form 74 "Monthly Cash Flow Projection".	P
368A	12-66	ND 205-1	SBA Monthly Report of Collections—Disaster Deferred Participation Loans.	P
370	3-66	ND 1100-4	Representative Index	P
391	4-66	ND 205-1	Quarterly Report on Deferred Participation or Guaranteed Loans.	P
393	3-67		Qualifications Inquiry	P
394	8-67	ND 1100-4	SBA Policy and Regulations Concerning Representatives and Their Fees.	P
403	9-67	ND 560-1	Note (Disaster Loans Only)	P
408	9-65	ND 510-1	Authorization—Direct Loan	P
408A	10-65	ND 510-1	Authorization—Immediate Participation—Small Loan	P
408B	12-67	ND 510-1	Authorization—Loan Guaranty Plan—Small Loan	P
408C	11-67	ND 510-1	Authorization—Direct Loan—EOL Program	P
408D	3-67	ND 510-1	Authorization—Immediate Participation—EOL Program.	P
408E	12-66	ND 510-1	Authorization—Loan Guaranty Plan—EOL Program	P
413	8-67	ND 520-1	Personal Financial Statement	P
415	3-61		License Application	PC
416	1-68		Application for Funds	PC
419	12-66		Application for Membership in Small Business Production or Research and Development Pool.	P
435	3-59		Small Business Administration License (SBIC)	PC
435A	3-59		Small Business Administration License (SBIC) (Copy)	PC
444	12-66		Subordinated Debenture	P
466	9-67		Transcript of Account	PC
468	9-67		Financial Report	R
468	9-67		Instructions for Preparation of the Financial Report	R
478	3-66		Compliance Examination Report	R
480	5-62		Size Status Declaration	P
482	2-62	ND 625-1	Application for Personal Property Sales Assistance Register.	R
482A	2-62	ND 625-1	Application for Personal Property Sales Assistance Register.	R
483	9-66		Unfilled Orders—Publications (Postal Card)	P
500	8-67		Analysis and Recomputation of Repayments	P
502	2-60	ND 535-1	Application for Loan (502)	P
502 Addendum	2-68	ND 535-1	Instruction to SBA Form 502	P
161	12-67		Loan Agreement	P
166B	3-65	ND 620-1	Registration of Construction-General Contractor or Service Facilities for Small Business Concerns.	R
166C	10-67	ND 620-1	Record of Concerns Activity in the Forest Products Industry.	R
172	4-66	ND 520-1	Report of Transactions on Loans Serviced by Banks	P
172D	12-66	ND 520-1	Report of Transactions on Loan Serviced by Bank (EMP-SEMP).	P
175	12-67	ND 206-1	Notice of Assignment	P
193A	12-67	ND 205-1	SBA Amortization Schedule	P
203	9-67	ND 205-1	Notice of Loan Payment Past Due	P
224	10-67	ND 520-1	Insurance Record and Tickler	P
225	2-66	ND 520-1	Substitution of Assigned Accounts Receivable	P
226	4-56	ND 205-1	Notice of Loan Payment Due	P
230	6-65	ND 205-1	Receipt for Payment	P
281	12-67	ND 510-1	Request for Name Check	P
303	12-66	ND 560-1	Confidential Bank Credit Report	P
304	9-64	ND 560-1	Authorization (Disaster-Residential-Direct)	P
305	7-65	ND 560-1	Authorization (Disaster Business Loan-Direct)	P
316	12-65	ND 213-1	Blanket Bond	PC
319	1-68	ND 560-1	Report and Confirmation of Loan	P
326A	12-66		Note (For All Immediate Participation Loans Not Over $25,000 SBA's Share).	P
326B	11-67		Note (Direct Loan Not Over $25,000)	P
326C	7-65		Note—Bank Serviced Immediate Participation Loan—$25,000 or Less.	P
326D	12-67		Note (For Direct Loan Not Over $25,000)	P
347	2-66		Computation and Transmittal Notice (Bank's Share)	PC

See footnotes at end of table.

Number	Date	Reference [1]	Title	Code [2]
348	11-67		SBA Listing of Field Office Addresses	P
349A	9-67	ND 510-1	Authorization (Direct Loan)	P
349B	5-66	ND 510-1	Authorization (Immediate Participation)	P
349C	8-66	ND 510-1	Authorization (Loan Guaranty Plan)	P
351	11-65	ND 205-1	Past Due Notice—Participation Loan	P
355	9-67	ND 400-4	Application for Small Business Size Determination	P
362	12-67	ND 520-1	Financial Statement	P
262A	12-67	ND 520-1	Data to Support Balance Sheet	P
368	10-67	ND 205-1	SBA Monthly Report of Collections—Disaster Deferred Participation Loans Purchased.	P
113	2-68		Biographical Data—Proposed Member of Small Business Advisory Council.	PC
115ML	2-67		Mailing Application—Free Management Assistance Publications.	P
136	2-66	ND 510-1	Participation Agreement (Immediate Participation by SBA on Loan Made by Bank).	P
136B	12-66	ND 510-1	Simplified Early Maturities Participation Agreement	P
137	8-65	ND 510-1	Participation Agreement (Immediate—Serviced by SBA).	P
138A	1-67	ND 560-1	Disaster Participation Agreement (Immediate)	P
138B	12-66	ND 560-1	Disaster Participation Agreement Program (Immediate Participation).	P
139	9-67	ND 510-1	Standby Agreement	P
143	8-67	ND 560-1	Request for Credit Information	R
147	9-63	ND 510-1	Note	P
147A	7-65		Note	P
148	11-67	ND 510-1	Guaranty	P
148A	9-63	ND 520-1	Guaranty	P
148B	2-64	ND 520-1	Guaranty (Loan Guaranty Plan)	P
152	10-67		Participation Certificate	P
152A	4-66		Participation Certificate	P
153	11-67	ND 520-1	Loan Agreement	P
153A	10-67		Loan Agreement (Loan Guaranty Plan)	P
154	1-65		Note	P
154B	7-65		Note	P
155	10-67	ND 510-1	Standby Agreement (Participation Loan)	P
156	1-65	ND 520-1	Certificate of Interest	P
156A	10-66	ND 520-1	Certificate of Interest	P
156B	12-66	ND 520-1	Certificate of Interest	P
157	11-67		Participation Certificate	P
159	6-67	ND 510-1	Compensation Agreement for Services in Connection with Application and Loan from (or in Participation with) SBA.	P
160	11-67	ND 510-1	Resolution of Board of Directors of (_____)	P
160A	9-64	ND 510-1	Certificate as to Partners	P
502B	6-67	ND 535-1	Information to be Submitted by the Small Business Concern to be Assisted by a Development Company Which is Applying for a Section 502 Loan.	P
502C	12-67	ND 535-1	Statement of Personal History	P
502D	4-65	ND 535-1	Exhibit ____ to SBA Form 502B	P
502E	4-65	ND 535-1	Exhibit ____ to SBA Form 502	P
508	1-68	ND 510-1	Note (Timber Access Road Loan Program)	P
508A	12-66	ND 510-1	Note (Timber Access Road Loan Program)	P
509	4-61	ND 510-1	Assignment of Rights Under Timber Sale Contract	P
509A	9-62	ND 510-1	Assignment of Rights Under Contract for Sale of Timber.	P
510A	1-67		Loan Amendment and Extension	P
522	8-61		Questionnaire—SBA Loans to Local Development Companies.	P
527	10-67	ND 510-1	Bank Request for Loan Guaranty or Immediate Participation (SBLP-SEMP).	P
528	9-67	ND 510-1	Applicant's Statement (Bank Serviced—SBA Participation.	P
529	6-67	ND 510-1	Authorization Approving Bank's Request for SBA Participation.	P
529A	8-67	ND 510-1	Authorization Approving Bank's Request for SBA Participation (SEMP).	P
529B	8-66	ND 510-1	Authorization Approving Bank's Request for SBA Guaranty.	P
530	9-61	ND 510-1	Note (SBLP)	P
530A	7-65	ND 510-1	Note (SEMP)	P
530B	8-67	ND 510-1	Note (SBLP—Immediate Participation Only)	P
532	12-65		Condensed Financial Statement	P
543	1-67	ND 625-1	Sales Assistance Register—Information	P
546	1-62		Note (Bank Disbursed Loan)	P
548	2-62		Assignment Agreement	P
556	3-67	ND 535-1	Contents of Portfolio	P
557	4-62		Contractor's Proposal of Costs	PC
558	4-62		Invoice—Claim for Reimbursement	PC
558A	4-62		Itemization of Direct Costs—Salaries	PC
558B	4-62		Itemization of Direct Costs—Transportation and Communications.	PC
558C	4-62		Itemization of Direct Costs—Supplies and Equipment.	PC
563	4-67		Conference ID Card	P
574	1-68	ND 535-1	Certificate of Incorporation of _____ Development Company.	P
578A	8-63	ND 1030-1	Subpoena Duces Tecum	P
579A	8-63	ND 1030-1	Subpoena	P
591	3-65	ND 510-1	Certification of Fees Paid in Connection with SBLP or SEMP Loan.	P
592	10-67	ND 650-1	Starting a New Business	P
593	8-67	ND 650-1	Workshop for Prospective Small Business Owners—Worksheets.	P
593 Supplement A	7-65	ND 650-1	Laundry and Cleaning Plants and Agencies	P
597	2-67	ND 510-1	Guaranty Agreement (Deferred Participation)	P
598	5-67	ND 520-1	Application for Liquidity Privilege	P
601	9-67	ND 1500-2A	Applicant's Agreement of Compliance	P
601A	9-67	ND 1500-2	Agreement of Amendment of Contract to Conform with Requirements of SBA Form 601.	P
603	12-66	ND 535-1	Information for Inquiries on Section 502 Applications for Guarantee or Loan.	P
610	11-67	ND 630-1	Application for Registration as a SCORE Volunteer and Request for Counseling Assignment.	P
613	6-67		SBA Business Inquiry	P
635	12-67		Address Query (Postal Card)	P
639	6-67	ND 630-1	SCORE Case Report	P
641	10-67	ND 630-1	Request for Counseling	P
650	1-67	ND 150-2A	Communication Acknowledgement (Postal Card)	P
652	11-67	ND 1500-3A	Applicant's Assurance of Compliance	P
652A	10-67	ND 1500-3A	Applicant Licensee's Assurance of Compliance	P
652B	7-67	ND 1500-3A	Assurance of Compliance	P
652C	11-67	ND 1500-3A	Applicant's Contingent Assurance of Compliance	P
652D	8-67	ND 1500-3A	Assurance of Compliance	P
656	2-66	ND 206-1	Control Report	P
662	3-66		Agreement	P
663	3-66		Guaranty Agreement	P
666	11-65	ND 1030-1	Portfolio Confirmation Request	R
667	6-67	ND 1030-1	Custodian Confirmation Request	R
668	11-65		Bank and Savings Institution Confirmation Request	R
670	11-65		Participation Purchased Confirmation Request	R
671	11-65		Participations Sold Confirmation	R
672	11-65		SBC Confirmation Request	R
674	11-65		Confirmation Request for Amount Due	R
680	6-66	ND 510-1	SBDC Client Interview Form	R
684	1-68		Program Evaluation Report	R
685	10-65		Notice—Mailing List Revision for Aids	P
696	11-65		Liability Certificate	R
702	3-66		"Thank You"	P
707	5-67		Compliance Report	P
714	8-66	ND 560-1	Letter for DBL Notification	P
722	9-66	ND 1500-8	Equal Employment Opportunity Poster	P
723	9-66	ND 625-1	Small Business Certification Required on All Preferential Sales of Set-Aside Timber.	P
727	9-66	ND 630-1	Service Corps of Retired Executives	P
729	9-67	ND 510-1	SBA Special Conditions for RAA Nonresidential Rehabilitation Loans.	P
740	12-66		Certification and Receipt	P
750	9-67	ND 510-1	Blanket Loan Guaranty Agreement Between _____ and the SBA.	P
751	1-68	ND 510-1	Application for Loan Under Blanket Guaranty	P
770	10-67	ND 530-1	Financial Statement of Debtor	P
774	6-67	ND 1250-2	Request for SBA Forms, Documents, Records and Other Information.	P
775	7-67		Form Letter—Status of Indebtedness	PC
778	7-67	ND 1250-2	Request for Agency Information or Records	P
779	7-67		Interest Paid During the Calendar Year	PC
782	6-67		Report of Bank Contact	PC
786	7-67		Form Letter re Voluntary Deductions	PC
787	8-67		Form Letter to CPAs re Bank's Participation	PC
788	8-67	ND 205-1	SBA Returned Unpaid Remittance	P
791	8-67		Letter re Participation Loan	P

See footnotes at end of table.

Number	Date	Reference [1]	Title	Code [2]
792	11-67		Request for Authorization to Transfer Salary	
793	9-67	ND 1500-10	Notice to New SBA Borrowers	P
797	12-67		Certificate of Appreciation	P
798	10-67		Certificate—Small Business Advisory Council—Member.	P
799	10-67		Certificate—Small Business Advisory Council—Chairman.	P
800	11-67		Application for Lease Guarantee (Part I)	P
800A	11-67		Application for Lease Guarantee (Part II)	P
800B	11-67		Application for Lease Guarantee (Part III)	P
803	11-67		Lease Guarantee Insurance Policy	P
806	12-67		Certificate re Small Business Contributions	P
807	12-67		Letter re Tax Statement and Treasury Check	PC
808	12-67		Letter re Publications Inquiry	P
809	12-67		Letter re Bill of Lading	P
810	12-67		Letter re Purchase Order	P
811	12-67		Inquiry for Delivery of Purchase	P
812	12-67		Bank Relations Officers Report	P
815	12-67		NASA Tech Brief Letter	P
818	1-68		Film Information Sheet	P

[1] Explanation of reference symbols:
ND—SBA National Directive, e.g., ND 135-5.

[2] Explanation of code symbols:
P&PC—SBA forms used by the public when applying for or obtaining SBA assistance or when providing services for SBA.
(Forms available in both the Central Office and field offices.) ..... P
(Forms available only in the Central Office.) ..... PC
R&RC—SBA forms used by SBA or under SBA sponsorship to solicit information from 10 or more persons (other than Federal employees). These forms have Bureau of the Budget approval, as required by the Federal Reports Act of 1942.
(Forms available in both the Central Office and field offices.) ..... R
(Forms available only in the Central Office.) ..... RC

Effective date: February 1, 1968.

R. C. MOOT,
Administrator.

[F.R. Doc. 68-2914; Filed, Mar. 11, 1968; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8260; Amdt. 61-40]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Operation of Hot Air Balloons Without an Airborne Heater

The purpose of these amendments to Part 61 of the Federal Aviation Regulations is to limit the privileges of certain student and commercial pilots (lighter-than-air) to operating only hot air balloons without an airborne heater if they do not meet all of the otherwise applicable aeronautical knowledge and experience requirements. These amendments also remove from Part 61, as no longer needed, § 61.179 (Special issue of a flight instructor certificate with a glider rating) and the related provisions in §§ 61.3(d) and 61.39(a), respectively, on exercising the privileges of a flight instructor certificate with a glider rating thereon, and on logging flight instruction received from commercial glider pilots.

With respect to the operation of hot air balloons, these amendments (before the changes made here) were proposed in Notice No. 67-26 and published in the FEDERAL REGISTER on July 8, 1967 (32 F.R. 10103). The public comments received on the notice concurred generally with the objective of requiring specified pilot knowledge and experience for the operation of hot air balloons equipped with airborne heaters.

It was proposed in Notice No. 67-26 to establish the same knowledge and experience requirements for pilots of hot air balloons with airborne heaters as already existed for pilots of gas balloons. As contained in § 61.128 the experience required of an applicant for a commercial pilot certificate (lighter-than-air, free balloon class) consists of at least eight ascents averaging 2 hours in duration, including six ascents under designated supervision, one ascent in control to an altitude of 10,000 feet under that supervision, and one solo ascent. It was stated in the notice that basically the operating characteristics of a hot air balloon with an airborne heater are more similar to those of a lighter-than-air gas balloon than they are to the operating characteristics of a hot air balloon without the airborne heater.

Four of the public comments received contended, and presented performance information, that balloons equipped with airborne heaters do not in fact proximate the performance of gas balloons. It was asserted that a commercial pilot needs only eight 1-hour flights (rather than 2-hour flights) to demonstrate his ability and gain experience. Also, it was asserted, the longer flights can be made only in large balloons (60,000 cubic feet and up), and this would eliminate smaller balloons from use for student training and licensing flights; the world record for duration for 30,000 cubic foot balloons is less than 2 hours; and the vast majority of all flights, and most races, are of 1-hour duration or less. It was further asserted that requiring these flights to average 2 hours would be unsafe and hazardous, in view of the limited fuel available for a hot air balloon.

In view of these considerations, these amendments establish a level of commercial pilot experience requirements lower than that for unlimited free balloons such as is required for gas balloons. Accordingly, § 61.128 as amended requires the eight ascents to average 1 hour rather than 2 hours (as originally proposed) in the aeronautical experience for a commercial pilot certificate for hot air balloons with airborne heaters.

It also was contended that the proposed changes should not require, for hot air balloons with airborne heaters, 10,000 feet as the altitude for one ascent in control under the designated supervision. It was asserted that an ascent to 10,000 feet in northeastern United States could be hazardous. Upon further consideration, it is believed that this ascent need be only to an altitude of 5,000 feet above the point of takeoff, and this altitude is used in these amendments instead of 10,000 feet as originally proposed.

Notice No. 67-26 proposed the addition of a new § 61.130(c) to provide for issuance of commercial pilot certificates limited to "Hot Air Balloons Without Airborne Heater Only" to applicants who meet the aeronautical skill requirements for lighter-than-air, free balloon class, but do not meet the aeronautical knowledge and experience requirements of §§ 61.113(c) and 61.128. With a separate experience requirement now provided for the commercial pilot certificate for hot air balloons with airborne heaters, new paragraphs (c) and (d) now replace the proposed paragraph (c) in § 61.130. Under paragraph (c), the certificate issued to the applicant who meets the experience requirements of amended § 61.128 for hot air balloons only, will have the limitation "Hot Air Balloons (With or Without Airborne Heater) Only". Under paragraph (d), the certificate issued to the applicant who meets none of the experience requirements of § 61.128 will have the limitation "Hot Air Balloons (Without Airborne Heater) Only"—in effect, the limitation originally proposed in the notice. Appropriate provisions for removal of these limitations are included.

Some comments also urged that a student pilot (lighter-than-air) should be allowed to operate a free balloon, other than a hot air balloon without an airborne heater, as pilot in command after six instruction flights totalling only 3 hours in free balloons, instead of a total of 6 hours as provided in proposed new § 61.71(d). However, the requirement is considered appropriate as proposed, and no change has been made.

These amendments also make the proposed clarifying changes in § 61.101(a)(5) and (b) to reflect that only lighter-than-air category and airship ratings are issued to private pilots under Subpart C of Part 61, as well as in § 61.39(a)(2)(iv) to provide for logging free balloon flight instruction received from a private pilot (lighter-than-air, airship class). Also, these amendments make the other changes proposed in Notice 67-26, for the reasons there stated. One comment questioned the adequacy of substitution, in § 61.71(c), of an instructor's certification for a written test on Part 91 of the Federal Aviation Regulations, as concerns the operation of a free balloon as

pilot in command by a student pilot (lighter-than-air). However, this change was proposed to make the requirement consistent with the corresponding familiarity requirement in § 61.63(a)(1) for operation of aircraft in solo flight. Also, with respect to the amended § 61.71(c) as issued, an exception of § 91.6 is made from the general rules with which familiarity is required, since a student pilot (lighter-than-air) would not need familiarity with Category II operation for operating a free balloon.

Amendment 61–18 issued June 21, 1965 (30 F.R. 8256) provided in § 61.179 for special issue of a flight instructor certificate with a glider rating to the holder of a commercial pilot certificate with a glider rating who met specified instruction requirements within 12 months preceding his application and before September 26, 1966. The latter date has passed, and there is no longer need for this provision. Accordingly, these amendments delete the provision from Part 61. Consistently, these amendments remove from § 61.3(d) the provision allowing the holder of a commercial pilot certificate with a glider rating valid on September 25, 1965, to exercise the privileges of the holder of a flight instructor certificate with a glider rating thereon until September 26, 1966, and from § 61.39(a)(2)(iv) the reference to logging flight instruction received from a commercial glider pilot, since it no longer is appropriate for commercial glider pilots, as such, to sign student records.

Interested persons have been afforded an opportunity to participate in the making of these amendments on operation of hot air balloons, and due consideration has been given to all matter presented.

In consideration of the foregoing, Part 61 of the Federal Aviation Regulations is amended as follows, effective May 10, 1968:

1. By striking out the flush paragraph following subparagraph (d)(3) of § 61.3.

2. By amending the introductory language of paragraph (e) and paragraph (e)(3) of § 61.15 to read as follows:

§ 61.15 Aircraft ratings.

* * * * *

(e) Subject to § 61.16, the holder of a lighter-than-air pilot certificate, a pilot certificate with a lighter-than-air category rating, or a free balloon pilot certificate may continue to exercise the privileges of that certificate or rating. However, if he exchanges his pilot certificate—

* * * * *

(3) The holder of a free balloon pilot certificate is issued a commercial pilot certificate with a lighter-than-air category rating and free balloon class rating, and if appropriate, with the limitation provided in § 61.130(c) or § 61.130(d).

* * * * *

3. By amending paragraph (d)(4) of § 61.16 to read as follows:

§ 61.16 General limitations.

* * * * *

(d) * * *

(4) The holder of a lighter-than-air pilot certificate, a pilot certificate with a lighter-than-air category rating, or a free balloon pilot certificate, when operating a hot air balloon without an airborne heater.

4. By amending paragraph (a)(2)(iv) of § 61.39 to read as follows:

§ 61.39 Pilot logbooks: except airline transport pilots.

(a) * * *

(2) * * *

(iv) Flight instruction from an appropriately rated flight instructor, in the case of airplanes, gliders, or rotorcraft; from an appropriately rated commercial pilot, in the case of airships; or from an appropriately rated private (airship class) or commercial pilot, in the case of free balloons.

* * * * *

5. By amending the flush paragraph following paragraph (a)(3) of § 61.71, by amending paragraph (c) of § 61.71, and by adding the following new paragraph (d) to § 61.71, to read as follows:

§ 61.71 Lighter-than-air operations: flight limitations.

(a) * * *

Subparagraph (2) of this paragraph does not apply to a student pilot who holds a free balloon class rating, unless that rating bears a limitation named in § 61.130(d).

(b) * * *

(c) A student pilot (lighter-than-air) may not operate a free balloon as pilot in command until his instructor certifies on his certificate that he is familiar with the general and visual flight rules of §§ 91.1 through 91.9 (except § 91.6) and Subpart B of Part 91 of this chapter.

(d) A student pilot (lighter-than-air) may not operate a free balloon, other than a hot air balloon without an airborne heater, as pilot in command until his instructor certifies on his certificate that he has had at least six instruction flights, totalling at least 6 hours, in free balloons.

6. By amending the parenthetical clauses in paragraph (a)(5) and in paragraph (b) of § 61.101 to read "(lighter-than-air, airship class)".

7. By amending the introductory language of paragraph (c) of § 61.113 to read as follows:

§ 61.113 Aeronautical knowledge.

* * * * *

(c) An applicant for a commercial pilot certificate (lighter-than-air, free balloon class), other than a certificate issued under § 61.130(d), must pass a written test on the following:

* * * * *

8. By amending § 61.128 to read as follows:

§ 61.128 Lighter-than-air (free balloon class rating): Aeronautical experience.

(a) An applicant for a commercial pilot certificate (lighter-than-air, free balloon class), other than a certificate issued under § 61.130(c) or § 61.130(d), must have at least eight ascents averageing 2 hours in duration, substantiated by a logbook, including six ascents under the supervision of an appropriately rated private or commercial pilot, one ascent in control to an altitude of 10,000 feet under that supervision, and one solo ascent.

(b) An applicant for a commercial pilot certificate (lighter-than-air, free balloon class) issued under § 61.130(c), must have made at least eight ascents averaging 1 hour in duration, substantiated by a logbook, including six ascents under the supervision of an appropriately rated private or commercial pilot, one ascent in control to an altitude of 5,000 feet, and one solo ascent.

9. By adding the following new paragraphs (c) and (d) at the end of § 61.130:

§ 61.130 Lighter-than-air rating (free balloon class): Aeronautical skill.

* * * * *

(c) An applicant who meets the requirements of paragraphs (a) and (b) of this section, and the requirements of §§ 61.113(c) and 61.128(b), may obtain a commercial pilot certificate with lighter-than-air category and free balloon class ratings limited to "Hot Air Balloons (With or Without Airborne Heater) Only". Upon meeting the requirements of § 61.128(a), that limitation may be removed.

(d) An applicant who meets the requirements of paragraphs (a) and (b) of this section, but who does not meet the requirements of §§ 61.113(c) and 61.128 (a) or (b) may obtain a commercial pilot certificate with lighter-than-air category and free balloon class ratings limited to "Hot Air Balloons (Without Airborne Heater) Only". Upon meeting the requirements of §§ 61.113(c) and 61.128 (b), that limitation, or a limitation to "Hot Air Balloons Only", may be removed, and a "Hot Air Balloons (With or Without Airborne Heater) Only" limitation obtained under paragraph (c) of this section. Upon meeting the requirements of §§ 61.113(c) and 61.128(a), the limitations under this paragraph or paragraph (c) of this section may be removed.

10. By amending § 61.131(c) to read as follows:

§ 61.131 General privileges and limitations.

* * * * *

(c) Unless his certificate is issued under § 61.130(c) or § 61.130(d), or limited to "Hot Air Balloons Only", a commercial pilot (lighter-than-air, free balloon class) may act as pilot in command of, and give flight instruction in, a free balloon. A commercial pilot (lighter-than-air, free balloon class) whose certificate is issued under § 61.130(c), may act as pilot in command of, and give flight instruction in, only hot air balloons with or without an airborne heater. A commercial pilot (lighter-than-air, free balloon class) whose certificate is issued under § 61.130(d), or is limited to "Hot

Air Balloons Only", may act as pilot in command of, and give flight instruction in, only a hot air balloon without an airborne heater.

11. By amending § 61.178(b) to read as follows:

§ 61.178 Additional flight instructor ratings.

* * * * *

(b) The holder of a flight instructor certificate with a "Gliders Only" rating must also show by satisfactory evidence that he has passed the written test prescribed by § 61.171(a).

12. By deleting § 61.179.

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1422)

Issued in Washington D.C., on March 6, 1968.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 68-2993; Filed, Mar. 11, 1968; 8:47 a.m.]

[Docket No. 7791; Amdt. 61-41]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Private Pilot Solo Cross-Country Experience

The purpose of these amendments to Part 61 of the Federal Aviation Regulations is to expand the scope of § 61.85 (b) to cover all applicants for private pilot certificates (airplane rating) who are located on isolated islands and can only complete the cross-country requirements of § 61.85(a)(3) by making long overwater flights.

These amendments were proposed in Notice 67-36 and published in the FEDERAL REGISTER on August 10, 1967 (32 F.R. 11573). The public comments received on the notice concurred with the objective of the proposal. However, two public comments suggested changes therein. One suggestion was that the proposed § 61.85(c) be revised to eliminate reference to a specific island from the certificate limitation and allow operations over and within 10 miles of the shoreline of any island with appropriate landing facilities. This would eliminate the need for additional endorsement when the certificate holder is transferred to an island other than the one for which he is certificated. The FAA considered this alternative before issuing the notice. At that time, it decided that, in view of the limited amount of cross-country experience the holder of a limited private pilot certificate would be likely to have, it would be in the interest of safety to require requalification at the new location when his base of operation is changed. The FAA adheres to that decision.

The other suggested change was that the limitation under the proposed § 61.85 (c) should also require that flights remain within safe gliding distance from the shoreline and never exceed 10 miles offshore. This suggestion is beyond the scope of the proposal, and it therefore may not be adopted by these amendments.

These amendments incorporate two clarifying changes in the provisions proposed by the notice. First, it was not the intent of the proposal to prevent any applicant from qualifying under the usual aeronautical experience requirement of § 61.85(a)(3). To avoid misunderstanding, the revised § 61.85(b) provides that an applicant who makes the prescribed showing need not comply with paragraph (a)(3), instead of providing (as proposed) that paragraph (a)(3) does not apply to him. Second, it was the intent of the Notice that the removal of the endorsement, that the certificate holder does not meet the cross-country flight requirements of ICAO, should require only the presentation of evidence of compliance with the ICAO requirements, as set forth in the proposed new § 61.85(d). The new § 61.85(e) therefore expresses this intent, rather than that the certificate holder must also show the compliance with § 61.87(b)(3) that is required only for removal of a limitation prescribed under revised paragraph (c).

As clarified, these amendments accomplish the changes proposed in Notice 67-36, for the reasons stated therein, thus broadening the exception previously made in § 61.85(b) to encompass any student pilot located on an island from which required cross-country flights cannot be accomplished without making long overwater flights.

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

In consideration of the foregoing, § 61.85 of the Federal Aviation Regulations is amended, effective April 11, 1968, by amending paragraph (a)(3) and paragraphs (b) and (c), and by adding new paragraphs (d) and (e), to read as follows:

§ 61.85 Airplane rating: aeronautical experience.

(a) * * *

(3) Except as provided in paragraph (b) of this section, at least 10 hours of solo cross-country flight time, during which each flight included a landing at a place more than 25 miles from the place of departure, and during which at least one flight included a landing at a place more than 100 miles from the place of departure; and

* * * * *

(b) An applicant who shows that he is located on an island from which the required flights cannot be accomplished without flying over water more than 10 miles from the nearest shoreline need not comply with paragraph (a)(3) of this section. However, if other airports that permit civil operations are available to which a flight may be made without flying over water more than 10 miles from the nearest shoreline, he must show that he has completed two round trip solo flights between those two airports that are farthest apart, including a landing at each airport on both flights.

(c) The pilot certificate issued to a person under paragraph (b) of this section must contain the following limitation:

Passenger carrying prohibited on flights more than 10 miles from (appropriate island).

The above limitation may be amended to include another island if the applicant complies with paragraph (b) of this section with respect to that island.

(d) If an applicant for a private pilot certificate under paragraph (b) of this section does not have at least 3 hours of solo cross-country flight time including a round trip flight to an airport at least 50 nautical miles from the place of departure with at least two full stop landings at different points along the route, his pilot certificate will be endorsed as follows:

Holder does not meet the cross-country flight requirements of ICAO.

(e) The holder of a private pilot certificate with the limitation or endorsement prescribed in paragraph (c) or (d) of this section, or in paragraph (b) of this section before April 11, 1968, is entitled to removal thereof as follows:

(i) Removal of the limitation prescribed in paragraph (c), or in paragraph (b) before April 11, 1968, if he passes the test prescribed by § 61.87(b)(3) and presents satisfactory evidence to an FAA inspector that he has complied with the solo cross-country flight requirements of paragraph (a)(3) of this section.

(ii) Removal of the endorsement prescribed in paragraph (d) if he presents satisfactory evidence to an FAA inspector that he has met the ICAO cross-country flight requirements stated in paragraph (d).

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1422)

Issued in Washington, D.C., on March 6, 1968.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 68-2994; Filed, Mar. 11, 1968; 8:47 a.m.]

[Airspace Docket No. 67-CE-80]

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

Alteration and Revocation of Federal Airway Segments and Revocation of Reporting Point

On December 13, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 17861) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airways Nos. 72 and 88; revoke VOR Federal airway No. 426 segment and revoke the Richwoods, Mo., low altitude reporting point.

Interested persons were afforded an opportunity to participate in the proposed

rule making through the submission of comments. Four comments received addressed their objections to the proposed decommissioning of the Richwoods VOR which was contained in a nonrule-making proposal 67–CE–9NR. No comments received were addressed to the airway proposals contained in the notice.

In the notice V–88 segment was proposed for realignment through partial use of the St. Louis, Mo., VORTAC 170° T radial. This stated radial should have specified the 171° T radial. In addition, with the alteration of V–72 proposed in the notice, a minor realignment to the segment of V–69 between the Imperial, Mo., intersection and the Troy, Ill., VORTAC is necessary.

The minor realignment of V–69 will enable the centerlines of V–69 and V–72 to coincide. Accordingly, these amendments are being made herein. Since these amendments are minor in nature and do not alter the extent of controlled airspace, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., April 25, 1968, as hereinafter set forth.

1. Section 71.123 (33 F.R. 2009) is amended as follows:

a. In V–69 "Troy, Ill., 234° radials;" is deleted and "Troy, Ill., 233° radials; is substituted therefor.

b. In V–72 "12 AGL Richwoods, Mo.;" is deleted.

c. In V–88 all after "12 AGL Vichy, Mo.;" is deleted and "12 AGL to INT of Vichy 084° and St. Louis, Mo.; 171° radials." is substituted therefor.

d. In V–426 "From Richwoods, Mo., 12 AGL via" is deleted and "From" is substituted therefor.

2. In § 71.203 (33 F.R. 2280) "Richwoods, Mo." is deleted.

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

Issued in Washington, D.C. on March 5, 1968.

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

[F.R. Doc. 68–2995; Filed, Mar. 11, 1968; 8:47 a.m.]

[Airspace Docket No. 67–EA–135]

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

Alteration of Federal Airways, Transition Area, and Reporting Point; Revocation

Correction

In F.R. Doc. 68–2878 appearing at page 4249 in the issue of Thursday, March 7, 1968, make the following changes:

1. The first paragraph should read as follows:

On January 27, 1968, Airspace Docket No. 67–EA–135 was published in the FEDERAL REGISTER (33 F.R. 1071) which changed the name of the Elkins, W. Va., VORTAC to Buckhannon, W. Va., in the descriptions of several airways, the Elkins transition area, and as a designated reporting point.

2. The third line of the second paragraph should read: "VORTAC is not the best means to resolve".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8723 o.]

PART 13—PROHIBITED TRADE PRACTICES

Consolidated Mortgage Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.260 *Terms and conditions.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1760 *Terms and conditions. Subpart*—Neglecting, unfairly fairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Consolidated Mortgage Co. et al., Providence, R.I., Docket 8723, Feb. 19, 1968]

In the Matter of Consolidated Mortgage Co., a Corporation, and William F. Sullivan, Individually and as an Officer of Said Corporation, and Lester S. Cotherman, Individually and as General Manager of Said Corporation

Order requiring a Providence, R.I., mortgage loan company to cease misrepresenting the terms and conditions under which it makes loans and neglecting to disclose other material facts in connection with its lending operations.

The order to cease and desist, including further order requiring report of compliance therewith is as follows:

It is ordered, That respondents Consolidated Mortgage Co., a corporation, and its officers, Lester S. Cotherman, individually and as General Manager of said corporation, and William F. Sullivan, individually and as an officer of said corporation, and said respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering of or the sale or granting of lending services, or of any similar or related services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing, directly or by implication, that loans are made to customers at a 6-percent rate of interest;

(b) Representing, directly or by implication, that loans made or arranged by respondents are repayable over a 15-year period;

(c) Representing, directly or by implication, that loans are made at any stated repayment schedule, interest rates, period of repayment or under other stated terms or conditions: *Provided, however,* That, except for the terms and conditions covered by subparagraphs (a) and (b) above, it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that loans are readily and in the regular course of business made available to customers under the stated repayment schedule, interest rates, period of repayment, or other terms or conditions as stated;

(d) Misrepresenting in any manner the monthly repayment schedules, interest rates, periods of repayment, or other terms or conditions under which respondents' loans are made.

It is further ordered, That respondents Consolidated Mortgage Co., a corporation, and its officers, Lester S. Cotherman, individually and as General Manager of said corporation, and William F. Sullivan, individually and as an officer of said corporation, and said respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering of or the sale or granting of lending services, or of any similar or related services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist, in those cases where representations are made as to the terms and conditions of respondents' loans, from failing, clearly and conspicuously, to reveal in advertising:

(a) The period of repayment;

(b) The number of payments required;

(c) The finance charges expressed in terms of dollars and cents;

(d) The simple annual percentage rate or rates at which the finance charge has been imposed on the monthly balance;

(e) Any other charges or expenses which are to be incurred or paid by the borrower to obtain such loans.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist set forth herein.

By the Commission. Commissioner Nicholson not participating for the reason oral argument was heard prior to his taking the oath of office.

Issued: February 19, 1968.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68–2966; Filed, Mar. 11, 1968; 8:45 a.m.]

[Docket No. 8741]

PART 13—PROHIBITED TRADE PRACTICES

Directional Contract Furniture Corp.

Subpart—Discriminating in price under section 2, Clayton Act—Price Discrimination under 2(a): § 13.730 *Customer classification.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13)

[Cease and desist order, Directional Contract Furniture Corp., New York City, N.Y., Docket 8741, Feb. 23, 1968.]

Consent order requiring a New York City wholesaler of furniture to cease discriminating in price among competing resellers of its furniture in violation of section 2(a) of the Clayton Act, the order set forth below shall become final on the date of final disposition of the proceedings In the matter of Knoll Associates, Inc., Docket No. 8549, now pending before the Court of Appeals, Seventh Circuit.

The order to cease and desist is as follows:

It is ordered, That respondent Directional Contract Furniture Corp., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in, or in connection with, the offering for sale, sale, or distribution of furniture and furniture products in commerce, as "commerce" is defined in the Clayton Act as amended, do forthwith cease and desist from: Discriminating, directly or indirectly, in the price of such products of like grade and quality by selling to any purchaser at net prices higher than the net prices charged any other purchaser who in fact competes with the purchaser paying the higher price.

Issued: February 23, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-2697; Filed, Mar. 11, 1968; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68-75]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Invoice—Multiple Entries

To provide for the use of a photocopy of the special customs invoice or commercial invoice in lieu of an extract from such invoice when all merchandise covered by that invoice is not entered at one time, the Customs Regulations are amended as follows:

The second sentence of § 8.11(a) is amended by substituting "a photocopy of the original special customs invoice or commercial invoice" for "an extract from the special customs or commercial invoice" and the third sentence of § 8.11 (a) is amended by substituting "a photocopy of the invoice" for "an extract from the invoice" and paragraph (b) is amended. Those sentences and paragraph (b) read as follows:

§ 8.11 Invoice to be for single shipment; extracts from invoices.

(a) * * * If by reason of accident or short shipment a portion of the quantity covered by one invoice fails to arrive, or if for any other reason only a portion of the quantity covered by one invoice is entered under one entry, a photocopy of the original special customs invoice or commercial invoice used in connection with the first entry, covering the quantity to be entered under another entry, may be used in connection with the subsequent entry of any portion of the merchandise not cleared under the first entry. However, a photocopy of the invoice filed with the first entry for consumption from a foreign-trade zone of a portion of the merchandise shown on the invoice will not be required for any subsequent entry for consumption from that zone at the same port of a portion of any merchandise covered by such invoice, if a pro forma invoice is filed and identifies the entry first made and the invoice then filed.

(b) When portions of a single shipment requiring a special customs invoice or a commercial invoice are entered at different ports, the importer may submit to the district director of customs where the original invoice or latest photocopy of the original invoice is on file, two photocopies of the latest of such invoices to be certified as to merchandise previously received, and the official seal affixed thereto. A properly certified photocopy of a special customs invoice or a commercial invoice presented within the bonded period may be accepted to cancel the bond given for the production of a certified or commercial invoice. In a case in which a portion of a shipment is entered at the first port on a pro forma invoice, an entry at a subsequent port may be made by means of a new pro forma invoice which may cover only the merchandise then entered.

* * * * *

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

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

Approved: March 5, 1968.

FRED B. SMITH, *General Counsel of the Treasury.*

[F.R. Doc. 68-2987; Filed, Mar. 11, 1968; 8:47 a.m.]

[T.D. 68-74]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

Labeling of Packages of Merchandise Transported in Bond

Air carriers claim that the requirement in § 18.4(e) of the Customs Regulations that the warning label on packages shipped in bond include the transportation entry number, the port where the merchandise is entered for transportation in bond, the port of destination, and place where delivery to customs is to be made requires considerable time and unduly delays delivery of the packages, especially when large numbers of them are carried on any given flight. It is indicated that this information on the labels is of little or no aid to the air carriers in identifying and controlling the shipments, including the prevention of irregular deliveries.

Other carriers claim that the information required on warning labels helps reduce the number of irregularities in the handling and delivery of packages entrusted to them for transportation in bond and such irregularities may cause extra work for both the carriers and customs.

Under the circumstances, the Bureau has decided that a carrier at its option may omit the above data on warning labels attached to packages of merchandise.

The Bureau also approves the use of a high visibility, pressure-sensitive warning label designed to reduce the time and work involved in the labeling of packages.

To give effect to the foregoing, the first two sentences of § 18.4(e) of the Customs Regulations are deleted and the following substituted in lieu thereof:

§ 18.4 Sealing conveyances and compartments; labeling packages; warning cards.

* * * * *

(e) Except as otherwise provided for in this paragraph, packages shipped in bond or by a carrier permitted to transport articles under the last sentence of section 553 of the tariff act, as amended, shall be corded and sealed or, in lieu thereof, the carriers shall furnish and attach to each such package a warning label on bright red paper, not less than 5 by 8 inches in size, containing the following legend in black or white lettering of a conspicuous size:

U.S. CUSTOMS

This package is under bond and must be delivered intact to the customs officer in charge at the port of destination or to such other place as authorized by customs.

WARNING. Two years' imprisonment, $5,000 fine, or both, is the penalty for unlawful removal of this package or any of its contents.

Transportation Entry No. _____; From _____ To _____; This package to be delivered to customs at _____

(If other than port of destination)

A carrier at its option may omit the last three lines of the above legend from the warning label but if not omitted the information called for must be filled in. If the size of the package renders the use of a 5 x 8 inch warning label impracticable because of lack of space, a 3 x 5 inch label may be used. If a high visibility, pressure-sensitive warning label is used, whether as a continuous series in tape form or otherwise, the label may be smaller but not less than 1½ by 3 inches in size. * * *

(Sec. 552, 553, 46 Stat. 742, as amended; 19 U.S.C. 1552, 1553)

Notice of proposed rule making to authorize carriers at their option to omit the last three lines of the above-quoted legend from warning labels was published

in the FEDERAL REGISTER for October 18, 1967 (32 F.R. 14395). No objections were received. Since under the change an exemption is being granted and the use of certain high visibility, pressure-sensitive warning labels designed to facilitate their application is also being approved, good cause is found under 5 U.S.C. 553(d) for making this amendment effective upon publication in the FEDERAL REGISTER.

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

Approved: March 5, 1968.

FRED B. SMITH,
General Counsel of the Treasury.

[F.R. Doc. 68-2986; Filed, Mar. 11, 1968; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Phosphamidon

A petition (PP 7F0546) was filed with the Food and Drug Administration by Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, Calif. 94801, proposing the establishment of tolerances for residues of the insecticide phosphamidon (2-chloro-2-diethylcarbamoyl-1-methylvinyl dimethyl phosphate) in or on the raw agricultural commodities: Apples, beans, grapefruit, lemons, oranges, and tangerines at 1 part per million; broccoli, cauliflower, and cucumbers at 0.75 part per million; cantaloups, peppers, potatoes, tomatoes, and watermelons at 0.5 part per million; and walnuts at 0.1 part per million.

Subsequently, the petitioner withdrew the proposed tolerances regarding beans, potatoes, and tomatoes; reduced to 0.5 part per million the proposed level for broccoli, cauliflower, and cucumbers; and reduced to 0.25 part per million the proposed level for cantaloups and watermelons.

Data in the petition show that tolerances for such residues in or on grapefruit, lemons, oranges, and tangerines at 0.75 part per million are adequate.

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

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(5) is amended by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

Phosphamidon (2-chloro-2-diethylcarbamoyl-1-methylvinyl dimethyl phosphate) including all of its related cholinesterase-inhibiting compounds.

* * * * *

2. The following new section is added to Subpart C:

§ 120.239 Phosphamidon; tolerances for residues.

Tolerances (expressed as phosphamidon) for residues of phosphamidon (2-chloro - 2 - diethylcarbamoyl-1-methylvinyl dimethyl phosphate) including all of its related cholinesterase-inhibiting compounds in or on raw agricultural commodities are established as follows:

1 part per million in or on apples.

0.75 part per million in or on grapefruit, lemons, oranges, tangerines.

0.5 part per million in or on broccoli, cauliflower, cucumbers, peppers.

0.25 part per million in or on cantaloups, watermelons.

0.1 part per million in or on walnuts.

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

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

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

Dated: March 4, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-3024; Filed, Mar. 11, 1968; 8:50 a.m.]

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

S-Propyl Dipropylthiocarbamate

A petition (PP 8F0639) was filed with the Food and Drug Administration by the Stauffer Commercial Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of tolerances for negligible residues of the herbicide *S*-propyl dipropylthiocarbamate in or on the raw agricultural commodities peanuts, peanut forage, peanut hay, soybeans, soybean forage, soybean hay, and sweetpotatoes at 0.1 part per million.

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

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to subpart C the following new section:

§ 120.240 *S*-Propyl dipropylthiocarbamate; tolerances for residues.

Tolerances are established for negligible residues of the herbicide *S*-propyl dipropylthiocarbamate in or on the raw agricultural commodities peanuts, peanut forage, peanut hay, soybeans, soybean forage, soybean hay, and sweetpotatoes at 0.1 part per million.

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

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

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

Dated: March 4, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-3025; Filed, Mar. 11, 1968; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

CALCIUM PERIODATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Morton Chemical Co., a division of Morton International, Inc., 110 North Wacker Drive, Chicago, Ill. 60606, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of calcium periodate as a source of iodine in salt blocks for animal use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by adding to Subpart C the following new section:

§ 121.313 Calcium periodate.

The food additive calcium periodate may be safely used in accordance with the following prescribed conditions:

(a) The additive is produced by reacting calcium iodate with calcium hydroxide or calcium oxide to form a substance consisting of not less than 60 percent by weight of penta calcium orthoperiodate containing 28 to 31 percent by weight of iodine.

(b) It is used or intended for use in salt blocks for livestock as a source of iodine.

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

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

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

Dated: March 4, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-3026; Filed, Mar. 11, 1968; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 101-47.3—Surplus Real Property Disposal

NONDISCRIMINATION COVENANT IN NEGOTIATED DISPOSALS OF REAL PROPERTY TO PUBLIC BODIES

The General Services Administration has determined that where federally owned real property is disposed of through negotiation with public bodies pursuant to the authority of section 203(e)(3)(H) of the Federal Property and Administrative Services Act, as amended, 40 U.S.C. 484(e)(3)(H), nondiscrimination assurances will be required to be included in the conveyance. Section 101-47.307-2 is therefore amended to specify the nondiscrimination covenant to be incorporated in such deeds and disposal instruments.

Section 101-47.307-2 is amended to read as follows:

§ 101-47.307-2 Conditions in disposal instruments.

(a) * * *

(b) Except for exchange transactions initiated by the Federal Government for its own benefit, any disposition of land, or land and improvements located thereon, to public bodies by negotiation pursuant to § 101-47.304-9(4) shall include in the deed or other disposal instrument a covenant substantially as follows:

The Grantee covenants for itself, its heirs, successors, and assigns and every successor in interest to the property hereby conveyed, or any part thereof, that the said Grantee and such heirs, successors, and assigns shall not discriminate upon the basis of race, color, religion, or national origin in the use, occupany, sale, or lease of the property, or in their employment practices conducted thereon. This covenant shall not apply, however, to the lease or rental of a room or rooms within a family dwelling unit; nor shall it apply with respect to religion to premises used primarily for religious purposes. The United States of America shall be deemed a beneficiary of this covenant without regard to whether it remains the owner of any land or interest therein in the locality of the property hereby conveyed and shall have the sole right to enforce this covenant in any court of competent jurisdiction.

(c) Any deed, lease, or other instrument executed to dispose of property under this subpart, subject to reservations, restrictions, or conditions as to the future use, maintenance, or transfer of the property shall recite all covenants, representations, and agreements pertaining thereto.

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

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER. The nondiscrimination covenant prescribed shall be required in all pending transactions except those where a final agreement (i.e., meeting of the minds between the parties negotiating the transaction) has been reached prior to such effective date.

Dated: March 5, 1968.

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

[F.R. Doc. 68-2968; Filed, Mar. 11, 1968; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68-229]

PART 73—RADIO BROADCAST SERVICES

PART 74—EXPERIMENTAL, AUXILIARY AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Miscellaneous Amendments

1. Parts 73 and 74 of the Commission's rules, relating to the broadcast and related services, will be reprinted during 1968. In this connection, it is appropriate to make various changes in the rules, to bring them up to date, remove ambiguities, conform certain provisions to established Commission policy and practice, etc. This document concerns these changes, the full text of which is set forth below. As will appear below, none of these changes requires rule-making proceedings. Other changes, of a minor editorial nature, will be made in the near future.

2. Changes to reflect the national adoption of "advanced" or "daylight saving time": The Uniform Time Act of 1966 made what has hitherto been called "daylight saving time" in effect "standard" time from the last Sunday in April until the last Sunday in October, except for States electing to remove the entire State from the statutory provisions (which none of the 48 conterminous States finally did). Therefore "advanced" or "daylight saving time" is all but universal in the conterminous United States. However, it is clear from the legislative history of the statute that it was not intended to change the operating hours of standard broadcast (AM) stations, which are related to daytime-nighttime propagation differences in this portion of the frequency spectrum, since these differences reflect "sun time", or "non-advanced time", rather than advanced or daylight-saving time.[1]

[1] As far as "presunrise" operation by AM stations is concerned, in Docket 18023 it is proposed to change the starting time for PSA operations from "6 a.m. local standard time" to "6 a.m. local time", contingent on Canada's agreeing to a corresponding change in the Canada-United States presunrise agreement.

3. Therefore—unless the Commission were to undertake the tremendous task of physically rewriting the hours specified in thousands of AM authorizations—it is necessary that "standard time" continue to mean "sun time", as far as the hours of average sunrise and sunset are concerned, and also for hours related to sunrise and sunset when certain stations change their modes of operation. This was pointed out in a public notice issued March 17, 1967 (FCC 67-337). Accordingly, § 73.83 of the rules is revised, as set forth in the attached appendix, to state that "standard time" is used in the old sense, year-around, "nonadvanced" time, for these purposes and, where otherwise used in Commission authorizations, means "local time", that prevailing in the community of location.

4. In order to eliminate ambiguity, where possible the other rules are revised to eliminate the reference to "standard time" and "daylight saving time" (the latter term is not used in the Uniform Time Act) and substitute "advanced" or "nonadvanced" time, or "local" time. This has been done in §§ 73.9, 73.10, 73.71, 73.111,[2] 73.118, 73.134, 73.218, 73.234, 73.281, 73.288, 73.518, 73.581, 73.588, 73.630, 73.653, 73.669, and 74.15.

5. The almost universal adoption of "advanced" time in the conterminous United States makes unnecessary certain provisions concerning share-time AM stations and the change to daylight-saving time; §§ 73.84 and 73.85 are therefore deleted. Section 73.86 is also deleted as unnecessary.

6. Definition of "nighttime" in AM rules: Section 73.7, concerning AM stations, defines "nighttime" as the hours between local sunset and midnight local standard time. The period from midnight to sunrise is defined as the "experimental period" in § 73.10. On occasion this has given rise to confusion, some parties claiming that this means that the usual nighttime rules concerning use only of authorized nighttime facilities, protection of other stations according to nighttime interference standards, etc., do not apply to operation during the experimental period. The Commission has consistently held this not to be the case, e.g. Music Broadcasting Company, 10 R.R. 20 (1954); Crowell-Collier Broadcasting Corp., 21 R.R. 921 (1961), in which it was held that the same standards apply to hours after midnight as to those before. In the former case it was stated that the purpose of the definition in § 73.7 is "merely to distinguish those hours during the night in which experimentation is not permitted, from the so-called 'experimental' period." This being the case, the provision for experimental operation after midnight is adequately taken care of by § 73.10, and there is no reason to limit the definition of "nighttime" to hours before midnight. Accordingly, in line with another reference in the AM rules (§ 73.25(c)), and also the provisions of the North American Regional Broadcasting Agreement (NARBA) and the United States/Mexican Agreement, we are redefining "nighttime" as sunset to sunrise.

7. Status of 770 kc/s. The AM clear channel 770 kc/s is listed as a I–A channel (with U.S. priority) in both NARBA and the United States/Mexican Agreement. It is not listed in the opening of portion of § 73.25(a), along with the other 24 U.S. I–A channels, but is covered in Note 3 to that paragraph, which states that two Class I stations may be assigned on it. This represents the fact that the Commission has for years had under consideration the question of whether Station KOB, Albuquerque, should operate on the frequency as a Class I station, with the existing Class I station thereon, WABC, New York City, directionalizing its nighttime operation so the stations would mutually protect each other.

8. The failure of this section of the rules to list 770 kc/s in the same manner as the other I–A channels has given rise to some ambiguity as to its status. For instance, it has been urged that an application for increased facilities by a daytime-only Class II station on the channel should be considered despite the "freeze" on such applications on the I–A channels generally. We rejected this contention (KXA, Inc., 8 R.R. 2d 723 (1967)) and our ruling was affirmed in a brief per curiam court opinion. Other possible uses of the channel, inconsistent with the usual pattern of I–A channel usage, have been suggested, both domestically and internationally.

9. In fact, the only difference between 770 kc/s and other U.S. I–A channels is the existence of the "KOB question", which is presently undecided following Court reversal of the Commission's decision. Therefore, to remove whatever uncertainty may exist, we are listing this channel in the opening portion of § 73.25 (a), along with other I–A channels. Note 3 is revised to state that the question of the assignment of a second Class I station to the channel (which will be decided in rule making) is undecided.

10. Prohibited overlap. Note 2 to § 73.37 of the AM rules, governing "prohibited overlap" between stations on the same or adjacent channels, says that an application for changed facilities will be accepted even though a new area of overlap with a given station will be created, provided the total overlap area with that station "would be reduced" (and if other conditions are met). What was meant was that the application would be acceptable if the total overlap area with the existing station would not be increased (in some cases involving transmitter moves, the total area is exactly the same). The Commission and staff have so applied the rule, and it is appropriate to amend it to reflect what was intended and has been the practice.

11. Other changes in the AM rules: The opening portion of § 73.34 of the AM rules (and the corresponding sections for other services including translators) are being amended to make clear what has been Commission practice for many years—that an initial license is issued until the next renewal date for the state where the station is located (specified later in the section) and not, as has sometimes been suggested, for a three-year period regardless of the renewal date specified in the rule. The list of dates is being updated, to start with February 1, 1968 renewals. In § 73.47 concerning equipment performance measurements, subparagraph (a)(2) is conformed to paragraph (a)(1) by adding the parenthetical "if obtainable" language in connection with the 100 percent modulation requirement. This change is appropriate since the same conditions prevail as with the measurements covered in § 73.47(a)(1).[3] Section 73.75, pertaining to time-sharing arrangements, provides that in considering proportionate divisions of time between stations, 2 day hours will be the equivalent of one night hour. This rule, adopted in 1939, has very seldom been used (never in recent years), is completely at variance with the time-sharing arrangements which the stations involved in these situations have worked out between themselves, and, with TV now the dominant nighttime medium, is obviously incorrect in terms of the present relative value of day and night hours. Accordingly, being obsolete, unnecessary and inaccurate under present conditions, it is being deleted. Section 73.87 is being recaptioned to reflect its more general character rather than only a "presunrise" rule as it formerly was. Section 73.181 is being rewritten to make it clear that the following sections, the "Standard Broadcast Technical Standards", are an integral part of the rules rather than a sort of supplement as they were until 1956.

12. Title of Part 74: Part 74 is now entitled "Experimental, Auxiliary, and Special Broadcast Services." Originally its provisions covered only services of this nature; but in recent years its scope has been expanded to include services which, as we have stated, are not broadcast (Instructional Fixed Television Service, Community Antenna Relay Service, and CATV). Therefore it is appropriate to change the part's title to "Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services."

13. It is apparent from the above discussion that all of the foregoing changes are either procedural, interpretative, or designed either to remove obsolete rules or bring the rules into line with established Commission practice. Accordingly, rule making and the customary waiting

[2] Those sections concerning logging rules will state that log entries shall be in "local time". Because of the great importance of time of sign-on, changing modes of operation, and sign-off in the AM service, § 73.111 will provide that those entries shall specifically indicate whether the time is advanced or nonadvanced during the "daylight-saving" time months.

[3] Sections 73.47 and 73.254 are also amended to make clear what has long been Commission practice: that performance measurements are required for alternate main transmitters but not auxiliary transmitters; and (in AM) where one transmitter is used for operation at two power levels only measurements at the higher level are required.

period before the effective date of the rules is unnecessary.

14. In view of the foregoing, and pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended: *It is ordered,* That, effective March 22, 1968, Parts 73 and 74 of the Commission's rules are amended as set forth below.

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

Adopted: February 28, 1968.

Released: March 8, 1968.

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

Parts 73 and 74 of the Commission's rules and regulations are amended as indicated below.

1. Section 73.7 is amended to read as follows:

§ 73.7 Nighttime.

The term "nighttime" means that period of time between local sunset and local sunrise.

2. Section 73.8 is amended to read as follows:

§ 73.8 Sunrise and sunset.

The terms "sunrise" and "sunset" mean, for each particular location and during any particular month, the time of sunrise and sunset as specified in the instrument of authorization. See § 73.83.

3. Section 73.9 is amended to read as follows:

§ 73.9 Broadcast day.

The term "broadcast day" means that period of time between local sunrise and 12 midnight local time.

§ 73.10 [Amended]

4. In the first sentence of § 73.10, insert "local time" after the word "midnight."

5. In § 73.25, the introductory text of paragraph (a) and Note 3 to paragraph (a) are amended to read as follows:

§ 73.25 Clear channels; Classes I and II stations.

* * * * *

(a) On each of the following channels, one Class I station will be assigned, operating with power of 50 kw: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020, 1030, 1040, 1100, 1120, 1160, 1180, 1200, and 1210 kc/s. In addition, on the channels listed in this paragraph, Class II stations may be assigned as follows:

* * * * *

NOTE 3: The question of whether two Class I stations should be assigned to 770 kc/s, and if so how they should operate, has not been determined.

* * * * *

6. Section 73.34 is amended to read as follows:

§ 73.34 Normal license period.

(a) Initial licenses for standard broadcast stations will ordinarily be issued for a period running until the date specified in this section for the State or territory in which the station is located or, if issued after such date, to the next triennial renewal date determined in accordance with this section; and, when renewed, will normally be renewed for 3 years: *Provided, however,* That, if the Commission finds that the public interest, convenience or necessity will be served thereby, it may issue either an initial license or a renewal thereof for a lesser term. The time of expiration of normally issued initial and renewed licenses will be 3 a.m., local time, on the following dates, and at 3-year intervals thereafter:

(1) For stations located in Iowa and Missouri, February 1, 1968.

(2) For stations located in Minnesota, North Dakota, South Dakota, Montana, and Colorado, April 1, 1968.

(3) For stations located in Kansas, Oklahoma, and Nebraska, June 1, 1968.

(4) For stations located in Texas, August 1, 1968.

(5) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico, and Idaho, October 1, 1968.

(6) For stations located in California, December 1, 1968.

(7) For stations located in Washington, Oregon, Alaska, Guam, and Hawaii, February 1, 1969.

(8) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, April 1, 1969.

(9) For stations located in New Jersey and New York, June 1, 1969.

(10) For stations located in Delaware and Pennsylvania, August 1, 1969.

(11) For stations located in Maryland, District of Columbia, Virginia, and West Virginia, October 1, 1969.

(12) For stations located in North Carolina and South Carolina, December 1, 1969.

(13) For stations located in Florida, Puerto Rico, and Virgin Islands, February 1, 1970.

(14) For stations located in Alabama and Georgia, April 1, 1970.

(15) For stations located in Arkansas, Louisiana, and Mississippi, June 1, 1970.

(16) For stations located in Tennessee, Kentucky, and Indiana, August 1, 1970.

(17) For stations located in Ohio and Michigan, October 1, 1970.

(18) For stations located in Illinois and Wisconsin, December 1, 1970.

7. In § 73.37, Note 2 to that section is amended to read as follows:

§ 73.37 Minimum separation between stations; prohibited overlap.

* * * * *

NOTE 2: In the case of applications for changes (other than frequency) in the facilities of standard broadcast stations covered by this section, an application therefor will be accepted even though overlap of signal strength contours as mentioned in this section would occur with another station in an area where such overlap does not already exist, if: (1) The total area of overlap with that station would not be increased; (2) there would be no net increase in the area of overlap with any other station; and (3) there would be created no area of overlap with any station with which overlap does not now exist.

* * * * *

8. In § 73.47, the introductory text of paragraph (a) and subparagraphs (1), (2), and (3) of that paragraph are amended to read as follows:

§ 73.47 Equipment performance measurements.

(a) The licensee of each standard broadcast station shall make the following equipment performance measurements on authorized main and alternate main transmitters at least at yearly intervals: *Provided, however,* That if the same transmitter is authorized for more than one mode of operation, only one set of equipment performance measurements need be made, at the highest authorized power level. Equipment performance measurements are not required for auxiliary transmitters. One set of equipment performance measurements shall be made during the four-month period preceding the date of filing application for renewal of station license.

(1) Data and curves showing overall audiofrequency response from 30 to 7500 c/s for approximately 25, 50, 85, and 100 (if obtainable) percent modulation. Family of curves should be plotted (one for each percentage above) with db above and below a reference frequency of 1000 c/s as ordinate and audiofrequency as abscissa.

(2) Data and curves showing audiofrequency harmonic content for 25, 50, 85, and 100 percent (if obtainable) modulation for fundamental frequencies of 50, 100, 400, 1000, 5000, and 75,000 c/s (either arithmetical or root sum square values up to the tenth harmonic or 16,000 c/s). Plot family of curves (one for each percentage above) with percent distortion as ordinate and audiofrequency as abscissa.

(3) Data showing percentage carrier shift for 25, 50, 85, and 100 percent modulation with 400 c/s tone.

* * * * *

9. In § 73.71, paragraph (a) is amended to read as follows:

§ 73.71 Minimum operating schedule.

(a) All standard broadcast stations are required to maintain an operating schedule of not less than two-thirds of the total hours they are authorized to operate between 6 a.m. and 6 p.m., local time, and two-thirds of the total hours they are authorized to operate between 6 p.m. and midnight, local time, each day of the week except Sunday: *Provided, however,* That stations authorized for daytime operation only need comply only with the minimum requirement for operation between 6 a.m. and 6 p.m.

* * * * *

§ 73.75 [Deleted]

10. Section 73.75 is deleted.

11. Section 73.83 is amended to read as follows:

§ 73.83 References to time.

Where used in Commission authorizations to specify average times of sunrise and sunset, or to specify other times

at which stations commence operation or change modes of operation and which vary with local sunrise and local sunset, "standard time" means standard time (as determined by the Department of Transportation for the various areas of the United States) as that term has been used prior to the Uniform Time Act of 1966, i.e., time sometimes referred to as "nonadvanced" or "winter-based" time, without the 1-hour advancement provided for in that Act from late April until late October. In all other time references in Commission authorizations (including times for specified hours and shared hours stations and the expiration times of licenses) "standard time" means local time. The term "local time", where used in this part and in Part 74, of this chapter, means the time (advanced or nonadvanced) prevailing in the community of station location at the particular time of the year. Where used in this part or in Part 74, the term "advanced time" means time from the last Sunday in April until the last Sunday in October with the 1-hour advancement contemplated by the Uniform Time Act of 1966 and sometimes called "daylight saving time"; and the term "nonadvanced time" means time from the last Sunday in October until the last Sunday in April, and time during the remainder of the year in jurisdictions not adopting "advanced time."

§ 73.84 [Deleted]

12. Section 73.84 is deleted.

§ 73.85 [Deleted]

13. Section 73.85 is deleted.

§ 73.86 [Deleted]

14. Section 73.86 is deleted.

15. The headnote to § 73.87 is amended to read as follows:

§ 73.87 Times and modes of program transmission.

* * * * *

16. In § 73.111, paragraph (b) is amended to read as follows:

§ 73.111 General requirements as to logs.

* * * * *

(b) The logs shall be kept in an orderly and legible manner, in suitable form, and in such detail that the data required for the particular class of station concerned is readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log. Each sheet shall be numbered and dated. Time entries shall be made in local time. For the period from the last Sunday in April until the last Sunday in October of each year, the program and operating log entries showing times of sign-on, sign-off, and change in the station's mode of operation shall specifically be indicated as advanced or nonadvanced time.

* * * * *

17. In § 73.118 paragraph (c) is amended as follows:

§ 73.118 Mechanical reproductions.

* * * * *

(c) The requirements of paragraph (a) of this section are waived with respect to network programs, transcribed and rebroadcast at a later hour because of the time zone differentials between the place where the program originates and where it is rebroadcast, this waiver being applicable whether the off-the-line recording is made by the network itself at one of its key stations or by an individual station, but only when the off-the-line recording is for broadcast at an hour not exceeding the time zone differential between the place where the program originates and where it is rebroadcast. Each station which broadcasts network programs at a later hour in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10 a.m. and 10 p.m., stating that some or all of the network programs which are broadcast by that station are delayed broadcasts by means of transcription. This waiver provision also applies during the annual periods in which advanced time is effective with respect to network programs transcribed and rebroadcast one hour later because of the time differential resulting from the adoption or nonadoption of advanced time in some areas.

18. Section 73.134, and Note 2 following it, are amended to read as follows:

§ 73.134 Option time.

No license shall be granted to a standard broadcast station which options for network programs any time subject to call on less than 56 days' notice, or more time than a total of 3 hours within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a.m. to 1 p.m.; 1 p.m. to 6 p.m.; 6 p.m. to 11 p.m.; 11 p.m. to 8 a.m. (These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from nonadvanced to advanced time or vice versa) Such option may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

* * * * *

NOTE 2: All time options permitted under this section must be for specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from advanced to nonadvanced time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

19. In § 73.181, paragraphs (a), (b), and (c) are amended to read as follows:

§ 73.181 Introduction.

(a) There are presented in the following sections of this subpart the Technical Standards giving interpretations and further considerations concerning the technical rules and regulations governing standard broadcast stations. These standards have been approved by the Commission and reflect the opinion of the Commission in all matters involved.

NOTE: See also § 73.28.

(b) The Technical Standards set forth in the following sections are those deemed necessary for the construction and operation of standard broadcast stations to meet the requirements of technical regulations set forth above and for operation in the public interest along technical lines not specifically enunciated above. These standards are based on the best engineering data available from evidence supplied in formal and informal hearings and extensive surveys conducted in the field by the Commission's personnel. Numerous informal conferences have been held with radio engineers, manufacturers of radio equiment and others for the guidance of the Commission in the formulation of these standards.

(c) These standards supersede any previous announcements or policies which may have been enunciated by the Commission on engineering matters concerning standard broadcast stations.

* * * * *

20. Section 73.218 is amended to read as follows:

§ 73.218 Normal license period.

(a) Initial licenses for FM broadcast stations will ordinarily be issued for a period running until the date specified in this section for the State or territory in which the station is located or, if issued after such date, to the next triennial renewal date determined in accordance with this section; and, when renewed, will normally be renewed for 3 years: *Provided, however,* That, if the Commission finds that the public interest, convenience, or necessity will be served thereby, it may issue either an initial license or a renewal thereof for a lesser term. The time of expiration of normally issued initial and renewal licenses will be 3 a.m., local time, on the following dates, and at 3-year intervals thereafter:

(1) For stations located in Iowa and Missouri, February 1, 1968.

(2) For stations located in Minnesota, North Dakota, South Dakota, Montana, and Colorado, April 1, 1968.

(3) For stations located in Kansas, Oklahoma, and Nebraska, June 1, 1968.

(4) For stations located in Texas, August 1, 1968.

(5) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico, and Idaho, October 1, 1968.

(6) For stations located in California, December 1, 1968.

(7) For stations located in Washington, Oregon, Alaska, Guam, and Hawaii, February 1, 1969.

(8) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, April 1, 1969.

(9) For stations located in New Jersey and New York, June 1, 1969.

(10) For stations located in Delaware and Pennsylvania, August 1, 1969.

(11) For stations located in Maryland, District of Columbia, Virginia, and West Virginia, October 1, 1969.

(12) For stations located in North Carolina and South Carolina, December 1, 1969.

(13) For stations located in Florida, Puerto Rico, and Virgin Islands, February 1, 1970.

(14) For stations located in Alabama and Georgia, April 1, 1970.

(15) For stations located in Arkansas, Louisiana, and Mississippi, June 1, 1970.

(16) For stations located in Tennessee, Kentucky, and Indiana, August 1, 1970.

(17) For stations located in Ohio and Michigan, October 1, 1970.

(18) For stations located in Illinois and Wisconsin, December 1, 1970.

21. Section 73.234 and Note 2 following it, are amended to read as follows:

§ 73.234 Option time.

No license shall be granted to an FM broadcast station which options for network programs any time subject to call on less than 56 days' notice, or more time than a total of 3 hours within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a.m. to 1 p.m.; 1 p.m. to 6 p.m.; 6 p.m. to 11 p.m.; 11 p.m. to 8 a.m. (These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from nonadvanced to advanced time or vice versa.) Such option may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

* * * * *

NOTE 2: All time options permitted under this section must be for specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from advanced to nonadvanced time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

22. In § 73.254, the introductory text of paragraph (b) is amended to read as follows:

§ 73.254 Required transmitter performance.

* * * * *

(b) The licensee of each FM broadcast station shall make the following equipment performance measurements at least at yearly intervals, for main and alternate main transmitters (measurements for auxiliary transmitters are not required). One such set of measurements shall be made during the 4-month period preceding the date for filing application for renewal of station license.

* * * * *

23. in § 73.281, paragraph (b) is amended to read as follows:

§ 73.281 General requirements relating to logs.

* * * * *

(b) The logs shall be kept in an orderly and legible manner, in suitable form, and in such detail that the data required for the particular class of station concerned is readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log. Each sheet shall be numbered and dated. Time entries shall be made in local time.

* * * * *

24. In § 73.288, paragraph (c) is amended to read as follows:

§ 73.288 Mechanical reproductions.

* * * * *

(c) The requirements of paragraph (a) of this section are waived with respect to network programs, transcribed and rebroadcast at a later hour because of the time zone differentials between the place where the program originates and where it is rebroadcast, this waiver being applicable whether the off-the-line recording is made by the network itself at one of its key stations or by an individual station, but only when the off-the-line recording is for broadcast at an hour not exceeding the time zone differential between the place where the program originates and where it is rebroadcast. Each station which broadcasts network programs at a later hour in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10 a.m. and 10 p.m., stating that some or all of the network programs which are broadcast by that station are delayed broadcasts by means of transcription. This waiver provision also applies during the annual periods in which advanced time is effective with respect to network programs transcribed and rebroadcast 1 hour later because of the time differential resulting from the adoption or nonadoption of advanced time in some areas.

25. Section 73.518 is amended to read as follows:

§ 73.518 Normal license period.

(a) Initial licenses for noncommercial educational FM stations will ordinarily be issued for a period running until the date specified in this section for the State or territory in which the station is located or, if issued after such date, to the next triennial renewal date determined in accordance with this section; and, when renewed, will normally be renewed for 3 years: *Provided, however,* That, if the Commission finds that the public interest, convenience or necessity will be served thereby, it may issue either an initial license or a renewal thereof for a lesser term. The time of expiration of normally issued initial and renewed licenses will be 3 a.m., local time, on the following dates, and at 3-year intervals thereafter:

(1) For stations located in Iowa and Missouri, February 1, 1968.

(2) For stations located in Minnesota, North Dakota, South Dakota, Montana, and Colorado, April 1, 1968.

(3) For stations located in Kansas, Oklahoma, and Nebraska, June 1, 1968.

(4) For stations located in Texas, August 1, 1968.

(5) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico, and Idaho, October 1, 1968.

(6) For stations located in California, December 1, 1968.

(7) For stations located in Washington, Oregon, Alaska, Guam, and Hawaii, February 1, 1969.

(8) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, April 1, 1969.

(9) For stations located in New Jersey and New York, June 1, 1969.

(10) For stations located in Delaware and Pennsylvania, August 1, 1969.

(11) For stations located in Maryland, District of Columbia, Virginia, and West Virginia, October 1, 1969.

(12) For stations located in North Carolina and South Carolina, December 1, 1969.

(13) For stations located in Florida, Puerto Rico, and Virgin Islands, February 1, 1970.

(14) For stations located in Alabama and Georgia, April 1, 1970.

(15) For stations located in Arkansas, Louisiana, and Mississippi, June 1, 1970.

(16) For stations located in Tennessee, Kentucky, and Indiana, August 1, 1970.

(17) For stations located in Ohio and Michigan, October 1, 1970.

(18) For stations located in Illinois and Wisconsin, December 1, 1970.

26. In § 73.581, paragraph (b) is amended to read as follows:

§ 73.581 General requirements relating to logs.

* * * * *

(b) The logs shall be kept in an orderly and legible manner, in suitable form, and in such detail that the data required for the particular class of station concerned is readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log. Each sheet shall be numbered and dated. Time entries shall be made in local time.

* * * * *

27. In § 73.588, paragraph (c) is amended to read as follows:

§ 73.588 Mechanical reproductions.

* * * * *

(c) The requirements of paragraph (a) of this section are waived with respect to network programs, transcribed and rebroadcast at a later hour because of the time zone differentials between the place where the program originates and where it is rebroadcast, this waiver being applicable whether the off-the-line recording is made by the network itself at one of its key stations or by an individual station, but only when the off-the-line recording is for broadcast at an hour not exceeding the time zone differential between the place where the program originates and where it is rebroadcast. Each station which broadcasts network programs at a later hour in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10 a.m. and 10 p.m., stating that some or all of

the network programs which are broadcast by that station are delayed broadcasts by means of transcription. This wafver provision also applies during the annual periods in which advanced time is effective with respect to network programs transcribed and rebroadcast one hour later because of the time differential resulting from the adoption or nonadoption of advanced time in some areas.

28. Section 73.630 is amended to read as follows:

§ 73.630 Normal license period.

(a) Initial licenses for television broadcast stations will ordinarily be issued for a period running until the date specified in this section for the State or territory in which the station is located or, if issued after such date, to the next triennial renewal date determined in accordance with this section; and, when renewed, will normally be renewed for 3 years: *Provided, however,* That, if the Commission finds that the public interest, convenience or necessity will be served thereby, it may issue either an initial license or a renewal thereof for a lesser term. The time of expiration of normally issued initial and renewed licenses will be 3 a.m., local time, on the following dates, and at 3-year intervals thereafter:

(1) For stations located in Iowa and Missouri, February 1, 1968.

(2) For stations located in Minnesota, North Dakota, South Dakota, Montana, and Colorado, April 1, 1968.

(3) For stations located in Kansas, Oklahoma, and Nebraska, June 1, 1968.

(4) For stations located in Texas, August 1, 1968.

(5) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico, and Idaho, October 1, 1968.

(6) For stations located in California, December 1, 1968.

(7) For stations located in Washington, Oregon, Alaska, Guam, and Hawaii, February 1, 1969.

(8) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, April 1, 1969.

(9) For stations located in New Jersey and New York, June 1, 1969.

(10) For stations located in Delaware and Pennsylvania, August 1, 1969.

(11) For stations located in Maryland, District of Columbia, Virginia, and West Virginia, October 1, 1969.

(12) For stations located in North Carolina and South Carolina, December 1, 1969.

(13) For stations located in Florida, Puerto Rico, and Virgin Islands, February 1, 1970.

(14) For stations located in Alabama and Georgia, April 1, 1970.

(15) For stations located in Arkansas, Louisiana, and Mississippi, June 1, 1970.

(16) For stations located in Tennessee, Kentucky, and Indiana, August 1, 1970.

(17) For stations located in Ohio and Michigan, October 1, 1970.

(18) For stations located in Illinois and Wisconsin, December 1, 1970.

29. In § 73.653, paragraph (c) is amended to read as follows:

§ 73.653 Mechanical reproductions.

* * * * *

(c) The requirements of paragraph (a) of this section are waived with respect to network programs, transcribed and rebroadcast at a later hour because of the time zone differentials between the place where the program originates and where it is rebroadcast, this waiver being applicable whether the off-the-line recording is made by the network itself at one of its key stations or by an individual station, but only when the off-the-line recording is for broadcast at an hour not exceeding the time zone differential between the place where the program originates and where it is rebroadcast. Each station which broadcasts network programs at a later hour in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10 a.m. and 10 p.m., stating that some or all of the network programs which are broadcast by that station are delayed broadcasts by means of transcription. This waiver provision also applies during the annual periods in which advanced time is effective with respect to network programs transcribed and rebroadcast 1 hour later because of the time differential resulting from the adoption or nonadoption of advanced time in some areas.

§ 73.669 General requirements relating to logs.

* * * * *

(b) The logs shall be kept in an orderly and legible manner, in suitable form, and in such detail that the data required for the particular class of station concerned is readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log. Each sheet shall be numbered and dated. Time entries shall be made in local time.

* * * * *

31. Section 73.718 is amended to read as follows:

§ 73.718 Normal license period.

All international broadcast station licenses will be issued so as to expire at the hour of 3 a.m. local time and will be issued for a normal license period of 1 year expiring November 1.

32. The title of Part 74 is amended to read as follows:

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

33. In § 74.15, paragraph (d) is amended and paragraph (e) is deleted and the word "Reserved" inserted in lieu thereof as follows:

§ 74.15 License period.

* * * * *

(d) Initial licenses for television broadcast translator stations will ordinarily be issued or a period running until the date specified in this section for the State or territory in which the station is located or, if issued after such date, to the next triennial renewal date determined in accordance with this section; and, when renewed, will normally be renewed for 3 years: *Provided, however,* That, if the Commission finds that the public interest, convenience or necessity will be served thereby, it may issue either an initial license or a renewal thereof for a lesser term. The time of expiration of normally issued initial and renewed licenses will be 3 a.m., local time, on the following dates, and at 3-year intervals thereafter:

(1) For stations located in Navada, February 1, 1968.

(2) For stations located in California, April 1, 1968.

(3) For stations located in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Ohio, and the District of Columbia, June 1, 1968.

(4) For stations located in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kentucky, Tennessee, Indiana, Illinois, Michigan, Wisconsin, Puerto Rico, and the Virgin Islands, August 1, 1968.

(5) For stations located in Oklahoma and Texas, October 1, 1968.

(6) For stations located in Kansas and Nebraska, December 1, 1968.

(7) For stations located in Iowa and South Dakota, February 1, 1969.

(8) For stations located in Minnesota and North Dakota, April 1, 1969.

(9) For stations located in Wyoming, June 1, 1969.

(10) For stations located in Montana, August 1, 1969.

(11) For stations located in Idaho, October 1, 1969.

(12) For stations located in Washington, December 1, 1969.

(13) For stations located in Oregon, February 1, 1970.

(14) For stations located in Alaska, Hawaii and Guam, April 1, 1970.

(15) For stations located in Colorado, June 1, 1970.

(16) For stations located in New Mexico, August 1, 1970.

(17) For stations located in Utah, October 1, 1970.

(18) For stations located in Arizona, December 1, 1970.

(e) [Reserved]

* * * * *

[F.R. Doc. 68-3014; Filed, Mar. 11, 1968; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Disallowance of Deductions for Bad Debts Owed by Political Parties and Certain Indirect Contributions to Political Parties

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

The following regulations are hereby prescribed under section 271 of the Internal Revenue Code of 1954, relating to the disallowance of deductions for bad debts owed by political parties, and under section 276 of the Internal Revenue Code of 1954, as added by section 301 of the Tax Adjustment Act of 1966 (80 Stat. 66), relating to the disallowance of deductions for certain indirect contributions to political parties:

PARAGRAPH 1. The following new section is inserted immediately after § 1.271:

§ 1.271–1 Debts owed by political parties.

(a) *General rule.* In the case of a taxpayer other than a bank (as defined in section 581 and the regulations thereunder), no deduction shall be allowed under section 166 (relating to bad debts) or section 165(g) (relating to worthlessness of securities) by reason of the worthlessness of any debt, regardless of how it arose, owed by a political party. For example, it is immaterial that the debt may have arisen as a result of services rendered or goods sold or that the taxpayer included the amount of the debt in income. In the case of a bank, no deduction shall be allowed unless, under the facts and circumstances, it appears that the bad debt was incurred to or purchased by, or the worthless security was acquired by, the taxpayer in accordance with its usual commercial practices. Thus, if a bank makes a loan to a political party not in accordance with its usual commercial practices but solely because the president of the bank has been active in the party no bad debt deduction will be allowed with respect to the loan.

(b) *Definitions*—(1) *Political party.* For purposes of this section and § 1.276–1, the term "political party" means a political party (as commonly understood), a National, State, or local committee thereof, or any committee, association, or organization, whether incorporated or not, which accepts contributions (as defined in subparagraph (2) of this paragraph) or makes expenditures (as defined in subparagraph (3) of this paragraph) for the purpose of influencing or attempting to influence the election of presidential or vice-presidential electors, or the selection, nomination, or election of any individual to any Federal, State, or local elective public office, whether or not such individual or electors are selected, nominated, or elected. Accordingly, a political party includes a committee or other group which accepts contributions or makes expenditures for the purpose of promoting the nomination of an individual for an elective public office in a primary election, or in any convention, meeting, or caucus of a political party. It is immaterial whether the contributions or expenditures are accepted or made directly or indirectly. Thus, for example, a committee or other group, is considered to be a political party, if, although it does not expend any funds, it turns funds over to another organization, which does expend funds for the purpose of attempting to influence the nomination of an individual for an elective public office. An organization which engages in activities which are truly nonpartisan in nature will not be considered a political party merely because it conducts activities with respect to an election campaign if, under all the facts and circumstances, it is clear that its efforts are not directed to the election of the candidates of any particular party or parties or to the selection, nomination or election of any particular candidate. For example, a committee or group will not be treated as a political party if it is organized merely to inform the electorate as to the identity and experience of all candidates involved, to present on a nonpreferential basis the issues or views of the parties or candidates as described by the parties or candidates, or to provide a forum in which the candidates are freely invited on a nonpreferential basis to discuss or debate the issues.

(2) *Contributions.* For purposes of this section and § 1.276–1, the term "contributions" includes a gift, subscription, loan, advance, or deposit, of money or anything of value, and includes a contract, promise, or agreement to make a contribution, whether or not legally enforceable.

(3) *Expenditures.* For purposes of this section and § 1.276–1, the term "expenditures" includes a payment, distribution, loan, advance, deposit, or gift, of money or anything of value, and includes a contract, promise, or agreement to make an expenditure, whether or not legally enforceable.

PAR. 2. The following new sections are inserted immediately after § 1.275–1:

§ 1.276 Statutory provisions; disallowance of deductions for certain indirect contributions to political parties.

SEC. 276. *Certain indirect contributions to political parties*—(a) *Disallowance of deductions.* No deduction otherwise allowable under this chapter shall be allowed for any amount paid or incurred for—

(1) Advertising in a convention program of a political party, or in any other publication if any part of the proceeds of such publication directly or indirectly inures (or is intended to inure) to or for the use of a political party or a political candidate,

(2) Admission to any dinner or program, if any part of the proceeds of such dinner or program directly or indirectly inures (or is intended to inure) to or for the use of a political party or a political candidate, or

(3) Admission to an inaugural ball, inaugural gala, inaugural parade, or inaugural concert, or to any similar event which is identified with a political party or a political candidate.

(b) *Definitions.* For purposes of this section—

(1) *Political party.* The term "political party" means—

(A) A political party;

(B) A National, State, or local committee of a political party; or

(C) A committee, association, or organization, whether incorporated or not, which directly or indirectly accepts contributions (as defined in section 271(b)(2)) or make expenditures (as defined in section 271(b)(3)) for the purpose of influencing or attempting to influence the selection, nomination, or election of any individual to any Federal, State, or local elective public office, or the election of presidential and vice-presidential electors, whether or not such individual or electors are selected, nominated, or elected.

(2) *Proceeds inuring to or for the use of political candidates.* Proceeds shall be treated as inuring to or for the use of a political candidate only if—

(A) Such proceeds may be used directly or indirectly for the purpose of furthering

his candidacy for selection, nomination, or election to any elective public office, and

(B) Such proceeds are not received by such candidate in the ordinary course of a trade or business (other than the trade or business of holding elective public office).

(c) *Cross reference.* For disallowance of certain entertainment, etc., expenses, see section 274.

[Sec. 276 as added by sec. 301, Tax Adjustment Act 1966 (80 Stat. 66)]

§ 1.276–1 Disallowance of deductions for certain indirect contributions to political parties.

(a) *In general.* Notwithstanding any other provision of law, no deduction shall be allowed for income tax purposes in respect of any amount paid or incurred after March 15, 1966, in a taxable year of the taxpayer beginning after December 31, 1965, for any item described in paragraph (b), (c), (d), or (e). Section 276 is a disallowance provision exclusively and does not make deductible any expenses which are not otherwise allowed under the Code. For certain other rules in respect of deductions for expenditures for political purposes, see §§ 1.162–15(b), 1.162–20, and 1.271–1.

(b) *Advertising in convention program.* (1) No deduction shall be allowed for an expenditure for advertising in a convention program of a political party. For purposes of this paragraph it is immaterial who publishes the convention program or to whose use the proceeds of the program inure (or are intended to inure). A convention program is any written publication (as defined in paragraph (c) of this section) which is distributed or displayed in connection with or at a political convention, conclave, or meeting. Under certain conditions payments to a committee organized for the purpose of bringing a political convention to an area are deductible under paragraph (b) of § 1.162–15. This rule is not affected by the provisions of this section. For example, such payments may be deductible notwithstanding the fact that the committee purchases from a political party the right to publish a pamphlet in connection with a convention and that the deduction of costs of advertising in the pamphlet is prohibited under this section.

(2) The application of the provisions of this paragraph may be illustrated by the following example:

Example. M Corporation publishes the convention program of the Y political party. The corporation makes no payment of any kind to or on behalf of the party or any of its candidates and no part of the proceeds of the publication and sale of the program inures directly or indirectly to the benefit of any political party or candidate. P Corporation purchases an advertisement in the program. P Corporation may not deduct the cost of such advertisement.

(c) *Advertising in publication other than convention program.* No deduction shall be allowed for an expenditure for advertising in any publication other than a convention program if any part of the proceeds of such publication directly or indirectly inures (or is intended to inure) to or for the use of a political party or a political candidate. For purposes of this paragraph, a publication includes a book, magazine, pamphlet, brochure, flier, almanac, newspaper, newsletter, handbill, billboard, menu, sign, scorecard, program, announcement, radio or television program or announcement, or any similar means of communication. For the definition of inurement of proceeds to a political party or a political candidate, see paragraph (f) (3) of this section.

(d) *Admission to dinner or program.* No deduction shall be allowed for an expenditure for admission to any dinner or program, if any part of the proceeds of such event directly or indirectly inures (or is intended to inure) to or for the use of a political party or a political candidate. For purposes of this paragraph, a dinner or program includes a gala, dance, ball, theatrical or film presentation, cocktail or other party, picnic, barbecue, sporting event, brunch, tea, supper, auction, bazaar, reading, speech, forum, lecture, fashion, show, concert, opening, meeting, gathering, or any similar event. For the definition of inurement of proceeds to a political party or a political candidate and of admission to a dinner or program, see paragraph (f) of this section.

(e) *Admission to inaugural event.* (1) No deduction shall be allowed for an expenditure for admission to an inaugural ball, inaugural gala, inaugural parade, or inaugural concert, or to any similar event (such as a dinner or program, as defined in paragraph (d) of this section), in connection with the inauguration or installation in office of any official, or any equivalent event for an unsuccessful candidate, if the event is identified with a political party or a political candidate. For purposes of this paragraph, the sponsorship of the event and the use to which the proceeds of the event are or may be put are irrelevant, except insofar as they may tend to identify the event with a political party or a political candidate. For the definition of admission to an inaugural event, see paragraph (f) (4) of this section.

(2) The application of the provisions of this paragraph may be illustrated by the following example:

Example. An inaugural reception for A, a prominent member of Y party who has been recently elected judge of the municipal court of F city, is held with the proceeds going to the city treasury. The price of admission to such affair is not deductible.

(f) *Definitions*—(1) *Political party.* For purposes of this section the term "political party" has the same meaning as that provided for in paragraph (b) (1) of § 1.271–1.

(2) *Political candidate.* For purposes of this section, the term "political candidate" is to be construed in accordance with the purpose of section 276 to deny tax deductions for certain expenditures which may be used directly or indirectly to finance political campaigns. The term includes a person who, at the time of the event or publication with respect to which the deduction is being sought, has been selected or nominated by a political party for any elective office. It also includes an individual who is generally believed, under the facts and circumstances at the time of the event or publication, by the persons making expenditures in connection therewith to be an individual who is or who in the reasonably foreseeable future will be seeking selection, nomination, or election to any public office. For purposes of the preceding sentence, the facts and circumstances to be considered include, but are not limited to, the purpose of the event or publication and the disposition to be made of the proceeds. In the absence of evidence to the contrary it shall be presumed that persons making expenditures in connection with an event or publication generally believe that an incumbent of an elective public office will run for reelection to his office or for election to some other public office.

(3) *Inurement of proceeds to political party or political candidate*—(i) *In general.* Subject to the special rules presented in subdivision (iii) of this subparagraph (relating to a political candidate), proceeds directly or indirectly inure to or for the use of a political party or a political candidate (*a*) if the party or candidate may order the disposition of any part of such proceeds, regardless of what use is actually made thereof, or (*b*) if any part of such proceeds is utilized by any person for the benefit of the party or candidate. These conditions are equally applicable in determining whether the proceeds are intended to inure. Accordingly, it is immaterial whether the event or publication operates at a loss if, had there been a profit, any part of the proceeds would have inured to or for the use of a political party or a political candidate. Moreover, it shall be presumed that where a dinner, program, or publication is sponsored by or identified with a political party or political candidate, the proceeds of such dinner, program, or publication directly or indirectly inure (or are intended to inure) to or for the use of the party or candidate. On the other hand, proceeds are not considered to directly or indirectly inure to the benefit of a political party of political candidate if the benefit derived is so remote as to be negligible or merely a coincidence of the relationship of a political candidate to a trade or business profiting from an expenditure of funds. For example, the proceeds of expenditures made by a taxpayer in the ordinary course of his trade or business for advertising in a publication, such as a newspaper or magazine, are not considered as inuring to the benefit of a political party or political candidate merely because the publication endorses a particular political candidate or candidates of a particular political party, the publisher independently contributes to the support of a political party or candidate out of his own personal funds, or the principal stockholder of the publishing firm is a candidate for public office.

(ii) *Proceeds to political party.* If a political party may order the disposition of any part of the proceeds of a publication or event described in paragraph (c) or (d) of this section, such proceeds inure

to the use of the party regardless of what the proceeds are to be used for or that their use is restricted to a particular purpose unrelated to the election of specific candidates for public office. Accordingly, where a political party holds a dinner for the purpose of raising funds to be used in a voter registration drive, voter education program, or nonprofit political research program, partisan or nonpartisan, the proceeds are considered to directly or indirectly inure to or for the use of the political party. Proceeds may inure to or for the use of a political party even though they are to be used for purposes which may not be directly related to any particular election (such as to pay office rent for its permanent quarters, salaries to permanent employees, or utilities charges, or to pay the cost of an event such as a dinner or program as defined in paragraph (d) of this section).

(iii) *Proceeds to political candidate.* Proceeds directly or indirectly inure (or are intended to inure) to or for the use of a political candidate if, in addition to meeting the conditions described in subdivision (i) of this subparagraph, (*a*) some part of the proceeds is or may be used directly or indirectly for the purpose of furthering his candidacy for selection, nomination, or election to any elective public office, and (*b*) they are not received by him in the ordinary course of a trade or business (other than the trade or business of holding public office). Proceeds may so inure whether or not the expenditure sought to be deducted was paid or incurred before the commencement of political activities with respect to the selection, nomination, or election referred to in (a) of this subdivision, or after such selection, nomination, or election has been made or has taken place. For example, proceeds of an event which may be used by an individual who, under the facts and circumstances at the time of the event, the persons making expenditures in connection therewith generally believe will in the reasonably foreseeable future run for a public office, and which may be used in furtherance of such individual's candidacy, generally will be deemed to inure (or to be intended to inure) to or for the use of a political candidate for the purpose of furthering such individual's candidacy. Or, as another example, proceeds of an event occuring after an election, which may be used by a candidate in that election to repay loans incurred in directly or indirectly furthering his candidacy, or in reimbursement of expenses incurred in directly or indirectly furthering his candidacy, will be deemed to directly or indirectly inure (or to be intended to inure) to or for the use of a political candidate for the purpose of furthering his candidacy. For purposes of this subdivision, if the proceeds received by a candidate exceed substantially the fair market value of the goods furnished or services rendered by him, the proceeds are not received by the candidate in the ordinary course of his trade or business.

(iv) The application of the provisions of this subparagraph may be illustrated by the following examples:

Example (1). Corporation O pays the Y political party $100,000 per annum for the right to publish the Y News, and retains the entire proceeds from the sale of the publication. Amounts paid or incurred for advertising in the Y News are not deductible because a part of the proceeds thereof indirectly inures to or for the use of a political party.

Example (2). The X political party holds a highly publicized ball honoring one of its active party members and admission tickets are offered to all. The guest of honor is a prominent national figure and a former incumbent of a high public office. The price of admission is designed to cover merely the cost of entertainment, food, and the ballroom, and all proceeds are paid to the hotel where the function is held, with the political party bearing the cost of any deficit. No deduction may be taken for the price of admission to the ball since the proceeds thereof inure to or for the use of a political party.

Example (3). Taxpayer A, engaged in a trade or business, purchases a number of tickets for admission to a fundraising affair held on behalf of political candidate B. The funds raised by this affair can be used by B for the purpose of furthering his candidacy. These expenditures are not deductible by A notwithstanding that B donates the proceeds of the affair to a charitable organization.

Example (4). A, an individual taxpayer who publishes a newspaper, is a candidate for elective public office. X Corporation advertises its products in A's newspaper, paying substantially more than the normal rate for such advertising. X Corporation may not deduct any portion of the cost of that advertising.

(4) *Admission to dinners, programs, inaugural events.* For purposes of this section, the cost of admission to a dinner, program, or inaugural event includes all charges, whether direct or indirect, for attendance and participation at such function. Thus, for example, amounts spent to be eligible for door prizes, for the privilege of sitting at the head table, or for transportation furnished as part of such an event, or any separate charges for food or drink, are amounts paid for admission.

PAR. 3. Paragraph (b)(2) of § 1.162–1 is amended to read as follows:

§ 1.162–1 Business expenses.

* * * * *

(b) *Cross references.* * * *

(2) For items not deductible, see sections 261–276, inclusive, and the regulations thereunder.

* * * * *

PAR. 4. Section 1.162–14 is amended by adding at the end thereof a new sentence. That section as so amended reads as follows:

§ 1.162–14 Expenditures for advertising or promotion of good will.

A corporation which has, for the purpose of computing its excess profits tax credit under subchapter E, chapter 2, or subchapter D, chapter 1 of the Internal Revenue Code of 1939, elected under section 733 or section 451 (applicable to the excess profits tax imposed by subchapter E of chapter 2, and subchapter D of chapter 1, respectively) to charge to capital account for taxable years in its base period expenditures for advertising or the promotion of good will which may be regarded as capital investments, may not deduct similar expenditures for the taxable year. See section 263(b). Such a taxpayer has the burden of proving that expenditures for advertising or the promotion of good will which it seeks to deduct in the taxable year may not be regarded as capital investments under the provisions of the regulations prescribed under section 733 or section 451 of the Internal Revenue Code of 1939. See 26 CFR, 1938 ed., 35.733–2 (Regulations 112) and 26 CFR (1939) 40.451–2 (Regulations 130). For the disallowance of deductions for the cost of advertising in a convention program of a political party, or in any publication if part of the proceeds thereof directly or indirectly inures (or is intended to inure) to or for the use of a political party or political candidate, see § 1.276–1.

PAR. 5. Paragraph (c)(1) of § 1.162–20 is amended by adding two new sentences at the end thereof. That paragraph as so amended reads as follows:

§ 1.162–20 Expenditures attributable to lobbying, political campaigns, attempts to influence legislation, etc., and certain advertising.

* * * * *

(c) *Taxable years beginning after December 31, 1962.*—(1) *In general.* For taxable years beginning after December 31, 1962, certain types of expenses incurred with respect to legislative matters are deductible under section 162(a) if they otherwise meet the requirements of the regulations under section 162. These deductible expenses are described in subparagraph (2) of this paragraph. All other expenditures for lobbying purposes, for the promotion or defeat of legislation (see paragraph (b)(2) of this section), for political campaign purposes (including the support of or opposition to any candidate for public office), or for carrying on propaganda (including advertising) relating to any of the foregoing purposes are not deductible from gross income for such taxable years. For the disallowance of deductions for bad debts and worthless securities of a political party, see § 1.271–1. For the disallowance of deductions for certain indirect political contributions, such as the cost of certain advertising and the cost of admission to certain dinners, programs, and inaugural events, see § 1.276–1.

* * * * *

PAR. 6. Paragraph (a) of § 1.165–1 is amended by adding a new sentence at the end thereof. That paragraph as so amended reads as follows:

§ 1.165–1 Losses.

(a) *Allowance of deduction.* Section 165(a) provides that, in computing taxable income under section 63, any loss actually sustained during the taxable year and not made good by insurance or some other form of compensation shall be allowed as a deduction subject to any provision of the internal revenue laws which prohibits or limits the amount of the deduction. This deduction for losses sustained shall be taken in accordance with section 165 and the regulations

thereunder. For the disallowance of deductions for worthless securities issued by a political party, see § 1.271–1.

* * * * *

PAR. 7. Paragraph (c) of § 1.166–1 is amended by adding a new sentence at the end thereof. That paragraph as so amended reads as follows:

§ 1.166–1 Bad debts.

* * * * *

(c) *Bona fide debt required.* Only a bona fide debt qualifies for purposes of section 166. A bona fide debt is a debt which arises from a debtor–creditor relationship based upon a valid and enforceable obligation to pay a fixed or determinable sum of money. A gift or contribution to capital shall not be considered a debt for purposes of section 166. The fact that a bad debt is not due at the time of deduction shall not of itself prevent its allowance under section 166. For the disallowance of deductions for bad debts owed by a political party, see § 1.271–1.

PAR. 8. Paragraph (a)(3) of § 1.274–2 is amended to read as follows:

§ 1.274–2 Disallowance of deductions for certain expenses for entertainment, amusement, or recreation.

(a) *General rules.* * * *

(3) *Cross references.* For definition of the term "entertainment", see paragraph (b)(1) of this section. For the disallowance of deductions for the cost of admission to a dinner or program any part of the proceeds of which inures to the use of a political party or political candidate, and cost of admission to an inaugural event or similar event identified with any political party or political candidate, see § 1.276–1. For rules and definitions with respect to—

(i) "Directly related entertainment", see paragraph (c) of this section,

(ii) "Associated entertainment", see paragraph (d) of this section,

(iii) "Expenditures with respect to entertainment facilities", see paragraph (e) of this section, and

(iv) "Specific exceptions" to the disallowance rules of this section, see paragraph (f) of this section.

* * * * *

[F.R. Doc. 68–2988; Filed, Mar. 11, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 907]

[Docket No. AO–245–A6]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Notice of Hearing With Respect to Proposed Amendment to Marketing Agreement and Order

In F.R. Doc. 68–2575 appearing in the issue of Friday, March 1, 1968 (33 F.R. 3639), Item 10 appearing in the middle column on page 3640, is revised to read as follows:

10. Revise § 907.66 *Prorate districts* to read as follows:

§ 907.66 Prorate districts.

For purposes of administration of this part and in recognition of the fact that there are general differences in maturity and keeping quality of oranges between certain geographical sections of the production area, the production area shall be divided into three prorate districts as follows:

(a) District 1 shall include that part of the State of California which is south of a line drawn due east and west through the post office in Red Bluff, Calif., and north of a line drawn due east and west through the post office in Gorman, Calif., and west of the extension of a line drawn due north and south through the post office in White Water, Calif., but excluding San Luis Obispo and Santa Barbara Counties.

(b) District 2 shall include that part of the State of California west of a line drawn due north and south through the post office in White Water, Calif., and south of a line drawn due east and west through the post office in Gorman, Calif., but including San Luis Obispo and Santa Barbara Counties.

(c) District 3 shall include the State of Arizona and that part of the State of California east of a line drawn due north and south through the post office in White Water, Calif.

Dated: March 6, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68–3001; Filed, Mar. 11, 1968; 8:48 a.m.]

[7 CFR Part 991]

[Docket No. AO 357–A1]

HOPS OF DOMESTIC PRODUCTION

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of the Tentative Marketing Agreement, and Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision with respect to the proposed amendment of the tentative marketing agreement, and this part, Order No. 991 (7 CFR Part 991), regulating the handling of hops of domestic production (hereinafter collectively referred to as the "order"). The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 49 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act" and any amendment which may result from this proceeding also will be effective pursuant to the act.

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business on the 14th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the proposed amendment is formulated was held in Portland, Oreg., on February 1, 1968. Notice of the hearing was published in the FEDERAL REGISTER on January 5, 1968 (33 F.R. 149) and on January 26, 1968 (33 F.R. 1017). The proposals in the notice of hearing were submitted by the Hop Administrative Committee (hereinafter referred to as the "Committee"), the agency established pursuant to the order to administer the terms and provisions thereof, and the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture.

Material issues. The material issues presented on the record of the hearing involve amendatory action relating to:

(1) Remove obsolete language exempting from regulation those hops baled prior to the effective date of the order;

(2) Provide for establishment of a lower allotment percentage applicable to the 1969 and subsequent crops of hops; and

(3) Extend eligibility requirements for contract exemptions.

Findings and conclusions. The findings and conclusions on the aforementioned material Issues 1 to 3 inclusive, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Currently § 991.33 provides that any producer holding baled hops prior to the effective date of the order (July 22, 1966) is entitled, upon application made to the Committee within 30 days after establishment of the Committee, to have such hops exempted from regulation under the order and any applicable administrative rules and regulations. Since the 30 days for application have expired and the section is now obsolete, § 991.33 should be deleted.

(2) Currently § 991.37(b) provides in part, that the allotment percentages applicable to the 1966 and 1967 crops shall be not less than 93 percent each. For the 1968 crop and subsequent crops the allotment percentage shall be not less than 85 percent.

When the order was issued it was estimated that the total of all producer allotment bases would approximate 56 million pounds. Upon actual computation, the total of all producer allotment bases was 59.2 million pounds. At the end of the 1965–66 marketing year, the last year before the order, carryout stocks were 24.7 million pounds. In 1966–67 carryout stocks increased to 27.5 million pounds.

The main reasons for this increase in 1966–67 were that total allotment bases were considerably higher than anticipated, producers with bona fide contracts were permitted to fulfill these contract obligations up to 100 percent of their allotment base, and the allotment percentage could not be established low enough to bring the salable quantity in line with hop usage which for the 1966–67 marketing year was 51.1 million pounds. The salable quantity of hops which was released by the allotment percentage in 1966–67, including contract exemptions, was 56.2 million pounds. The actual salable production for this period was 53.9 million pounds. The difference resulted from the fact producers did not produce all of their salable hops, fire losses contributed somewhat to reducing the available supplies of hops, and hops in excess of producers allotment bases became reserve hops in lieu of filling deficits of salable hops. Hence, carryout stocks increased during 1966–67 by approximately 2.8 million pounds. In 1967–68, which again required utilization of an allotment percentage of 93 percent, the salable quantity of hops released by the allotment percentage, including eligible contract exemptions, was 55.8 million pounds. The actual salable production for 1967–68 was 47.6 million pounds or approximately 8.2 million pounds less than the salable quantity. This reduction resulted from adverse growing conditions in the main producing State, Washington, and extensive fire losses. Hence, it is estimated that, due to the aforementioned, carryout stocks for 1967–68 will approximate 24 million to 25 million pounds or an approximate reduction of 2.5 million to 3.5 million pounds.

For 1968–69, the Committee has recommended establishment of an allotment percentage of 85 percent, the first year such percentage could be utilized. Using the 85 percent, an industry total allotment of 50.4 million pounds of hops would result. By utilizing a lower allotment percentage, more producers have eligible contract exemptions which total 1.2 million pounds resulting in a salable quantity of 51.6 million pounds.

Indications to date show imports of foreign hops increasing while exports of domestic hops are decreasing. While beer production is continuing to increase, more brewers are utilizing hop extract. Such extract more than replaces the equivalent quantity of fresh hops. Hence, due to reduced usage of hops, increased imports, and decreased exports, utilization of an annual percentage of 85 percent will not reduce carryout stocks to a level considered desirable by the industry. It is possible, that the 85 percent may, in fact, cause carryout stocks to increase.

Historical data suggest that when production approximates demand and carryout stocks approximate 20 million pounds, both spot market hop prices and prices for future contracts negotiated at such times are favorable to the producer in that they tend to be about $0.40 to $0.45 per pound plus premiums. Present spot prices are $0.32 per pound for 1967 crop and future contracts have been written at $0.38 per pound plus premiums. Hence, carryout stocks of approximately 20 million pounds, combined with the producer allotments, would enhance producer returns and tend to effectuate the declared policy of the act.

Since carryout stocks of approximately 20 million pounds are desirable, an allotment percentage that would achieve this should be permitted. By utilizing a 75 percent allotment percentage beginning in 1969, the salable quantity of hops would be reduced by approximately 5 million pounds below what could be done at 85 percent and the resultant salable quantity, including contract exemptions, would approximate 46.2 million pounds. Unless hop usage declines more substantially than projected, utilization of 75 percent in 1969, and possibly a slightly higher percentage in 1970, should reduce carryout stocks to the desired level.

Should a percentage lower than 75 percent be authorized, the reduction of salable hops in a single year could be too severe and possibly fail to supply some outlets. Also, establishment of a percentage lower than 75 percent, would unnecessarily reduce the overall returns to producers.

Accordingly, the current limitation, as contained in § 991.37(b) requiring that no allotment percentage applicable to 1968 and subsequent crops shall be less than 85 percent, should be modified. Since marketing policy considerations have already been recommended for the 1968 crop by the Committee, and such have been issued by the Department, no change should be made for 1968 as producers and handlers have made plans commensurate with the 1968 allotment percentage.

A contention was made that the proposed amendment would decrease exports of U.S. hops and increase imports of foreign hops; would encourage increased foreign production; would hasten brewer use of hop extract; and would increase the quantity of foreign hops contracted by U.S. brewers. However, it must be noted that the proposed amendment, if adopted, would merely provide the means for a reduction of salable hops. The proposed amendment would not require that the minimum allotment percentage must be used. If, at the time of marketing policy determination, the Committee could ascertain a greater export market for hops, they could establish an allotment percentage adequate to meet such anticipated demand. Also, to meet an unanticipated demand, reserve pool hops could be released for sale to handlers for export. If producers could envision adequate returns from reserve pool hops, producers would utilize the reserve pool provisions of the order.

It is questionable if order operations would contribute to increased imports and would encourage expansion of foreign hop production. Since certain brewers prefer to use imported hops in their beer production, they guarantee their requirements by future contracts. The cost of hops in comparison with overall production cost of a brewer is extremely small. By virtue of future contracts, at established prices, brewers do not purchase hops according to a supply-price relationship. This is borne out by the bumper 1967–68 European crop. While U.S. imports for this period did increase, users of foreign hops did not attempt to increase supplies at depressed prices as their needs were met through contracts. Since the world demand for hops is constant, and even decreasing slightly, and in view of the inelasticity of demand for the commodity, it is not likely that a temporary production decrease in the United States would give rise to increased foreign production.

While it is agreed that the use of hop extract is increasing, mainly due to the increased efficiency of such extract, it is difficult to agree that the proposed amendment would hasten the increased use of extract. As previously mentioned, hops are a minimum cost in the production of beer. It is difficult to appreciate a brewery converting its entire operation to utilize extract solely due to a slight increase in hop prices. Brewery use of extract is in keeping with increased efficiency which is being shown by all industries. Hence, it cannot be concluded that the proposed amendment in and of itself would increase use of extract, and so result in lower overall hop usage.

(3) Currently § 991.38(c) provides, in part, that a handler may acquire from a producer who is legally obligated to deliver to said handler at a specific price a specific quantity of hops, from specified acreage of his own production, pursuant to the terms of a written contract entered into prior to, and effective by February 8, 1966, and calling for delivery of hops produced prior to 1971, said handler shall be permitted through 1970 to acquire hops of the producer's own production to fulfill such contract terms, but the total so acquired by all handlers from the producer during any marketing year shall not exceed 100 percent of the producer's then effective allotment base.

Since the current order requires that the allotment percentage applicable to 1968 and subsequent years be not less than 85 percent, producers who have entered into bona fide contracts, meeting the requirements of the order provisions, based on the belief that they would be permitted to fulfill such contracts up to 85 percent of their allotment base should not be placed in a position of not being able to fulfill such commitments. Hence, producers having bona fide contracts which call for delivery of more than 75 percent of their allotment base for the 1969 crop and/or the 1970 crop of hops should be permitted to deliver up to, but not in excess of, 85 percent of their allotment base.

Since the current order specifies a cutoff date for contract exemptions being February 8, 1966, the date the promulgation notice of hearing was published in the FEDERAL REGISTER, correspondingly, the cutoff date for any new contract exemptions should be January 5, 1968, the date the notice of hearing concerning these amendments was published in the FEDERAL REGISTER. A cutoff date should be

established to prevent producers and dealers entering into contracts only for purpose of establishment of contract exemptions.

It is conceivable that some producers may have entered into contracts prior to February 8, 1966, calling for delivery of a quantity of hops that would be less than 85 percent of their allotment base in 1969 and/or 1970. If such contract, plus additional contracts entered into between February 8, 1966, and January 5, 1968, call for delivery of more than 75 percent of his allotment base, such producers, should be eligible for a contract exemption in an amount equal to the difference between 75 percent of his total allotment base and the total contracted amount, but not to exceed 85 percent of his allotment base.

Producers, who are not entitled to contract exemptions due to the fact that their contract could be fulfilled by delivery of the quantity resulting from application of the annual allotment percentage multiplied by the producers allotment base, are not permitted to establish a contract exemption by sale or transfer of all or a portion of his allotment base. That is, a producer, who reduced his allotment base cannot by such action, make himself eligible for any contract exemptions. Similarly, any producer reducing his allotment base after January 5, 1968, should not be entitled to any contract exemptions which would result from such transfer action.

If a producer has entered into a bona fide contract prior to and effective by January 5, 1968, calling for delivery of a quantity of hops of more than 75 percent of an allotment base which he is negotiating to purchase, and the purchase and transfer are completed by April 1, 1968, pursuant to the requirement of existing § 991.146, the Committee should compute the producer's allotment on such base so that the producer is permitted to deliver a quantity equal to the contract but not to exceed 85 percent of his newly computed allotment base. This is consistent with the previous finding that substantial interference with contract obligations is not essential to achievement of the objectives of the order. Accordingly, such new contract exemptions should be permitted.

Rulings on proposed findings and conclusions. The Presiding Officer announced at the hearing, that interested persons would be allowed to and including February 15, 1968, to file with the Hearing Clerk proposed findings and conclusions, and written arguments or briefs, based upon evidence received at the hearing. The time for filing has elapsed and no comments were received.

General findings. (1) The findings hereinafter set forth are supplementary, and in addition to the previous findings and determinations which have been made in connection with the issuance of the tentative marketing agreement and order, and all of the said previous findings and determinations are hereby ratified and affirmed (for prior findings and determinations see 31 F.R. 9713 and 31 F.R. 10072);

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

(3) The tentative marketing agreement and order as hereby proposed to be amended, regulate the handling of hops of domestic production in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in the tentative marketing agreement and order upon which hearings have been held;

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

(5) The tentative marketing agreement and order, as hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(6) All handling of hops of domestic production is in the current of interstate or foreign commerce, or directly burdens, obstructs, or effects such commerce.

Recommended amendment of the order. The following amendment of the hop order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out.

1. Section 991.33 is deleted.

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

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

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

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

Dated: March 6, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-3000; Filed, Mar. 11, 1968; 8:48 a.m.]

[7 CFR Parts 1001, 1002, 1003, 1004, 1015, 1016]

[Docket No. AO 14-A38-R03, etc.]

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

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	Docket No.
1001	Massachusetts-Rhode Island-New Hampshire.	AO 14-A38-R03.
1002	New York-New Jersey	AO 71-A53.
1003	Washington, D.C.	AO 293-A17.
1004	Delaware Valley	AO 160-A35.
1015	Connecticut	AO 305-A18.
1016	Upper Chesapeake Bay	AO 312-A13.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Massachusetts-Rhode Island-New Hampshire, New York-New Jersey, Washington, D.C., Delaware Valley, Connecticut, and Upper Chesapeake Bay marketing areas, which was issued February 21, 1968 (33 F.R. 3432), is hereby extended to March 25, 1968.

Signed at Washington, D.C., on March 7, 1968.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-3022; Filed, Mar. 11, 1968; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

FRESH APPLES

Enforcement Regulations for the Fair Packaging and Labeling Act; Proposed Exemption

Notice is given that the National Apple Institute, Suite 410, 2000 P Street NW., Washington, D.C. 20036, and the International Apple Association, 1302 18th Srteet NW., Washington, D.C. 20036, have submitted petitions requesting that the regulations for the enforcement of the Fair Packaging and Labeling Act (21 CFR Part 1) be amended to exempt fresh apples packaged in 3-pound polyethylene bags or 3-pound polyethylene overwrapped trays from the requirement of § 1.8b(j)(1) that net contents of 1 pound or more and less than 4 pounds be declared dually (ounces and pounds).

Grounds given in the petition in support of the requested exemption are that apples are customarily packed only in multiple pound units, including 3-pound units. Other sizes are 4 pounds or over and thus the 3-pound package is the only one of the series required to have dual declaration. Such units are readily recognized by consumers without a careful examination of the label. Dual declaration, therefore, of the net quantity of contents on 3-pound units of fresh apples is unnecessary for the adequate protection of consumers.

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

§ 1.1c Exemptions from required label statements.

* * * * *

(a) *Foods.* * * *

( ) Fresh apples packaged in 3-pound polyethylene bags or 3-pound polyethylene overwrapped trays are exempt from the dual net-contents declaration requirement of § 1.8b(j)(1).

All interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: March 4, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-3027; Filed, Mar. 11, 1968, 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 43, 91]

[Docket No. 8757; Notice 68-6]

MECHANICAL WORK PERFORMED ON U.S. REGISTERED AIRCRAFT BY CERTAIN CANADIAN PERSONS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 43 and 91 of the Federal Aviation Regulations with respect to mechanical work performed in Canada on U.S. registered aircraft by certain Canadian persons. This proposal would extend to authorized employees of approved Canadian companies the privileges presently granted Canadian Aircraft Maintenance Engineers, authorize certain Canadian individuals to perform 100-hour inspections, and clarify the provisions for approval of Canadian-performed mechanical work. Part 91 would be amended to permit operation of an aircraft following a 100-hour inspection performed by the authorized Canadian persons.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 10, 1968, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The present § 43.17 authorizes only the holders of Canadian Aircraft Maintenance Engineer (AME) licenses to perform mechanical work on U.S. registered aircraft in Canada. The Canadian Department of Transport (DOT) advises that, in addition to AME's, there are approved Canadian companies doing aircraft maintenance, repair and overhaul, the authorized employees of which, under Canadian regulations, may certify aircraft or repair work on behalf of the companies employing them. The Canadian DOT has suggested that this be taken into consideration in amending the U.S. regulations. In this connection, the preamble of Amendment 43-5 (31 F.R. 5948) which promulgated § 43.17, indicated that the FAA would consider further rule making consistent with the Canadian system.

An "approved" company, as that term is used by the Canadian DOT, is a company engaged in the manufacture, conversion, overhaul, repair, or maintenance and servicing of aeronautical products, which has undertaken to assume full responsibility for the airworthiness of its product or work by virtue of the certifications given by authorized employees of that company and by virtue of the system for quality control set up by the company and maintained to the satisfaction of the Canadian DOT Chief Aeronautical Engineer. This amendment would extend to the authorized employees, variously termed "authorized representatives" or "Approved Inspectors" in the Canadian regulations, when performing work for the company that employs and authorizes them, the same privilege to perform and approve maintenance, preventive maintenance, and alterations that is granted to Canadian AME's. Moreover, under this proposal, both the authorized employees on behalf of the companies, and the AME's on their own authority, would be required to perform work in accordance with the general performance rules of § 43.13 and make maintenance record entries in accordance with § 43.9.

There are some air taxi operators engaged in extensive operations in Canada whose aircraft are maintained under the requirements of FAR Part 91. Since there are no FAA certificated repair stations in Canada, it is necessary that these operators return their aircraft to the United States for the performance of the necessary 100-hour inspections. Moreover, a similar situation may exist for the many private and executive aircraft owners who voluntarily have 100-hour inspections performed to ensure the continued airworthiness of their aircraft. The required 100-hour inspection is substantially the same as the Canadian aircraft airworthiness import and annual renewal inspections which may be performed by Canadian AME's and authorized employees of an approved Canadian company. Therefore, it is proposed to amend § 43.17 to allow Canadian AME's and authorized employees of approved companies to perform the 100-hour inspections. Under the amended rule, performance and maintenance record entries of the 100-hour inspection would be in accordance with §§ 43.15 and 43.11. The amendment authorizing performance of 100-hour inspections by Canadian individuals would also require a change in

Part 91 to permit operation of the aircraft so inspected and it is proposed to amend § 91.169 accordingly.

Some ambiguity with respect to approvals has resulted from the general requirements of § 43.17 that approvals be certified or indicated in a manner and on a form prescribed by the Administrator. For this reason and in view of the privileges proposed for the authorized employees of an approved company, it is proposed further to amend § 43.17 to indicate in specific terms the approval authority of all Canadian individuals granted privileges under this regulation. In connection with approval of a major repair or major alteration, the criteria for approval would be amended to require conformance with technical data approved by the Administrator.

Finally the proposed amendment would impose a general prohibition on operating an aircraft in air commerce following any work performed under § 43.17 unless the work is approved in accordance with provisions of the amended section.

The amended § 43.17, following the format of the present section, utilizes Canadian terminology where appropriate in parenthetical expression.

In consideration of the foregoing it is proposed to amend Parts 43 and 91 of the Federal Aviation Regulations as follows:

1. By amending § 43.17 to read as follows:

§ 43.17 Mechanical work performed on U.S. registered aircraft by certain Canadian persons.

(a) A person holding a valid mechanic certificate of competence (Aircraft Maintenance Engineer license) and appropriate ratings issued by the Canadian Government, or a person who is an authorized employee (Approved Inspector) performing work for a company whose system of quality control for the inspection and maintenance of aircraft has been approved by the Canadian Department of Transport, is not considered to be an airman, within the meaning of section 101(7) of the Federal Aviation Act of 1958, with respect to the maintenance, preventive maintenance, or inspection performed in Canada in connection with aircraft of U.S. registry. Notwithstanding any other section of the Federal Aviation Regulations, such persons may, in connection with aircraft of U.S. registry in Canada:

(1) Perform maintenance, preventive maintenance and alterations if such operations are done in accordance with § 43.13 and the maintenance record entries are made in accordance with § 43.9.

(2) Perform the 100-hour inspection required by Part 91 of this chapter if such inspection is done in accordance with § 43.15 and the maintenance record entries are made in accordance with § 43.11.

(3) Approve (certify) maintenance, preventive maintenance, and alterations performed under this section except that a Canadian Aircraft Maintenance Engineer may not approve a major repair or major alteration.

(b) A Canadian Department of Transport Airworthiness Inspector, or an authorized employee (Approved Inspector) performing work for a company approved by the Canadian Department of Transport may approve (certify) a major repair or major alteration performed under this section if the work was done in accordance with technical data approved by the Administrator.

(c) No person may operate in air commerce an aircraft, airframe, aircraft engine, propeller, or appliance on which maintenance, preventive maintenance, or alteration has been performed under this section unless it has been approved by a person authorized in this section.

2. By amending the first sentence of § 91.169(b) to read as follows:

§ 91.169 Inspections.

* * * * *

(b) Except as provided in paragraph (c) of this section, no person may operate an aircraft carrying any person (other than a crewmember) for hire or to give flight instruction for hire unless, within the preceding 100 hours of time in service, it has been inspected and approved for return to service in accordance with Part 43 of this chapter. * * *

* * * * *

These amendments are proposed under the authority of sections 101(7), 313(a), 601, 603, and 610 of the Federal Aviation Act of 1958 (49 U.S.C. 1301(7), 1354(a), 1421, 1423 and 1430).

Issued in Washington, D.C., on March 4, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68-2996; Filed, Mar. 11, 1968; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WE-23]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate additional controlled airspace to be known as the Heber, Ariz., transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The new transition area is required to insure that sufficient controlled airspace is available to control aircraft operating within and adjacent to Williams 3 Intensive Student Jet Training Area.

In view of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (33 F.R. 2137) the following transition area is added:

HEBER, ARIZ.

That airspace extending upward from 13,500 feet MSL bounded on the north by the south edge of V-264, on the southeast by the northwest edge of V-190, on the south by latitude 33°54'00" N. and on the northwest by the southeast edge of V-95.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on March 4, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 68-2997; Filed, Mar. 11, 1968; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-13]

TRANSITION AREA

Proposed Alteration

Correction

In F.R. Doc. 68-2745 appearing at page 4202 of the issue for Wednesday, March 6, 1968, make the following change: In the penultimate line of the description for the transition area in Dodge City, Kans., following the reference to "V-10", insert "E".

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

MARCH 4, 1968.

Notice of a Forest Service, U.S. Department of Agriculture, application Sacramento 080021 for withdrawal and reservation of lands for roadside zones in the Sierra National Forest, was published as Federal Register Document No. 65–13690 on page 16021 of the issue for Thursday, December 23, 1965. The applicant agency has canceled its application insofar as it affects the following described lands:

T. 8 S., R. 23 E., M.D.M.,
Sec. 7, lot 8.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands at 10 a.m., on April 8, 1968, will be relieved of the segregative effect of the above-mentioned application.

JESSE H. JOHNSON,
Acting Chief,
Lands Adjudication Section.

[F.R. Doc. 68–2972; Filed, Mar. 11, 1968; 8:46 a.m.]

[Colorado 0128423]

COLORADO

Opening of Lands

1. In an order issued June 14, 1966, the Federal Power Commission vacated the power withdrawal created pursuant to the filing of an application on April 23, 1923, for a preliminary license for Project No. 412 for the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 72 W.,
Sec. 7, lots 4, 5, 6, 8, 9 (excepting patented mineral lands).
T. 1 N., R. 73 W.,
Sec. 5, lots 7, 9, NE¼SW¼;
Sec. 9, W½NE¼;
Sec. 10, N½NE¼, SE¼NE¼, NE¼NW¼ (excepting patented mineral land);
Sec. 11, S½N½, NW¼SE¼ (excepting patented mineral lands);
Sec. 12, S½N½, N½SE¼ (excepting patented mineral lands).
T. 2 N., R. 73 W.,
Sec. 26, SE¼SE¼;
Sec. 34, S½SE¼;
Sec. 35, N½NE¼, E½NW¼, NE¼SW¼, SW¼SW¼.

The areas described aggregate 1,306 acres in Boulder County. The lands are located high in the mountains to the northwest, west, and south of the town of Ward. They are in the upper reaches of the South St. Vrain and Lefthand Creeks. The topography varies from the steep sided, narrow canyon of Lefthand Creek, to open uplands about 10,000 feet elevation at the headwaters of Lefthand Creek and Long Lake area on the South St. Vrain.

2. The lands formerly in Project No. 412 are national forest lands in the Roosevelt National Forest except the following described public lands:

T. 1 N., R. 72 W.,
Sec. 7, lots 4, 5, 6, 8, 9 (excepting patented mineral lands).
T. 1 N., R. 73 W.,
Sec. 12, S½N½, N½SE¼ (excepting patented mineral lands).

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, it is ordered as follows:

3. Until 10 a.m., on September 5, 1968, the State of Colorado shall have a preferred right of application to select the public lands described in paragraph 2 above as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on September 5, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m., on April 9, 1968, the lands within the Roosevelt National Forest shall be open to such forms of disposition as may by law be made of national forest lands.

5. All the lands have been open to applications and offers under the mineral leasing laws and to location under the U.S. mining laws subject to provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

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

IRVING SENZEL,
Assistant Director.

MARCH 5, 1968.

[F.R. Doc. 68–2973; Filed, Mar. 11, 1968; 8:46 a.m.]

[Serial No. I–2088; Classification I–1–607(2)]

IDAHO

Notice of Proposed Classification of Public Lands for Multiple Use Management

MARCH 1, 1968.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below, together with any lands therein that may become public lands in the future. Publication of this notice (a) segregates all the public land described in this notice from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) further segregates the lands described in paragraph 3 of this notice from the operation of the general mining laws (30 U.S.C. Chapter 2). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Public lands proposed for classification are located within the following described area in Owyhee County and are shown on maps designated I–1–607(2), on file in the Boise District Office, Bureau of Land Management, and in the Land Office, Bureau of Land Management, Boise, Idaho.

BOISE MERIDIAN, IDAHO

Tps. 2 N., 1 N., 1 S., 2 S., 3 S., and 4 S., R. 6 W.
T. 5 S., R. 6 W.,
Secs. 1 and 2;
Secs. 11 to 14;
Secs. 23 to 25;
Sec. 26, N½, N½SW¼, SW¼SW¼, SE¼SE¼, N½SE¼;
Sec. 35, NE¼NE¼, S½NE¼, W½, SE¼;
Sec. 36.
Tps. 6 S., 7 S., 8 S., 9 S., 10 S., 11 S., 12 S., 13 S., 14 S., 15 S., and 16 S., R. 6 W.
T. 2 N., R. 5 W.,
Sec. 6, lots 4, 5, 6, and 7, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 7, W½NE¼, W½, SE¼;
Sec. 8, SW¼;
Secs. 17 to 20, inclusive;
Secs. 25 to 36, inclusive.
T. 1 N., R. 5 W.
T. 1 S., R. 5 W.,
Secs. 1 to 29, inclusive;
Sec. 30, lots 1, 2, 3, 4, 5, 6, and 7, S½NE¼, E½SW¼, SE¼;
Sec. 31;
Sec. 32, N½, SW¼SW¼, SE¼;
Secs. 33 to 36, inclusive.
Tps. 2 S., 3 S., 4 S., 5 S., 6 S., 7 S., 8 S., 9 S., 10 S., 11 S., 12 S., 13 S., 14 S., 15 S., and 16 S., R. 5 W.
T. 2 N., R. 4 W.,
Secs. 28 to 33, inclusive.
T. 1 N., R. 4 W.,
Secs. 4 to 10, inclusive;
Sec. 14, S½N½, S½;
Secs. 15 to 36, inclusive.
Tps. 1 S., 2 S., 3 S., 4 S., 5 S., 6 S., 7 S., 8 S., 9 S., 10 S., 11 S., 12 S., 13 S., 14 S., 15 S., and 16 S., R. 4 W.

T. 1 S., R. 3 W.,
Sec. 5, Lots 3 and 4, S½NW¼, SW¼;
Secs. 6 and 7, inclusive;
Sec. 8 W½;
Sec. 17, W½;
Secs. 18 to 22, inclusive;
Secs. 27 to 36, inclusive.
Tps. 2 S., 3 S., 4 S., 5 S., 6 S., 7 S., and 8 S., R. 3 W.
T. 9 S., R. 3 W.,
Secs. 1 to 12, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 10 S., R. 3 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 11 S., R. 3 W.,
Secs. 5 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 27 to 34, inclusive.
T. 12 S., R. 3 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 13 S., R. 3 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 36, inclusive.
Tps. 14 S., 15 S., and 16 S., R. 3 W.
T. 1 S., R. 2 W.,
Sec. 31.
T. 2 S., R. 2 W.,
Secs. 6 and 7, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 31, inclusive;
Sec. 32, W½.
T. 3 S., R. 2 W.,
Sec. 5, lots 3 and 4, S½NW¼, SW¼;
Secs. 6 to 9, inclusive;
Secs. 16 to 22, inclusive;
Secs. 27 to 34, inclusive.
Tps. 4 S., 5 S., 6 S., 7 S. and 8 S., R. 2 W.
T. 9 S., R. 2 W.,
Secs. 1 to 12, inclusive.
T. 14 S., R. 2 W.,
Secs. 6 to 8, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 36, inclusive.
Tps. 15 S. and 16 S., R. 2 W.
T. 5 S., R. 1 W.,
Secs. 27 to 34, inclusive;
Sec. 35, S½.
T. 5 S., R, 1 W.,
Secs. 2 to 36, inclusive.
T. 6 S., R. 1 W.,
Secs. 2 to 10, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 7 S., R. 1 W.,
Secs. 4 to 8, inclusive;
Secs. 17 to 18, inclusive.
T. 15 S., R. 1 W.,
Secs. 14 to 23, inclusive;
Secs. 25 to 36, inclusive.
T. 16 S., R. 1 W.
T. 5 S., R. 1 E.,
Sec. 7, inclusive;
Sec. 8, W½;
Secs. 17 to 19, inclusive;
Sec. 30.
T. 16 S., R. 1 E.,
Sec. 6, Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, SE¼NW¼, E½SW¼;
Sec. 7, Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, E½W½;
Sec. 18, Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, E½W½;
Sec. 19, Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, E½W½;
Sec. 30, Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, E½NW¼, NE¼SW¼.

The area described contains approximately 1,186,700 acres of public land.

3. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the general mining laws:

BOISE MERIDIAN, IDAHO

JUMP CREEK FALLS SITE

T. 2 N., R. 5 W.,
Sec. 27, SW¼;
Sec. 28, SE¼SE¼;
Sec. 33, NE¼, SE¼SW¼, SE¼;
Sec. 34, W½NW¼.

This site contains 640 acres.

4. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections concerning the proposed classification may present their views in writing to the Boise District Manager, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702.

5. A public hearing on this proposed classification will be held at 10 a.m., on April 17, 1968, in the Owyhee County Courthouse, Murphy, Idaho.

JOE T. FALLINI,
State Director.

[F.R. Doc. 68-2974; Filed, Mar. 11, 1968; 8:46 a.m.]

[Montana 1364]

MONTANA

Notice of Proposed Classification

MARCH 4, 1968.

Notice is hereby given of a proposal to classify the lands described below for disposal through public sale procedures as provided by section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171). This publication is made pursuant to the Act of September 19, 1964 (43 U.S.C. 1412).

This proposal has been discussed with District Advisory Board members, local governmental officials, and other interested parties. Information derived from these discussions and other sources indicates that these lands meet the criteria of 43 CFR 2410.1-3(e) which authorizes classification of lands "* * * for disposal under any applicable authority where they are found to be * * * not suitable for retention for multiple use management."

Information concerning the lands, including the record of public discussions, is available for study at the Bureau of Land Management District Office, West of Miles City, Post Office Box 940, Miles City, Mont. 59301.

For a period of 60 days from the date of this publication, interested parties may submit comments to the district manager of the Miles City District at the above address.

The lands affected by this proposal are located in Rosebud and Custer Counties and are described as follows:

PRINCIPAL MERIDIAN, MONTANA

T. 8 N., R. 44 E.,
Sec. 14, all;
Sec. 24, all.
T. 8 N., R. 45 E.,
Sec. 8, N½;
Sec. 18, lots 1, 2, 9, 10, 11, and 12, and E½NW¼;
Sec. 20, SW¼NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 22, N½NE¼;
Sec. 24, E½E½ and W½W½.
T. 9 N., R. 45 E.,
Sec. 32, N½;
Sec. 34, W½.
T. 8 N., R. 46 E.,
Sec. 8, lots 1, 2, and 3, and NE¼NW¼;
Sec. 22, lots 1 and 2.

The areas described aggregate 3,508.80 acres.

HAROLD TYSK,
State Director.

[F.R. Doc. 68-2975; Filed, Mar. 11, 1968; 8:46 a.m.]

[Serial No. 3756]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands; Correction

MARCH 5, 1968.

The notice of an application, Serial No. 3756, for withdrawal and reservation of lands as published in the FEDERAL REGISTER, Document No. 67-13934 at page 16284 of the issue for November 29, 1967, is corrected as follows: under T. 11 N., R. 15 W., the first two lines should read: Sec. 6, lots 1 to 7, inclusive, E½ SW¼, and SE¼;

FRED E. PADILLA,
Acting Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 68-2976; Filed, Mar. 11, 1968; 8:46 a.m.]

[OR 2945]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 5, 1968.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 2945, for the withdrawal of the national forest lands described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires to set aside the Grande Ronde Guard Station and River Campground and the Woodley Campground for recreation and administration of the Whitman National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

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

lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

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

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WHITMAN NATIONAL FOREST
WILLAMETTE MERIDIAN

Grande Ronde Guard Station and River Campground

T. 5 S., R. 35 E.,
Sec. 13, E½NE¼, E½W½NE¼, and E½NE¼SE¼.
T. 5 S., R. 36 E.,
Sec. 18, W½ lot 2 and W½ lot 3.

Woodley Campground

T. 6 S., R. 36 E.,
Sec. SW¼SW¼NW¼ and N½NW¼SW¼;
Sec. 5, S½ lot 2, E½SW¼NE¼, E½W½ SW¼NE¼, S½SE¼NE¼, and NE¼NE¼ SE¼.

The areas described aggregate 296.57 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 68-2977; Filed, Mar. 11, 1968; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. C-287]

THEODORE LEE EDLING

Notice of Loan Application

MARCH 5, 1968.

Theodore Lee Edling, 2130 Redwood Highway, San Rafael, Calif. 94904, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 37.9-foot registered length wood vessel to engage in the fishery for salmon and albacore.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68-2969; Filed, Mar. 11, 1968; 8:46 a.m.]

[Docket No. A-456]

CHARLES W. PARDEE

Notice of Loan Application

MARCH 5, 1968.

Charles W. Pardee, Box 287, Haines, Alaska 99827, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 32-foot wood vessel to engage in the fishery for salmon.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68-2970; Filed, Mar. 11, 1968; 8:46 a.m.]

[Depredation Order]

DEPREDATING GOLDEN EAGLES

Order Permitting Taking To Seasonally Protect Domestic Livestock in Certain Wyoming Counties

Pursuant to authority in section 2 of the Act of October 24, 1962 (76 Stat. 1246; 16 U.S.C. 668a), as amended, and in accordance with regulations under Part II, Title 50, Code of Federal Regulations, and in response to written requests from the Governor of Wyoming, the Secretary of the Interior has authorized the taking of golden eagles without a permit to seasonally protect domesticated livestock during the period from February 10, 1968, through June 30, 1968 in Wyoming, subject to the conditions in the February 1, 1968 F.R. Doc. 68-1398; filed February 5, 1968, as published in the FEDERAL REGISTER, Volume 33, Number 25, page 2612, February 6, 1968, item 4 is amended to include Johnson County.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

MARCH 7, 1968.

[F.R. Doc. 68-2985; Filed, Mar. 11, 1968; 8:47 a.m.]

National Park Service

[Order 1]

CHIEF, RUINS STABILIZATION UNIT ET AL.

Delegation of Authority Regarding Purchase Orders

1. The Chief of the Ruins Stabilization Unit, Southwest Archeological Center may issue purchase orders not in excess of $100 for supplies and materials during the time he is on field duty, in conformity with applicable regulations and statutory authority and subject to availability of funds.

2. The Staff Archeologists of the Ruins Stabilization Unit, may issue purchase orders not in excess of $100 for supplies and materials during the time they are on field duty and in charge of field crews working in Southwest National Park Service areas, in conformity with applicable regulations and statutory authority and subject to availability of funds.

3. The Supervisory Archeologist on detail to the office of the Area Director, Bureau of Indian Affairs, Gallup, N. Mex., may issue purchase orders not in excess of $100 for supplies and materials during the time he is on field duty, in conformity with applicable regulations and statutory authority and subject to availability of funds.

4. Field Archeologists, Southwest Archeological Center, in charge of field excavations in Southwest National Park Service areas, may issue purchase orders not in excess of $100 for supplies and materials during the time they are on field duty, in conformity with applicable regulations and statutory authority and subject to availability of funds. (National Park Service Order No. 37 (31 F.R. 11771).)

Dated: February 5, 1968.

CHESTER A. THOMAS,
Chief,
Southwest Archeological Center.

[F.R. Doc. 68-2979; Filed, Mar. 11, 1968; 8:46 a.m.]

[Order No. 5]

ASSISTANT SUPERINTENDENT, EVERGLADES NATIONAL PARK AND FORT JEFFERSON NATIONAL MONUMENT, FLA. ET AL.

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

1. The Assistant Superintendent and Administrative Officer may execute, approve, and administer contracts not in

excess of $100,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds. Construction contracts shall be entered into only with the advice and consent of the concerned Chief, Office of Design and Construction. This authority may be exercised by the Assistant Superintendent and Administrative Officer in behalf of any office or area administered by Everglades National Park.

2. General Supply Officer: The General Supply Officer may execute, approve, and administer contracts not in excess of $50,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds. Construction contracts shall be entered into only with the advice and consent of the concerned Chief, Office of Design and Construction. This authority may be exercised by the General Supply Officer in behalf of any office or area administered by Everglades National Park.

3. General Supply Assistant: The General Supply Assistant may issue purchase orders not in excess of $1,000 for supplies, services, and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds. This authority may be exercised by the General Supply Assistant in behalf of any office or area administered by Everglades National Park.

4. Park Naturalist, Park Ranger, and Captain-Engineer: The Park Naturalist, Park Ranger, and Captain-Engineer, Fort Jefferson National Monument, may issue purchase orders not in excess of $300 for supplies, services, and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

5. Revocation: This order supersedes Everglades National Park Order No. 4 issued June 30, 1965.

(National Park Service Order No. 34 (31 F.R. 4255) as amended; 39 Stat. 535, 16 U.S.C., Sec. 2; Southeast Region Order No. 4 (31 F.R. 3135))

Dated: January 24, 1968.

ROBERT I. KERR,
Acting Superintendent,
Everglades National Park.

[F.R. Doc. 68-2980; Filed, Mar. 11, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additive Nitrovin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing the issuance of a regulation to provide for the safe use of nitrovin ([[3-(5-nitro-2-furyl)-1-[2-(5-nitro-2-furl)vinyl]allylidene)amino]-guanidine hydrochloride) in chicken feed as an aid in the improvement of weight gains and feed efficiency.

Dated: March 4, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-3028; Filed, Mar. 11, 1968; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17622]

AIRLIFT-SLICK ROUTE TRANSFER

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on March 20, 1968, at 10 a.m., e.s.t., in room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 4, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-3004; Filed, Mar. 11, 1968; 8:48 a.m.]

[Docket No. 19401 et al; Order No. E-26474]

CITY OF AUSTIN, TEX. ET AL.

Order Setting Applications for Hearing and Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of March 1968.

Petition of the City of Austin, Tex., and the Chamber of Commerce of Austin, Tex., for additional air service, Docket 19401; application of Continental Air Lines, Inc., for an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended, Docket 19475; Application of Trans-Texas Airways, Inc., for authority to extend its system to Los Angeles/Long Beach, Calif., pursuant to the Federal Aviation Act of 1958, as amended, Docket 19492.

On December 15, 1967, the city and Chamber of Commerce of Austin, Tex. (Austin), filed a petition, Docket 19401, together with a motion for expedited hearing, seeking improved air service between Austin, on the one hand, and Los Angeles and other west coast points, via El Paso, Tucson, and Phoenix. In support of its motion, Austin alleges, in pertinent part, that in recent years Austin has experienced significant population and economic growth which is in marked contrast to its available air service; that its existing air service to the west is inadequate and has not improved in 3 years of service by Trans-Texas; that more than 23,000 historic Austin passengers will benefit from an Austin-El Paso-Tucson-Phoenix-Los Angeles route; and that Austin's request can be granted by placing it on Continental's route 29. Answers in support of Austin's motion were filed by Continental Air Lines, Inc., El Paso civic interests, Tucson Airport Authority, the city and Chamber of Commerce of Phoenix, and the Los Angeles Area Chamber of Commerce. In addition, Trans-Texas filed an answer requesting that action be withheld pending filing of its own application.

On January 3, 1968, Continental filed an application requesting exemption authority to add Austin as an alternate intermediate point with San Antonio on segment 8 and as an intermediate point between Houston and Midland/Odessa on segment 10 of Continental's route 29.[1] In support of its application, Continental alleges, in pertinent part, that Austin has demonstrated its need for improved air service; grant of Continental's request will satisfy Austin's needs for service to the west; and Continental is able to implement its proposed service with only minimal additional block-time and the integration of service over Continental's segments 10 and 8 allows for a greater level of service at maximum operating efficiency. Answers in support of Continental's application were filed by the cities and Chambers of Commerce of Midland/Odessa, El Paso civic interests, and Austin. Trans-Texas filed an answer opposing Continental's application, alleging, in pertinent part, that Continental's proposal offers only limited improvement in service between Austin and the west coast; Continental will divert significant revenues from Trans-Texas; and Continental's proposal would downgrade its service to intermediate points.

On January 12, 1968, Trans-Texas filed an application, Docket 19492, requesting exemption authority to extend its system from Midland/Odessa to Long Beach/Los Angeles or in the alternative for the issuance of the above authority by order to show cause.[2] In support of its application, Trans-Texas alleges, in pertinent part, that it proposes to operate through-plane service between New Orleans and Long Beach/Los Angeles via Beaumont/Port Arthur, Houston, Austin, and Midland/Odessa, and between Harlingen and Long Beach/Los Angeles via Corpus Christi, Austin, and Midland/Odessa, the service to be operated with DC-9 equipment; its proposal would provide nonstop jet service for the first time

[1] On the same day Continental filed an application, Docket 19474, requesting the same authority by certificate amendment.

[2] On Jan. 15, 1968, Trans-Texas filed a certificate application, Docket 19500, requesting the extension of its segments 1, 9, and 10 beyond the terminal point El Paso to the terminal point Long Beach/Los Angeles via the intermediate points Tucson and Phoenix. On Jan. 12, 1968, Trans-Texas filed a certificate application, Docket 19491, requesting the extension of segment 10 of route 82 beyond the intermediate point Midland/Odessa to the terminal point Long Beach/Los Angeles.

to passengers in the Midland/Odessa-Los Angeles market (86 per day) and first single-plane jet service to 40,770 passengers; all flights would serve Los Angeles through the Long Beach Airport; Trans-Texas will experience an operating profit in the amount of $1,656,401 and a subsidy need reduction of approximately $330,000; it will operate the service proposed on a subsidy-ineligible basis and will divert little traffic from other carriers. Answers opposing Trans-Texas' application were filed by American Airlines, Inc.; Continental; [3] Delta Air Lines, Inc.; [4] and Western Airlines, Inc. Answers in support of Trans-Texas' application were filed by the Beaumont/Port Arthur parties, Midland/Odessa, and the city and Chamber of Commerce of Long Beach Calif.

On February 14, 1968, Trans-Texas filed a reply to the answers of American, Continental, and Western, rebutting their attacks on its traffic forecasts and asserting that the combination of a 949-mile Long Beach-Midland hop with 100- to 300-mile hops to other points on its system would allow it to most fully realize the capabilities of its jet aircraft.

Upon consideration of the pleadings and all the relevant facts, we have decided to grant Austin's request that we set for hearing its application for improved air service to Los Angeles via El Paso, Tucson, and Phoenix.[5] We will consolidate into this proceeding the certificate applications of Continental, Docket 19474, and Trans-Texas, Dockets 19491 and 19500. In the interim while these certificate applications are being heard, we will grant Continental's exemption request,[6] subject to the restrictions discussed bleow, but will deny Trans-Texas' application for exemption authority or a show-cause order.

In 1963, when we deleted Continental's authority to serve Austin, we found that Trans-Texas would be able to offer equal or superior service in all of Austin's Texas markets, and that the traffic using Continental's service between Austin and points west of El Paso was extremely small and would not be seriously inconvenienced by having to use connecting service over the San Antonio or Dallas gateways.[7] Since that time, however, Austin has experienced substantial population and economic growth, and its air traffic has grown more rapidly than the national average, more than doubling between 1961 and 1966. Austin's traffic exchanged with out-of-state destinations, moreover, has increased from 36 to 43 percent of the total. In particular, Austin-Los Angeles traffic has nearly tripled since 1961, and the traffic Austin exchanges with the three points (Los Angeles, Phoenix, and Tucson) which Trans-Texas does not serve now approximates 10,000 passengers a year, despite the absence of single-plane service. Moreover, the Austin-El Paso and Austin-Midland/Odessa markets generated an additional 11,000 passengers in 1966, and it appears that there may be service deficiencies in these markets which warrant consideration of competitive service. For these reasons, a reexamination of Austin-west single-plane service is warranted.

It also appears that interim relief by exemption is warranted in this situation. Only Trans-Texas opposes the grant of exemption authority to Continental, and it does so on grounds, not that such authority is inappropriate here, but that it should receive such authority in preference to Continental. While several trunkline carriers oppose the grant of Trans-Texas' exemption request, they do so primarily on grounds that it would entail new authority for Trans-Texas in the Houston-Los Angeles market, which is already at issue in the Southern Tier case, Docket 18257. It appears that they have no objection to exemption authority confined to Austin-west markets only.

We will select Continental rather than Trans-Texas to receive interim exemption authority in these markets. Trans-Texas' application involves an extension of over 700 miles to the west, to a point it has never served, plus new authority in a number of non-Austin markets, although it is only in the Austin markets, in our view, that a convincing case for immediate single-plane service has been made. Moreover, a study of Trans-Texas' projected operating figures appears to support the contentions that the carrier would sustain a substantial operating loss under its proposal, primarily because it appears to have substantially overestimated the traffic it would carry, particularly in those long-haul markets where it forecasts a 90 percent participation.

Continental, on the other hand, could serve Austin without materially altering the scope of its present operations, and without gaining authority in any non-Austin markets. Its proposal, in fact, is merely to add stops at Austin to two existing Houston-Los Angeles round-trip flights, one of which also serves Midland/Odessa, El Paso, and Tucson while the other serves El Paso and Phoenix.[8] These additional stops at Austin would involve a minimum of added circuity, since the existing flights now pass virtually overhead. Grant of Continental's application also does not entail the prospective losses to a subsidized carrier which grant of Trans-Texas' would apparently involve. Finally, in order to minimize the diversion Trans-Texas will suffer from the grant of Continental's application, we will prohibit Continental from carrying Austin-Houston traffic.[9] While these restrictions will materially reduce Continental's revenues under its proposal, it should not render the proposal uneconomic, and will avert by far the largest single element in the diversion alleged by Trans-Texas. Diversion from Trans-Texas in the other markets involved in Continental's proposal will not in our judgment be serious, and in any event is outweighed by the public benefits which will result. No other carrier will suffer significant diversion.

The grant of Continental's exemption application will result in the restoration of single-plane service in the Austin-Los Angeles, Austin-Phoenix, and Austin-Tucson markets, plus additional service in the Austin-El Paso and Austin-Midland/Odessa markets, thus benefiting the some 20,000 passengers a year in these markets. We find that this service is in the public interest. We further find that Continental's operations are affected by unusual circumstances, in that Continental formerly served Austin and operated single-plane service in the markets here at issue; that its authority was terminated, over its and the community's opposition, as part of an experiment to see if Trans-Texas could not better meet Austin's significant service needs not otherwise met by Braniff Airways (then and today the other carrier at Austin); that Austin's traffic, particularly in the markets at issue, has grown extremely rapidly, so that a significant volume of traffic is today inconvenienced by the absence of Continental's service; that Continental can serve this traffic without material change in its operations, or significant injury to any other carrier, by stopping at Austin flights which today pass directly over the city; and that enforcement of section

[3] Continental's answer is combined with a reply to Trans-Texas' answer to its own application.

[4] Delta objects to the show-cause request but not to an exemption limited to the specific service Trans-Texas proposes.

[5] We will exclude from the proceeding any issue of direct service to west coast points other than Los Angeles, as neither Austin nor the carrier applicants have put forward any specific proposals for such service and the available traffic would not appear to warrant consideration of such service at this time. In any event, direct service to Los Angeles would result in improved service to other west coast points.

[6] We will of course adhere to our customary rule that services under an interim exemption are not a decisional factor in selecting a carrier for permanent certificated authority.

[7] Southwestern Area Local-Service Case, 37 C.A.B. 469, 480 (1963). That decision was based on 1960 and 1961 traffic figures.

[8] Trans-Texas' contention that Continental's proposal would result in downgrading service to the other intermediate points on the carrier's Houston-Los Angeles flights is without merit. All four of the points involved—Midland/Odessa, El Paso, Tucson, and Phoenix—have answered in support of either Continental's application or Austin's request for Continental's services. We find that the benefits to these points of new or improved single-plane service to Austin clearly outweighs any disadvantage of an additional stop on these particular flights to and from Houston.

[9] We will also provide that all flights serving Austin shall also serve Los Angeles. These restrictions will not, however, be imposed as pretrial restrictions in the certificate amendment proceeding we are setting for hearing.

401 of the Act would preclude Continental from offering this service for the balance of this year and probably longer, thus relegating a substantial number of passengers to continued use of connecting service. The exemption granted is of limited scope and duration, and it would be an undue burden on Continental to subject it to temporary certification proceedings, which in any event would be completed in little less time than full proceedings will require, to accomplish so small a change in its authority.

Accordingly, in view of the foregoing, we find that the enforcement of section 401 and the terms, conditions, and limitations of Continental's certificate of public convenience and necessity for route 29, to the extent that they would otherwise prevent Continental from serving Austin as an alternate intermediate point with San Antonio on segment 8 and as an intermediate point between Houston and Midland/Odessa on segment 10 of route 29, would be an undue burden on Continental by reason of the limited extent of and unusual circumstances affecting its operations and is not in the public interest.

Accordingly, it is ordered, That:

1. The motion of the city and Chamber of Commerce of Austin, Tex., to set for hearing its petition in Docket 19401 for additional air service, be and it hereby is granted, to the extent that such petition requests consideration of single-plane service between Austin and Los Angeles, Calif., via El Paso, Tex., Tucson, Ariz., and Phoenix, Ariz.;

2. The applications of Continental Air Lines, Inc., Docket 19474, and Trans-Texas Airways, Inc., Dockets 19491 and 19500, be and they hereby are consolidated with the aforesaid petition for hearing and decision;

3. The aforesaid petition and applications, be and they hereby are set for hearing before an examiner of the Board, at a time and place to be hereafter designated;

4. Further applications, motions to consolidate, and petitions for reconsideration or modification of this order, shall be filed within twenty (20) days from the service date of this order, and answers to such pleadings shall be filed within ten (10) days thereafter;

5. Continental Air Lines, Inc., be and it hereby is temporarily exempted from the provisions of section 401 of the Act, and the terms, conditions, and limitations of its certificate of public convenience and necessity for route 29, to the extent that they would otherwise prevent Continental from serving Austin as an alternate intermediate point with San Antonio on segment 8 and as an intermediate point between Houston and Midland/Odessa on segment 10 of route 29, subject to the restrictions that Continental shall not deplane at Austin persons, property, or mail enplaned at Houston, or deplane at Houston persons, property, or mail enplaned at Austin; and that all flights serving Austin shall also serve Los Angeles; said exemption to expire 60 days after final Board action on Continental's application in Docket 19474;

6. The exemption granted by paragraph 5 of this order may be amended or revoked at any time in the discretion of the Board without hearing;

7. Except to the extent granted herein, the applications of Continental Air Lines, Inc., Docket 19475, and Trans-Texas Airways, Inc., Docket 19492, and the motion of the Austin parties for expedited hearing, be and they hereby are denied; and

8. Copies of this order shall be served upon Continental Air Lines, Inc.; Trans-Texas Airways, Inc.; the city of Austin, Tex., and the Austin Chamber of Commerce; the city of El Paso, the El Paso Airport Board, and the El Paso Chamber of Commerce; the cities of Midland and Odessa, Tex.; the city of Phoenix, and the Phoenix Chamber of Commerce; the Tucson Airport Authority; and the Los Angeles Chamber of Commerce, who are hereby made parties to this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-3005; Filed, Mar. 11, 1968; 8:48 a.m.]

[Docket No. 18650; Order No. E-26469]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority March 5, 1968.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated February 27, 1968, as set forth in the attachment hereto,[1] names additional specific commodity rates which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 19703, R-82 through R-84, be approved, provided approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-3006; Filed, Mar. 11, 1968; 8:48 a.m.]

[1] Filed as part of the original document.

[Docket No. 17828; Order No. E-26472]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of March 1968.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which was for the most part tentatively agreed at the Vina del Mar Conference in October 1967, and formally adopted through a mail vote, has been assigned the above-designated CAB agreement number and is intended to be effective through March 31, 1969.

The agreement relates to fares to apply on long-haul routes within the Western Hemisphere which have been open for a number of years. With isolated exceptions, it will maintain existing normal first- and economy-class fares. The more significant exceptions relate to fares applicable to several U.S. southwest points, including Dallas and Houston; such fares generally will be increased to a level higher than New York.[1] These increases relate to the application of construction rules which, among other things, place a limit on mileage circuity at direct-route fares. The existing promotional fare program will be significantly revised in a number of respects which will mean increases for some passengers. Many of the special fares now offered, including first-class excursion fares, 60-, and 90-day economy-class excursion fares, Visit South America fares, and others, will be canceled, and the fares to be offered will carry more restrictive travel restrictions than now imposed.

The agreement embraces 14-30 day excursion fares, and 14-21 day group inclusive tour (GIT) fares for economy-class travel. More specifically, it will retain 30-day excursion fares, but it will add a minimum-stay requirement of 14

[1] For example, Dallas-Rio de Janeiro one-way first- and economy-class fares will be increased by $33 and $28, respectively.

days. The fares will be set at the higher levels generally charged by the U.S. carriers for existing 30-day excursion travel. New economy-class excursion fares will be offered to/from San Juan at a reduction of about 20 percent from the otherwise applicable fares. These fares will have a maximum-stay requirement of 30 days, but they will not carry the 14-day minimum-stay restriction. The San Juan fares will be restricted to southbound travel insofar as Lima and points in Brazil are concerned. Round trip GIT fares with 14- and 21-day minimum and maximum-stay requirements will continue to be offered, but the fares will be increased in amounts ranging from $10 to $51. The size of the group will be increased from 10 to 15 persons. These fares, too, will be restricted to southbound traffic insofar as Brazilian points are concerned.

The Board considers these fare revisions to be reasonable and warranted, particularly in light of the marginal profitability of the carriers' operations over the years on long-haul routes. The revamping of the promotional fares along the lines described above should lead to the more orderly development of a sound fare structure. Significant reductions will continue to be offered for excursion and group inclusive tour travel. In any event, it is appropriate that the carriers endeavor to develop an improved promotional fare program that will serve to attract new traffic without undue dilution of revenues. Accordingly, we are approving the fare resolutions encompassed in the agreement.

We will also approve collateral fare resolutions, such as those establishing baggage provisions and construction rules, which the Board has approved for application in other areas. The construction rules,[2] among other things, restrict mileage deviation at direct-route fares and require added charges when the mileage used is more than 20 percent in excess of the mileage for the most direct route operated. The application of these rules comports with the Board's view over the years that fares charged should bear a reasonable relationship to the mileage traveled.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

(1) The Board does not find the following IATA resolutions, incorporated in the agreement indicated, to be adverse to the public interest or in violation of the Act:

CAB agreement 20054	IATA Number	Title
R-1	100(Mail 520)001b	Special Effectiveness Resolution (New).
R-2	100(Mail 520)003	Standard Rescission Resolution.
R-3	100(Mail 520)014a	Construction Rule for Passenger Fares (Amending).
R-4	100(Mail 520)051	Conference 1 First Class Fares.
R-5	100(Mail 520)060	Economy Class Conditions of Service (Amending).
R-6	100(Mail 520)061	Conference 1 Economy Class Fares.
R-7	100(Mail 520)080	Excursion Fares (Amending).
R-10	100(Mail 520)100	Conditions of Service—In-Flight Entertainment (Amending).

(2) The Board does not find the following IATA resolution, incorporated in the agreement indicated, to be adverse to the public interest or in violation of the Act: *Provided*, That, insofar as air transportation as defined by the Act is concerned, such approval shall be subject to the following conditions:

CAB Agreement 20054	IATA Number	Title
R-8	100 (Mail 520)087b	Long-Haul North-South American Group Inclusive Tour Basing Fares.

Provided, That:

(a) The provision which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group, and the balance of the group may travel at no added costs.

(b) In the event a pasenger discontinues his journey enroute for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin.

(c) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to departure.

(d) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid, and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group fare ticket over the cost of applicable fare transportation from point of origin to point of cancellation.[3]

(e) Copies of any notice issued pursuant thereto shall be filed with the Board at the time of circulation to members.

(f) Any agreement reached at meetings pursuant thereto shall be filed with the Board pursuant to section 412 of the Act and approved prior to being placed in effect.

(3) The Board finds that on the basis of all facts presently known, Resolution 100(Mail 520)088, which is incorporated in Agreement CAB 20054, R-9, does not affect air transportation within the meaning of the act.

Accordingly, it is ordered, That:

1. Those portions of Agreement CAB 20054 described in finding paragraph 1 be approved.

2. That portion of Agreement CAB 20054 described in finding paragraph 2 be approved subject to the conditions stated therein.

3. Jurisdiction is disclaimed with respect to that portion of Agreement CAB 20054 as set forth in finding paragraph 3.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 68-3007; Filed, Mar. 11, 1968; 8:48 a.m.]

[Docket No. 19633]

MARK IV AIR FREIGHT, INC. AND HOLAHAN AIR FREIGHT

Notice of Proposed Approval

Application of Mark IV Air Freight, Inc., for approval, under section 408 of the Federal Aviation Act of 1958, as amended, of the acquisition of Holahan Air Freight, Docket 19633.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

[2] An exception to the construction rules specifies fares between Washington/New York and Santiago/Lima/Buenos Aires over certain specified routings via Mexico.

[3] After transportation commences the carrier need not refund 75 percent of the price of the group fare ticket, but only 75 percent of the balance, if any, after deducting the normal fare for the transportation used.

Dated at Washington, D.C., March 6, 1968.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING AGREEMENT

Issued under delegated authority.

By application filed February 26, 1968, Mark IV Air Freight, Inc. (Mark IV), requests approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of the acquisition of Holahan Air Freight.

Mark IV is a domestic and international air freight forwarder, controlled by Bernard Fernandes, president and director, and owner of 84.8 perecnt of its stock. Mr. Fernandes also exercises control over Mark IV Messenger Service, Inc. (Messenger), an intrastate surface carrier by motor vehicle in the State of California. The control relationship resulting from Mr. Fernandes' common control of Mark IV and Messenger has been approved by the Board.[1]

Holahan Air Freight is a sole proprietorship—holding international air freight forwarder authority.

Pursuant to the acquisition, Mark IV will purchase Holahan for a price of $7,500; $2,500 of this amount will be paid in cash and the balance will be paid over a 2-year period with interest of 6 percent. As a condition associated with the purchase, Mr. Holahan will become an employee of Mark IV in its New York office. It is contemplated that Holahan will relinquish its operating authorization after completion of the proposed purchase.

The application states that the transaction will provide Mark IV with a starting point internationally, and will better enable Mark IV to capitalize on the rapid growth of the air freight forwarding industry. The applicants state that the transaction will not adversely affect the public interest.

No adverse comments or requests for a hearing have been filed with the Board.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished to the Attorney General no later than 1 day following such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, we find that the applicants are both air carriers within the meaning of section 408 of the Act and that the acquisition of Holahan by Mark IV is subject to that section. However, it has been further concluded that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. The application is similar to others that have been approved by the Board and does not, essentially, present any new substantive issues not heretofore considered by the Board.[2] The transaction should provide improved service to the present customers of both Mark IV and Holahan and also to the potential customers of the surviving company, Mark IV. It therefore appears that approval of the instant application would not be inconsistent with the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing transaction should be approved under section 408(b) of the Act, without a hearing.

Accordingly, it is ordered:

1. That the purchase of Holahan by Mark IV be and it hereby is approved; and

2. That upon consummation of the transaction, International Operating Authorization No. 182, presently held by Holahan, be surrendered to the Board for revocation.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-3008; Filed, Mar. 11, 1968; 8:48 a.m.]

[Docket No. 19045 etc.]

PAN AMERICAN WORLD AIRWAYS, INC.

Operation of Farmingdale and Teterboro Airports; Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the above-entitled proceeding is hereby assigned for hearing on March 19, 1968, at 10 a.m., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Associate Chief Examiner Ralph L. Wiser.

In this proceeding the Board will determine whether it should approve agreements under which Pan American will operate the Teterboro and Farmingdale Airports and, if approved, the terms, conditions, and limitations, if any, to be attached to such approval.

For further details with respect to the issues involved in this proceeding, interested persons are referred to the orders and notices entered by the Board and the examiner, the documents filed by the parties, and the examiner's prehearing conference report served January 26, 1968, all of which are on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before March 15, 1968, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D.C., March 6, 1968.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 68-3009; Filed, Mar. 11, 1968; 8:49 a.m.]

[Docket No. 18610]

SOUTHERN AIRWAYS ROUTE REALIGNMENT CASE

Notice of Hearing

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding for the civic parties will be held on March 26, 1968, at 10 a.m., in the Assembly Room of the Atlanta Public Library, 126 Carnegie Way NW., Atlanta, Ga. Further hearing for the receipt of testimony of the remaining parties will be held on April 1, 1968, at 10 a.m., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on November 9, 1967, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 6, 1968.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 68-3010; Filed, Mar. 11, 1968; 8:49 a.m.]

[Docket Nos. 19067, 19685; Order No. E-26476]

UTAH STATE AERONAUTICS COMMISSION ET AL.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of March 1968.

Application of Utah State Aeronautics Commission, Utah State Industrial Promotion Commission, Salt Lake City Corp., Salt Lake City Chamber of Commerce (the "Utah Agencies"), for additional certificated air transportation between Salt Lake City and New York, Chicago, San Francisco, and Washington, D.C., Docket 19067; Service to Salt Lake City Investigation, Docket 19685.

On October 2, 1967, the Utah Agencies filed a petition for the amendment of certificates of public convenience and necessity of one or more air carriers so as to authorize additional scheduled air transportation of persons, property, and mail between Salt Lake City, on the one hand, and San Francisco, New York, Chicago, points east of Chicago, and Washington, D.C., on the other hand. Simultaneously filed with the petition was a motion seeking expedited relief by show cause order, exemption, or expedited hearing. The motion for expedited relief was not coextensive with the route authority requested by the petition since the motion sought new competitive nonstop service to San Francisco, New York, Chicago, and Washington, D.C., but omitted reference to other points east of Chicago with the expressed desire to speed Board considerations.

In support of the motion for expedited relief, the Utah Agencies allege, inter alia, that the Board has never focused on Salt Lake City's transcontinental East-West service requirements, that the only trunkline carrier ever certificated to provide Salt Lake City-East transcontinental service was United, and that the Board has not considered the needs of the San Francisco-Salt Lake City market

[1] See Order E-22451, July 19, 1965.
[2] See Order E-25656, Sept. 11, 1967.

for a number of years. The Utah Agencies allege, further, that the San Francisco/Chicago/New York City-Salt Lake City markets are Salt Lake City's largest markets and that even the Washington-Salt Lake City market, which is smaller than these, generates a traffic volume which warrants consideration of a nonstop authorization under Board precedent. The Utah Agencies claim, moreover, that despite Salt Lake City's position as a major, fast-growing metropolis, it receives service from fewer carriers in its major markets than neighboring cities, such as Denver, Tucson, Phoenix, Las Vegas, and Albuquerque; that Salt Lake City receives no nonstop service to New York, poor nonstop service to Chicago and San Francisco, and insufficient single-plane service to Washington/Baltimore; and that diversion caused by additional nonstop authorizations would be minimal and would be quickly offset by market growth.

American Airlines (American), Trans World Airlines (TWA), and United Air Lines (United) filed answers to the motion for expedited relief. American supports the motion for an exemption, show cause order, or expedited hearing; TWA supports an expedited hearing; and United expresses no objection to any expedited hearing but does oppose any show cause order or exemption.

Upon consideration of the pleadings and all the relevant facts, we have decided to institute an investigation to determine whether the public convenience and necessity require additional nonstop air transportation between Salt Lake City, on the one hand, and San Francisco, Chicago, New York City, and Washington/Baltimore, on the other hand. The traffic which would be affected by the investigation proposed herein is considerable, and delay could well be detrimental to the public interest in view of the traffic and Salt Lake City's substantial economic expansion.

We are placing in issue a new segment between the terminal point Salt Lake City and the terminal point Chicago. The new segment placed in issue will allow exploration of the need for competitive nonstop service in the Salt Lake City-Chicago market.

The Chicago-Salt Lake City market is one of Salt Lake City's largest markets and generated 193.3 O&D and connecting passengers daily in fiscal 1966. Apart from New York City and Washington/Baltimore, all but one of Salt Lake City's top ten passenger markets with fewer passengers than Chicago-Salt Lake City are currently under consideration for first competitive nonstop service.[1] The new segment to be considered will essentially be transcontinental in nature since carrier applicants could provide beyond segment benefits in terms of new or additional single-plane or single-carrier service to points in the East which, apart from New York City and Washington/Baltimore, do not generate sufficient traffic to and from Salt Lake City to warrant consideration of nonstop authority at this time.

We are also placing in issue a new segment extending between the terminal point Salt Lake City, and the coterminal points New York City and Washington/Baltimore. The New York-Salt Lake City and Washington/Baltimore-Salt Lake City markets generated respectively, 112.8 and 63.3 O&D and connecting passengers in fiscal 1966. United serves both markets on a monopoly basis and provides no nonstop service in the Salt Lake City-New York market where a substantial proportion of passengers are forced to use multicarrier routings.[2] The Salt Lake City-Washington/Baltimore market also receives no nonstop service and has only one single-plane flight daily in each direction.[3] In order to prevent further congestion at Washington National Airport we shall require that Washington/Baltimore be served through either Dulles International Airport or Friendship International Airport. Washington National is being utilized by volumes of passengers in excess of the airport's design capacity while the facilities at Dulles and Friendship are not similarly strained.

Finally, we are placing in issue a new segment extending between the terminal point Salt Lake City and the terminal point San Francisco/Oakland/San Jose. San Francisco is Salt Lake City's largest market, and Salt Lake City can be served between the Bay Area and New York with no added circuitry. The Bay Area therefore is the logical terminal for any transcontinental service via Salt Lake City. Any service which might be conducted on this new segment shall serve San Francisco/Oakland/San Jose through the San Jose Municipal Airport, Metropolitan Oakland International Airport, and/or San Francisco International Airport, and any authorization to serve the segment shall be in terms of which Bay Area airport or airports should be served in the light of aircraft operating delays, overtaxed terminal facilities, delays in traveling to and from airports, and other factors.

We shall act favorably upon properly filed motions of carriers seeking consolidation of applications or parts thereof. Interested applicants may file new, amended, or additional applications consistent with the scope of this investigation within the time for filing as hereinafter established. However, all requests for route authority should be contained in one composite application, covering clearly and specifically, for each applicant, all the authority sought in this proceeding. This requirement will tend to eliminate any confusion resulting from separately filed multiple requests of the same applicant, and will assist the parties, the Examiner, and the Board in considering the precise requests of each applicant.

Accordingly, it is ordered:

1. That an investigation styled Service to Salt Lake City Investigation, Docket 19685, be and it hereby is instituted pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require and the Board should order the authorization of additional air service over the following new segments:

a. Between the terminal point Salt Lake City, Utah, and the terminal point Chicago, Ill.;

b. Between the terminal point Salt Lake City, Utah, and the coterminal points New York, N.Y., and Washington, D.C./Baltimore, Md.;

c. Between the terminal point Salt Lake City, Utah, and the terminal point San Francisco/Oakland/San Jose, Calif.

2. That any flights serving Washington/Baltimore pursuant to any new authority granted in this investigation shall utilize Dulles International Airport and/or Friendship International Airport;

3. That the investigation ordered herein shall also consider which airport or airports in the Bay Area and Washington/Baltimore should be served under any new authorization;

4. That the investigation ordered herein shall be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

5. That the Utah Agencies' motion for expedited relief filed in Docket 19067, be and it hereby is denied except to the extent otherwise indicated;

6. That the Utah State Aeronautics Commission, the Utah State Industrial Promotion Commission, the Salt Lake City Corp., and the Salt Lake City Chamber of Commerce are hereby made parties to the investigation ordered herein; and

7. That applications, motions to consolidate, and motions or petitions seeking modification or reconsideration of this order shall be filed no later than 20 days from the date of service of this order, and answers to such pleadings shall be filed no later than 10 days thereafter.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 68-3011; Filed, Mar. 11, 1968; 8:49 a.m.]

[1] The Salt Lake City-Boise/Seattle markets are in issue for first competitive nonstop service in the Reopened Northwest-Southwest Service Investigation, Docket 15459, and the Las Vegas-Salt Lake City market is in issue for first competitive service in the Salt Lake City-Las Vegas-Southern California Service Case, Docket 17876.

[2] Salt Lake City in fiscal 1966 had a substantially higher proportion of passengers moving to New York on multicarrier routings than other cities in its area, as the following tabulation indicates:

Between New York City and:	*Percent Multicarrier of total passengers*
Salt Lake City	17.86
Denver	7.11
Las Vegas	9.58
Phoenix	8.97
Tucson	8.15

[3] Official Airline Guide, Quick Reference Edition, Nov. 1, 1967.

CIVIL SERVICE COMMISSION

ASSISTANT CONTROLLER FOR INFORMATION SYSTEMS, ATOMIC ENERGY COMMISSION

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on March 6, 1968, for the single position of Assistant Controller for Information Systems, GS–330–17, U.S. Atomic Energy Commission, Washington, D.C. This finding terminates when the position is filled.

The appointee to this position may be paid for the expense of travel and transportation to the first post of duty.

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

[F.R. Doc. 68–3003; Filed, Mar. 11, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 68–259]

WAIVER CASES

Temporary Modification of Processing Priorities

MARCH 7, 1968.

To date, the Commission has been processing CATV requests for waiver of § 74.1103 of the rules in chronological order. While this procedure has the advantage of being fair to parties longer on file, it presents its difficulties: small CATV systems, which frequently can best make out persuasive hardship cases, are taken in order and engender difficulties out of proportion to their impact on broadcasting, while action on larger systems, where Commission action will have more significant effect on the status quo, is delayed.

These considerations have persuaded the Commission temporarily to modify its processing priorities, as follows: Chronological processing of waiver requests filed under § 74.1103 of the rules will continue, but action will be deferred in cases involving CATV systems with fewer than 500 subscribers. (An exception may be made with relatively new systems in larger communities if it appears there could have been substantial system growth since a subscriber count was last furnished the Commission). The Commission believes that this modified procedure will preserve many of the benefits of chronological processing, direct available staff first to the cases with greatest potential impact, and defer action in possible hardship situations. At the same time, systems with fewer than 500 subscribers will not receive an indefinite carte blanche since their waiver requests will be processed after the existing backlog of cases involving larger systems is acted upon.

Broadcast station licensees may call the Commission's attention to pending controversies presenting special circumstances requiring earlier action than will be provided under the procedure described above; however, the Commission will follow it except in cases where a persuasive showing of hardship is made. Systems with pending petitions for waiver will be expected to supplement their petition if and when their number of subscribers exceeds 500. The Commission is hopeful that the modified procedure will provide the maximum immediate benefits from its carriage and program exclusivity rules.

Action by the Commission March 6, 1968. Commissioners Bartley (Acting Chairman), Cox, Loevinger, Wadsworth and Johnson.

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

[F.R. Doc. 68–3015; Filed, Mar. 11, 1968; 8:49 a.m.]

[FCC 68–241]

FORMAL DOCKET FILE FOR REPORT OF ADVISORY COMMITTEE FOR LAND MOBILE RADIO SERVICES

Establishment

MARCH 7, 1968.

The Commission has established a docket file for the Report of the Advisory Committee for the Land Mobile Radio Services submitted to the Commission on November 30, 1967. The file is identified as:

Report of the Advisory Committee for the Land Mobile Radio Services; Docket No. 18060.

This docket will contain the report itself, the minutes of the standing and executive committees, copies of the individual reports of the various working groups, and any relevant comments and correspondence filed with the Commission.

The purpose of establishing a formal docket for the report is not to invite comments, although comments, of course, may be made. It was established for convenience and to make public access to the material easier. Public comments will be invited in specific proceedings that may arise out of the studies and recommendations of the Advisory Committee.

Action by the Commission March 6, 1968. Commissioners Bartley (Acting Chairman), Lee, Cox, Loevinger, Wadsworth, and Johnson.

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

[F.R. Doc. 68–3016; Filed, Mar. 11, 1968; 8:49 a.m.]

[Docket No. 17624, 17625; FCC 68–225]

FRED KAYSBIER AND SIERRA BLANCA BROADCASTING CO. (KRRR)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Fred Kaysbier, Alamogordo, N. Mex., Requests: 1360 kc, 5 kw, Day, Docket No. 17624, File No. BP–16965; Edward D. Hyman trading as Sierra Blanca Broadcasting Co. (KRRR), Ruidoso, N. Mex., Has: 1340 kc, 250 w, 1 kw-LS, U Requests: 1360 kc, 5 kw, Day, Docket No. 17625, File No. BP–17487; for construction permits.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications.

2. Fred Kaysbier is also the licensee of Station KXXI (FM), Alamogordo, N. Mex. This station was licensed in October of 1965, but went off the air in November of the following year. Because of financial difficulty, the station remained silent until October 13, 1967. In light of these facts and since the financial information in his application is not current, it will be necessary for Mr. Kaysbier to amend the financial portion of his proposal and establish his financial qualifications in the hearing order below.

3. Likewise, the financial showing in Sierra Blanca's application is not current. Accordingly, it will also be necessary for that applicant to amend its proposal to establish its financial qualifications.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since simultaneous operation of the proposals would result in mutually destructive interference, the applications are mutually exclusive and must be designated for hearing in a consolidated proceeding on the issues specified below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of Fred Kaysbier and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KRRR and the availability of other primary service to such areas and populations.

3. To determine whether Fred Kaysbier is financially qualified to construct and operate his proposed station.

4. To determine whether Sierra Blanca Broadcasting Co. is financially qualified to construct and operate its proposed station.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals

would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That in the event of a grant of either of the above applications, the construction permit shall contain the following condition:

Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

It is further ordered, That in the event of a grant of the application of Fred Kaysbier, the construction permit shall contain the following condition: Before program tests are authorized, an approved type frequency monitor shall be installed.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(e) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 28, 1968.

Released: March 7, 1968.

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

[F.R. Doc. 68-3017; Filed, Mar. 11, 1968; 8:49 a.m.]

[Docket No. 18034; FCC 68M-369]

PIONEER VALLEY CABLEVISION, INC.

Order Scheduling Hearing

In re cease and desist order to be directed against the following CATV operator: Pioneer Valley Cablevision, Inc., Amherst, Greenfield, Monson, Palmer, and Ware, Mass., Docket No. 18034, File No. SR-571.

It is ordered, That Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 22, 1968, at 10 a.m.; and that a prehearing conference shall be held on March 20, 1968, commencing at 10 a.m.; and, *It is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.[1]

Issued: February 26, 1968.

Released: March 6, 1968.

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

[F.R. Doc. 68-3018; Filed, Mar. 11, 1968; 8:49 a.m.]

[Docket No. 15094; FCC 68M-372]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

Order Scheduling Prehearing Conference

In the matter of American Telephone and Telegraph Co. and the Western Union Telegraph Co., charges and classifications for private line telegraph and private line telephotograph services furnished to the press, Docket No. 15094.

The Hearing Examiner having under consideration the informal request for further hearing conference filed on February 28, 1968, in behalf of American Newspaper Publishers Association, et al.;

It is ordered, That the said request is granted and a further prehearing conference shall be held herein on the date of March 14, 1968, commencing at 9 a.m., in the offices of the Commission at Washington, D.C.

Issued: March 1, 1968.

Released: March 6, 1968.

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

[F.R. Doc. 68-3019; Filed, Mar. 11, 1968; 8:49 a.m.]

[Docket No. 17474; FCC 68M-377]

MEL-LIN, INC. (WOBS)

Order Rescheduling Hearing

In re application of Mel-Lin, Inc. (WOBS), Jacksonville, Fla., for construction permit, Docket No. 17474, File No. BP-14323.

Due to a conflict in the Hearing Examiner's schedule, *It is ordered,* That the hearing herein now scheduled for April 22, 1968, be and the same is hereby rescheduled for May 27, 1968, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: March 4, 1968.

Released: March 6, 1968.

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

[F.R. Doc. 68-3020; Filed, Mar. 11, 1968; 8:49 a.m.]

[1] The Commission has ordered expedited action in this proceeding.

[Docket No. 17186; FCC 68M-379]

VESTAL VIDEO, INC., AND EASTERN MICROWAVE, INC.

Order Scheduling Hearing Conference

In the matter of Vestal Video, Inc., Vestal, N.Y., Complainant v. Eastern Microwave, Inc., Syracuse, N.Y., Defendant, Docket No. 17186.

The Hearing Examiner having under consideration reply filed February 21, 1968, on behalf of Eastern Microwave, Inc., to the Chief, Common Carrier Bureau's "Response to 'Petition to Dismiss Complaint and Terminate Further Proceedings' ";

It appearing, that in consideration of Eastern's pleading just referred to, there should be a hearing conference on this matter;

Accordingly, it is ordered, That there will be a hearing conference in this proceeding, not including Vestal Video, Inc., on March 29, 1968, 9 a.m., in the Commission's offices, Washington, D.C.; and

It is further ordered, That the hearing heretofore scheduled for March 19, 1968, is canceled.

Issued: March 4, 1968.

Released: March 6, 1968.

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

[F.R. Doc. 68-3021; Filed, Mar. 11, 1968; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP65-340]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Petition To Amend

MARCH 4, 1968.

Take notice that on March 1, 1968, Algonquin Gas Transmission Co. (Petitioner), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP65-340 a petition to amend the order issued on August 24, 1965, as amended February 1, 1968, by authorizing the construction and operation of certain additional facilities, and the abandonment of certain existing facilities by replacement in part by some of the proposed additional facilities. Petitioner also requests increases in the volumes of gas authorized for sale and delivery to certain of its resale customers commencing November 1968. The aforesaid proposal by Petitioner is more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner requests that the aforesaid order of August 24, 1965, as amended, be further amended by authorizing the construction and operation of an additional 10.7 miles of 20-inch pipeline loop and to replace 0.5 mile of 4-inch line with an 8-inch line. The 4-inch line will be abandoned in place. Petitioner states that the proposed construction and operation is necessary

to enable it to supply an additional increase in the requirements of certain of its existing resale customers under Rate Schedules F–1 and WS–1, commencing November 1968.

The total estimated cost of the proposed facilities is $2,335,000.

Petitioner further requests that the aforesaid order of August 24, 1965, be amended by authorizing revised sales and deliveries of natural gas to certain of its resale customers as follows:

Customer	Under rate schedule		
	F–1	WS–1	
	Maximum daily quantity Mcf	Maximum daily quantity Mcf	Winter contract quantity Mcf
Bristol & Warren Gas Co	1,850		
Brockton Taunton Gas Co	29,600		
Buzzards Bay Gas Co	9,500	5,500	330,000
TheConnecticut Gas Co	44,800	11,000	660,000
Fall River Gas Co		7,000	420,000
The Hartford Gas Co	35,000		
New Bedford Gas & Edison Light Co	18,300	9,600	576,000
The Newport Gas Light Co	4,700		
North Attleboro Gas Co	740		
City of Norwich, Conn	4,600	800	48,000
Norwood Gas Co	2,959	2,213	132,780
The Pequot Gas Co		100	6,000
Providence Gas Co	47,500	27,500	1,650,000
South County Gas Co		200	12,000
The Southern Connecticut Gas Co	26,080	14,400	864,000

Petitioner states that it has entered into a precedent agreement by which its sole supplier, Texas Eastern Transmission Corp., has agreed to supply the additional gas necessary for such requirements.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 25, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–2961; Filed, Mar. 11, 1968; 8:45 a.m.]

[Docket No. CP68–236]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

MARCH 5, 1968.

Take notice that on February 23, 1968, Montana-Dakota Utilities Co. (Applicant), 831 Second Avenue South, Minneapolis, Minn. 55402, filed a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period from April 1, 1968, and ending March 31, 1969, and operation of gas-sales or transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate certain gas-sales and transmission for the purpose of making direct sales of natural gas to consumers for seasonal industrial purposes and authorization of the transportation and sales of volumes of natural gas previously authorized under certificates to existing distributors for resale in existing market areas.

The application states that deliveries to any one consumer through the facilities proposed will not exceed 100,000 Mcf per year and none of the gas delivered will be for boiler fuel purposes as defined by § 157.7(c)(9) of the Commission's regulations.

The total estimated cost of Applicant's proposed facilities is not to exceed $150,000, and will be financed with internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 1, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–2962; Filed, Mar. 11, 1968; 8:45 a.m.]

[Docket No. E–7397]

NORTHERN STATES POWER CO. AND WISCONSIN ELECTRIC POWER CO.

Notice of Application

MARCH 6, 1968.

Take notice that on February 29, 1968, Northern States Power Co. (Northern States) and Wisconsin Electric Power Co. (Wisconsin Electric) filed a joint application seeking authority pursuant to section 203 of the Federal Power Act for Northern States to sell and Wisconsin Electric to buy about 24 miles of a 345 kv transmission line.

Northern States is incorporated under the laws of Wisconsin with its principal business office at Eau Claire, Wis., and is engaged in the electric utility business in west-central Wisconsin.

Wisconsin Electric is incorporated under the laws of Wisconsin with its principal business office at Milwaukee, Wis., and is engaged in the electric utility business in southeastern Wisconsin.

The transmission line to be transferred extends from the present point of interconnection between the Applicants in the town of Scandinavia, Waupaca County to the city of Stevens Point. According to the application the cash consideration for this transmission line will be equal to its depreciated original cost on the date of sale. As of December 31, 1967, the depreciated original cost of the line was $1,116,579.

Any person desiring to be heard or to make any protest with reference to said application should, on or before March 25, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–2963, Filed, Mar. 11, 1968; 8:45 a.m.]

[Docket No. CP68–234]

TENNESSEE GAS PIPELINE CO.

Notice of Application

MARCH 5, 1968.

Take notice that on February 21, 1968, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP68–234 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1968 and operation of various gas-purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct during the calendar year 1968 and operate various gas-purchase facilities to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

Applicant further requests authorization to construct and operate the Timbalier Bay line at a cost of $654,000.

The total estimated cost of the proposed facilities will not exceed $5 million, and the cost of any single project will not exceed $750,000 for any offshore facility and $500,000 for any onshore facility. Applicant requests a waiver of § 2.58(a)(2) of the Commission's rules of practice and procedure as to the cost of any single facility. The construction will be financed from general funds or revolving credit.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 1, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-2964; Filed, Mar. 11, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2880—7-2884]

ALLIED CHEMICAL CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 6, 1968.

In the matter of applications of the Cincinnati Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Allied Chemical Corp	7-2880
Control Data Corp	7-2881
Gulf & Western Industries, Inc. (Delaware)	7-2882
Raytheon Co	7-2883
Trans World Air Lines, Inc	7-2884

Upon receipt of a request, on or before March 21, 1968, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date sepcified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-2981; Filed, Mar. 11, 1968; 8:47 a.m.]

[54-244]

PEOPLES GAS CO. AND PEOPLES GAS LIGHT AND COKE CO.

Notice of Filing and Order for Hearing on Plan, Notice of and Order Instituting Proceedings and Directing Hearing, and Consolidating Such Proceedings

MARCH 6, 1968.

I. Notice is hereby given that Peoples Gas Co. ("Peoples Illinois"), 122 South Michigan Avenue, Chicago, Ill. 60603, a registered holding company, has filed a plan pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act") providing for the issuance by Peoples Illinois of its common shares in exchange for the publicly held shares of capital stock of its public-utility subsidiary company, The Peoples Gas Light and Coke Co. ("Peoples Gas"). All interested persons are referred to the plan, which is summarized below, for a complete statement of the proposed terms and transactions.

As of February 15, 1968, Peoples Illinois owned 13,677,642 of the total of 15,855,636 outstanding shares of common stock of Peoples Gas, the remaining 2,206,994 shares (13.9 percent) being publicly held. The plan provides for the issuance by Peoples Illinois of its shares in exchange for the shares of Peoples Gas on a share-for-share basis.

The plan will become effective on the earliest practicable date ("consummation date") after the entry of an order by a District Court of the United States approving and enforcing the plan. On and after the consummation date the public holders of shares of Peoples Gas stock will cease to have any rights as shareholders of such company and, upon the surrender of their stock certificates, will be entitled to receive only the common shares of Peoples Illinois and any dividend payments thereon (less taxes imposed or paid in respect thereof).

At the end of 5 years from the consummation date of the plan all the unexchanged common shares of Peoples Gas and cash or other property then held by the exchange agent will be delivered to Peoples Illinois free from any claim of the persons for whose accounts the same were held.

The carrying out of the plan is subject to all necessary approvals by the Commission under the Act, and to its approval and enforcement by a District Court of the United States having jurisdiction, as fair and equitable and as necessary and appropriate to effectuate the provisions of section 11 of the Act.

II. The Commission has been advised by its Division of Corporate Regulation ("Division") that the Division, pursuant to sections 11(a), 18(a), and 18(b) of the Act, has made a preliminary examination of the corporate structure of Peoples Illinois and the relationship between such company and the other companies in the Peoples Illinois holding-company system; and it appears to the Division from such examination that:

1. Peoples Illinois, an Illinois corporation, is solely a holding company. As of February 15, 1968, it had outstanding 13,677,642 shares of common stock, no par value, all of which are held by the public. The common stock has sole voting rights.

2. Peoples Gas is a gas utility company, as defined in the Act, which distributes gas at retail within the city of Chicago. It is also an exempt holding company pursuant to Rule 2 promulgated under section 3(a)(1) of the Act. Its sole gas utility subsidiary company, North Shore Gas Co., distributes gas at retail in 46 nearby communities along Lake Michigan up to the Wisconsin State line. Another subsidiary company, Natural Gas Pipe Line Company of America, is a transmission company transporting gas from southwestern and gulf coast fields and which supplies the gas requirements of Peoples Gas and North Shore. Peoples Gas owns all the outstanding shares of the common stock of these subsidiary companies. In 1965 Peoples Gas organized Peoples Development, Inc., a wholly owned subsidiary, to encourage the sale and consumption of gas.

III. It being the duty of the Commission, pursuant to section 11(b)(2) of the Act, to require by order, after notice and opportunity for hearing, that each registered holding company and each subsidiary company thereof take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in a holding-company system does not, among other things, unfairly or inequitably distribute voting power among security holders of such holding-company system; and

The Commission being required by the provisions of section 11(e) of the Act, before approving any plan filed thereunder, to find, after notice and opportunity for hearing, that such plan, as submitted or as modified, is necessary to effectuate the provisions of section 11(b) and is fair and equitable to the persons affected thereby; and

The Commission deeming it appropriate that notice be given and a hearing

held for the purpose of determining what action should be ordered under section 11(b)(2) and for the purpose of ascertaining whether the plan should be approved; and

It appearing that common issues of fact and law arise in connection with the section 11(e) plan and in connection with the issues involved under section 11(b)(2), making it appropriate that the two proceedings be consolidated and that Peoples Illinois and Peoples Gas should be parties to the consolidated proceeding:

It is hereby ordered:

(a) That a proceeding be, and it hereby is, instituted in respect of Peoples Illinois and Peoples Gas pursuant to section 11(b)(2) of the Act.

(b) That said proceeding be, and hereby is, consolidated with the proceeding in connection with the section 11(e) plan of Peoples Illinois.

(c) That Peoples Illinois and Peoples Gas be, and they hereby are, made parties to said consolidated proceeding.

(d) That Peoples Illinois and Peoples Gas file an answer or answers with the Secretary of the Commission on or before March 1968, to the allegations contained in Part II hereof, in the form prescribed by Rule 25 of the general rules and regulations under the Act. Any of such allegations which are not denied or otherwise controverted shall be deemed to be admitted for the purpose of this proceeding.

It is further ordered, That the hearing in the consolidated proceeding be held on April 16, 1968, at 10 a.m., at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, in such room as may be designated on such date by the hearing room clerk. Any person desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before April 12, 1968, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commisison under section 18(c) of said Act and to a hearing officer under the Commission's rules of practice.

The Division having advised the Commission that, upon the basis of its preliminary examination of the affairs and of the corporate structures of Peoples Illinois and Peoples Gas and of a preliminary study of said plan of Peoples Illinois, the following matters and questions are presented for consideration at such hearing, without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the allegations contained in Part II hereof are true and correct;

2. Whether the voting power is unfairly and inequitably distributed among the holders of the capital stock of Peoples Gas, and, if so, what steps, if any, are necessary and should be required to be taken to distribute fairly and equitably the voting power among such holders;

3. Whether the plan of Peoples Illinois, as submitted or as it may be modified or amended, is necessary to effectuate the provisions of section 11(b) of the Act;

4. Whether the plan is fair and equitable to the persons affected thereby;

5. Whether, in general, the transactions proposed in the plan satisfy the applicable provisions of the Act; and

6. Whether the accounting entries proposed to be made in connection with the plan are proper and in accord with sound accounting principles.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of such hearing by mailing a copy of this notice and order by registered mail to Peoples Illinois and Peoples Gas, to the Federal Power Commission, and to the Illinois Commerce Commission; that Peoples Illinois mail a copy of this notice and order to all public holders of record of the capital stock of Peoples Gas at least 25 days prior to the date herein fixed as the date for hearing; and that notice of said hearing be given to all other interested persons by a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

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

[F.R. Doc. 68-2982; Filed, Mar. 11, 1968; 8:47 a.m.]

[File No. 1-5215]

ROTO AMERICAN CORP.

Order Suspending Trading

MARCH 6, 1968.

The common stock, $1 par value, of Roto American Corp., being listed and registered on the National Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 7 percent cumulative preferred, $10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the National Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 7, 1968, through March 16, 1968, both dates inclusive.

By the Commission.

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

[F.R. Doc. 68-2983; Filed, Mar. 11, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 563]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 7, 1968.

The following are notices of filing of applications for temoprary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 35045 (Sub-No. 2 TA), filed February 28, 1968. Applicant: CRABTREE TRANSFER AND STORAGE COMPANY, doing business as HORNE HEAVY HAULING, 1124 De Kalb Avenue, NE., Post Office Box 5358, Atlanta, Ga. 30307. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated golf carts and electric vehicles*, between Atlanta and Peachtree City, Ga., on the one hand, and, on the other, points in Alabama and Florida and between Peachtree City, and Atlanta, Ga., on the one hand, and points in Alabama and Florida, on the other, for 150 days. Supporting shipper: All Southern, Inc., Post Office Box 29203, Atlanta, Ga.

30329. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga.

No. MC 41870 (Sub-No. 5 TA), filed February 29, 1968. Applicant: VICTOR L. LANGE, doing business as LANGE TRUCK LINE, Post Office Box 28, Pleasanton, Tex. 78064. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, commodities of unusual value, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Pleasanton, Tex., and George West, Tex., from Pleasanton over U.S. Highway 281 to George West, and return over the same route, serving all intermediate points, between Three Rivers, Tex., and Tilden, Tex., from Three Rivers over Texas Highway 72 to Tilden and return over the same route, serving all intermediate points. NOTE: Applicant intends to tack the authority here applied for to present authority in MC-41870 (Sub-No. 4) at Pleasanton, Tex., and to interline with other carriers at San Antonio, Tex., for 180 days. Supporting shippers: H. M. Brown & Co., Post Office, Drawer C, George West, Tex. 78022; T. W. Lemley, Box 106, George West, Tex. 78022; House Hardware Co., Post Office Box 10, Three Rivers, Tex. 78071; Live Oak Motors, Post Office Box 698, Three Rivers, Tex. 78071; Lee's Department Store, Three Rivers, Tex. 78071; Three Rivers Lumber Co., Box 427, Three Rivers, Tex. 78071; Linney Drug Store, George West, Tex. 78022. Send protests to: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Manion Building, 301 Broadway, San Antonio, Tex. 78205.

No. MC 72243 (Sub-No. 22 TA), filed February 29, 1968. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Road SE., Post Office Box 350, Warren, Ohio 44482. Applicant's representative: J. C. Schriner, 14805 Detroit Avenue, Lakewood, Ohio 44107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the plantsite of Jones & Laughlin Steel Corp., Putnam County, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin with return of *rejected or refused shipments* only, for 180 days. Supporting shipper: Jones & Laughlin Steel Corp., 3 Gateway Center, Pittsburgh, Pa. 15230. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1240 East Ninth Street, Room 181, Cleveland, Ohio.

No. MC 105782 (Sub-No. 5) (Correction), filed January 24, 1968, published FEDERAL REGISTER issue of February 3, 1968, corrected and republished as corrected this issue. Applicant: W. W. HUGHES, doing business as HUGHES REFRIGERATED EXPRESS, 2208 Byberry Road, Cornwells Heights, Pa. 19020. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen fruits, frozen berries, and frozen vegetables*, between points in Pennsylvania; from points in Tennessee, to points in New York, with no transportation for compensation on return except as otherwise authorized; from points in Delaware, Michigan, and New York, to points in Pennsylvania, with no transportation for compensation on return except as otherwise authorized; from points in Michigan, to New York, N.Y., and Washington, D.C., with no transportation for compensation on return except as otherwise authorized; from points in New York, to Baltimore, Md., Washington, D.C., and Camden, N.J., with no transportation for compensation on return except as otherwise authorized: *Frozen fruits, frozen berries, and frozen vegetables*, and, when moving in the same vehicle and at the same time with frozen fruits, frozen berries, frozen vegetables, or bananas, *seafood and seafood products* the transportation of which is exempt from economic regulation under the Interstate Commerce Act, from points in Pennsylvania, to Denver, Colo., Milton, Del., Washington, D.C., Chicago, Ill., Detroit, Mich., and Providence, R.I., and to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Virginia, and points in that part of West Virginia on and west of U.S. Highway 119, with no transportation for compensation on return except as otherwise authorized.

Bananas, from Philadelphia, Pa., to Chicago, Ill., Boston, Mass., Cleveland, Ohio, and Utica, N.Y., with no transportation for compensation on return except as otherwise authorized. *Frozen foods, and fresh, cold-packed, and partially frozen fruits, berries, and vegetables* when transported in the same vehicle and at the same time with the preceding commodities, between Philadelphia and Doylestown, Pa., Camden, Beach Haven, and Brant Beach, N.J., and Crisfield, Md.; between Crisfield, Md., on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania; between Philadelphia and Doylestown, Pa., Camden, Beach Haven, and Brant Beach, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, Tennessee, Wisconsin, and the District of Columbia: *Frozen fruits and frozen fruit purees, and fresh, cold-packed, and partially frozen fruits, berries, and vegetables* when tranported in the same vehicle and at the same time with the preceding commodities, from Cincinnati, Ohio, and points in that part of Kentucky and Tennessee on and west of a line beginning at Louisville, Ky., and extending along U.S. Highway 31E to junction U.S. Highway 31, and thence along U.S. Highway 31 to the Tennessee-Alabama State line, to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Maryland, Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized; from points in Arkansas, to points in New York, New Jersey and Pennsylvania, with no transportation for compensation on return except as otherwise authorized.

Frozen fruits, and *fresh, cold-packed and partially frozen fruits, berries, and vegetables* when transported in the same vehicle and at the same time with the preceding commodities, from Chicago, Ill., Lafayette, Ind., and points in the Lower Peninsula of Michigan, to points in Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, from Erie, North East, Greencastle, and Hanover, Pa., to New York, N.Y., and Newark, Woodbridge, and Haddonfield, N.J., with no transportation for compensation on return except as otherwise authorized, from points in that part of New York on and west of a line beginning at Oswego, N.Y., and extending along U.S. Highway 104 to junction New York Highway 38, thence south along New York Highway 38 to Auburn, N.Y., thence west along U.S. Highway 20 to Geneva, N.Y., and thence south along New York Highway 14 to the New York-Pennsylvania State line, to New York, N.Y., and points in Pennsylvania and New Jersey, with no transportation for compensation on return except as otherwise authorized: *Frozen vegetables, and fresh, cold-packed, and partially frozen fruits, berries, and vegetables* when transported in the same vehicle and at the same time with the preceding commodities, from Erie, North East, Greencastle, Hanover, and Biglerville, Pa., to New York, N.Y., and Newark and Haddonfield, N.J., with no transportation for compensation on return except as otherwise authorized, from points in that part of New York on and west of a line beginning at Oswego, N.Y., and extending along U.S. Highway 104 to junction New York Highway 38, thence south along New York Highway 38 to Auburn, N.Y., thence west along U.S. Highway 20 to Geneva, N.Y., and thence south along New York Highway 14 to the New York-Pennsylvania State line to New York, N.Y., and points in Pennsylvania, New Jersey, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, from Hanover, Pa., to Landover and Baltimore, Md., and points in New Jersey and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, from Bay City, Mich., to points in New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Maryland, Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, from Rockland and Camden, Maine, to New York,

N.Y., Haddonfield and Newark, N.J., and points in Pennsylvania, with no transportation for compensation on return except as otherwise authorized, from Southampton, Pa., to Portland, Maine, Watertown and Springfield, Mass., Providence, R.I., New London and New Haven, Conn., Ossining, Milton, White Plains, Newburgh, Syracuse, Rochester, and Albany, N.Y., Camden, Newark, Jersey City, and Bayonne, N.J., Baltimore, Md., Washington, D.C., Richmond and Norfolk, Va., Jacksonville, Fla., Chicago, Ill., Detroit, Mich., and Kansas City, Mo., with no transportation for compensation on return except as otherwise authorized.

Frozen strawberries, and fresh, cold-packed, and partially frozen fruits, berries, and vegetables when transported in the same vehicle and at the same time with the preceding commodities, from Plant City, Fla., to Paterson and Newark, N.J., and New York, Utica, and Nyack, N.Y., with no transportation for compensation on return except as otherwise authorized: *Frozen peaches, and fresh, cold-packed, and partially frozen fruits, berries, and vegetables* when transported in the same vehicle and at the same time with the preceding commodities, from Fort Valley and Montezuma, Ga., Spartanburg, S.C., and Hamlin, N.C., to Paterson and Newark, N.J., and New York, Utica, and Nyack, N.Y., with no transportation for compensation on return except as otherwise authorized: *Frozen apples, and fresh, cold-packed, and partially frozen fruits, berries, and vegetables* when transported in the same vehicle and at the same time with the preceding commodities, from Winchester, Va., to Paterson and Newark, N.J., and New York, Utica, and Nyack, N.Y., with no transportation for compensation on return except as otherwise authorized, from Crozet, Va., to Paterson and Newark, N.J., New York, Utica, and Nyack, N.Y., and Boston and Brockton, Mass., with no transportation for compensation on return except as otherwise authorized: *Frozen fruit purees, and fresh, cold-packed, and partially frozen fruits, berries, and vegetables* when transported in the same vehicle and at the same time with the preceding commodities, from Baltimore, Md., to Paterson and Newark, N.J., and New York, Utica, and Nyack, N.Y., with no transportation for compensation on return except as otherwise authorized.

Frozen fruits, frozen vegetables, frozen purees, and mincemeat, and fresh, cold-packed, and partially frozen fruits, berries, and vegetables when transported in the same vehicle and at the same time with the preceding commodities, from Haddonfield and Gloucester, N.J., to Chicago, Ill., Miami and Jacksonville, Fla., Wilmington, Del., Portland, Maine, Charlotte, N.C., Atlanta, Ga., Kansas City and St. Louis, Mo., and points in Maryland, Virginia, Ohio, Pennsylvania, New York, Connecticut, Massachusetts, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, from Lemoyne, Pa., to points in New Jersey, and Haddonfield and Gloucester, N.J., Chicago, Ill., Miami and Jacksonville, Fla., Wilmington, Del., Portland, Maine, Charlotte, N.C., Atlanta, Ga., Kansas City and St. Louis, Mo., and points in Maryland, Virginia, Ohio, New York, Connecticut, Massachusetts, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized: *Frozen fruits, frozen vegetables, and frozen fruit purees, and fresh, cold-packed, and partially frozen fruits, berries, and vegetables* when transported in the same vehicle and at the same time with the preceding commodities, from Braddock, N.J., to Miami and Jacksonville, Fla., Knoxville, Tenn., Winston-Salem and Charlotte, N.C., Atlanta, Ga., Richmond and Charlottesville, Va., Landover and Baltimore, Md., Columbus, Martins Ferry, Cleveland, and Akron, Ohio, Uniontown, Washington, and Pittsburgh, Pa., New York, Rochester, and Schenectady, N.Y., and Cambridge, Boston, and Worcester, Mass., and the District of Columbia, with no transportation for compensation on return except as otherwise authorized.

Frozen meat pies, frozen chicken pies, frozen fish pies, and frozen chicken croquettes, and fresh, cold-pack and partially frozen fruits, berries, and vegetables when transported in the same vehicle and at the same time with the preceding commodities, from Plumsteadville, Pa., to Baltimore, Salisbury, and Landover, Md., Milford and Wilmington, Del., Cleveland and Youngstown, Ohio, Providence, R.I., and points in New Jersey, New York, Connecticut, Massachusetts, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized: *Frozen berries, and fresh, cold-packed, and partially frozen fruits, berries, and vegetables* when transported in the same vehicle and at the same time with the preceding commodities, from points in the Lower Peninsula of Michigan, to points in Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized: *Frozen hors d'oeuvres and frozen pastry products, and fresh, cold-packed, and partially frozen fruits, berries, and vegetables* when transported in the same vehicle and at the same time with the preceding commodities, from Jersey City, N.J., to Boston, Cambridge, and Worcester, Mass., New Haven, Wallingford, Bridgeport, and Norwalk, Conn., Buffalo, Rochester, Syracuse, Albany, Elmira, Troy, and West Point, N.Y., Harrisburg, Philadelphia, Pittsburgh, Carnegie, Easton, and Wilkes-Barre, Pa., Baltimore, Md., Washington, D.C., Miami, and Tampa, Fla., Cleveland and Cincinnati, Ohio, Detroit, Mich., Chicago, Ill., South Bend, Ind., and Milwaukee, Wis., with no transportation for compensation on return except as otherwise authorized.

Frozen potato products, and fresh, cold-packed, and partially frozen fruits, berries, and vegetables when transported in the same vehicle and at the same time with the preceding commodities, from Philadelphia, Pa., to Providence, R.I., Miami, Fla., Cleveland, Ohio, Buffalo, N.Y., Detroit, Mich., Syracuse, N.Y., Indianapolis, South Bend, and Fort Wayne, Ind., and St. Louis, Mo., with no transportation for compensation on return except as otherwise authorized: (2) *Fresh, cold-packed, partially frozen, and frozen foods;* between points in Pennsylvania: (3) *Frozen foods;* between points in Maine, Watertown, Chicopee, and Lawrence, Mass., Portsmouth, N.H., New York commercial zone, N.Y., Jersey City, Palmyra, Burlington, and South Hackensack, N.J., on the one hand and on the other points and places within New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, and District of Columbia. NOTE: Traffic between points and places within New Jersey in interstate or foreign commerce: (4) *Frozen foods,* from Philadelphia, Pa., to Manchester and Portsmouth, N.H.: (5) *Fresh, cold-packed, partially frozen, and frozen foods,* between points in New Jersey, transporting interstate or foreign commerce only: (6) L.T.L. shipments of *seafood commodities* (exempt), when combined on the same truck at the same time with nonexempt commodities; from other origin points; from points in Cape May County, N.J., to Palmyra, and Burlington, N.J., New York, N.Y., Boston, Mass., and Portland, Mo. NOTE: Palmyra or Burlington, N.J., are used only when this traffic has to be transferred to another vehicle, originating at other points, that is already partially loaded for the same destination territory or beyond.

(7) *Exempt commodities;* when transported on the same vehicle, and at the same time with nonexempt commodities; between the points and/or territories requested in (1), (2), (3), (4), (5), and (6) above, for 150 days. Supporting shippers: The application is accompanied by an affidavit from applicant, which may be examined here at the offices of the Interstate Commerce Commission in Washington, D.C., or at the field office named below. NOTE: Applicant intends to tack the authority sought herein with its existing authority under MC 105782 Sub-No. 3 and Sub-No. 4. The purpose of this republication is to include tacking information which was inadvertently omitted from previous publication. Send protests to: Francis W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 119700 (Sub-No. 13 TA), filed February 29, 1968. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from the plantsite of Jones & Laughlin Steel Corp., in Putnam County, Ill., to points in Arkansas, Iowa, Missouri, Kansas, Oklahoma, and Texas. Return movement of *materials, equipment, and supplies* used in the manufac-

ture and processing of iron and steel articles, from points in Arkansas, Iowa, Missouri, Kansas, Oklahoma, and Texas, to the plantsite of Jones & Laughlin Steel Corp., in Putnam County, Ill., for 150 days. Supporting shipper: Jones & Laughlin Steel Corp., 3 Gateway Center, Pittsburgh, Pa. 15230. Send protests to: H. J. Simmons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119777 (Sub-No. 101 TA), filed March 4, 1968. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, Suite 202–204, Court Square Office Building, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from points in Union County, Miss., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Louisiana, Kansas, Kentucky, Missouri, Ohio, Tennessee, and Texas, for 180 days. Supporting shipper: Allan R. Tremor, Traffic Manager, George Mesker Steel Corp., 400 Northwest First Street, Evansville, Ind. 47708. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 127355 (Sub-No. 1 TA), filed February 29, 1968. Applicant: M & N GRAIN COMPANY, 902 East Wooter, Nevada, Mo. 64772. Applicant's representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish meal*, from Mobile, Ala., Pensacola, Fla., Gulfport and Pascagoula, Miss., Freeport and Port Arthur, Tex., to points in Arkansas, Kansas, Mississippi (except on traffic originating at Gulfport and Pascagoula), Missouri, Oklahoma, points in Tennessee on and west of Interstate Highway 65 and points in Texas (except on traffic originating at Freeport of Port Arthur), with no transportation for compensation on return, except as otherwise authorized. (2) *Phosphate rock*, from New Orleans, La., to points in Arkansas, Kansas, Mississippi, Missouri, Oklahoma, points in Tennessee on and west of Interstate Highway 65, and points in Texas, with no transportation for compensation on return, except as otherwise authorized, for 180 days. Supporting shipper: H. J. Baker & Bros., Inc., 733 Third Avenue, New York, N.Y. 10017. Send protests to: H. J. Simmons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

By the Commission.

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

[F.R. Doc. 68–3012; Filed, Mar. 11, 1968; 8:49 a.m.]

[Notice 104]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 7, 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–70276. By order of February 29, 1968, the Transfer Board approved the transfer to J. F. Gurry Trans. Co., Inc., South Boston, Mass., of the operating rights in certificate No. MC–118227 issued December 16, 1960, to Clarence Tasca, Fitchburg, Mass., authorizing the transportation, over irregular routes, of bananas from Weehawken, N.J., and New York, N.Y., to Fitchburg and Southbridge, Mass. George C. O'Brien, 33 Broad Street, Boston, Mass. 02109, attorney for applicants.

No. MC–FC–70282. By order of February 29, 1968, the Transfer Board approved the transfer to Cook Trucking Co., Inc., Benton, Ark., of the operating rights in certificate No. MC–27418 issued May 13, 1965, to James Bibler, Russellville, Ark., authorizing the transportation of specified commodities, including lumber, from Morrilton, Clarksville, and Searcy, Ark., to points in Oklahoma, Missouri, Kansas, Iowa, Wisconsin, Illinois, Indiana, Ohio, and Texas, manufactured feed, from Kansas City and St. Louis, Mo., to named counties in Arkansas, and lard, building material, wire fencing, and nails and staples, from Memphis, Tenn., to points in Johnson County, Ark., Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark., 72201, attorney for applicants.

No. MC–FC–70285. By order of February 29, 1968, the Transfer Board approved the transfer to Walnut Trucking Co., Inc., Paterson, N.J., of the operating rights in permit Nos. MC–126885 and MC–126885 (Sub-No. 2), issued September 16, 1966, and December 22, 1966, respectively, to Veteri Trucking Co., Inc., Totowa Borough, N.J., authorizing the transportation of face brick, from New Brighton, Kittanning, New Castle, and Clearfield, Pa., Waynesburg, Cleveland, Sugar Creek, Morral, Caledonia, and Canton, Ohio, Somerset and Manassas, Va., Brazil, Ind., and Belle Meade, N.J., to points as specified in New Jersey, New York, Connecticut, and Pennsylvania; firebrick, from Altoona, Pa., and Mount Savage, Md., to points as specified in New Jersey, New York, Connecticut, and Pennsylvania; waterproofing cement mixes, codings, and cement paints, other than in bulk, in tank vehicles, from New Eagle, Pa., to points in New Jersey, New York, and Connecticut; wheelbarrows, motor pans, and mortar boxes, from Harrisburg, Pa., to points in New Jersey, New York, and Connecticut, welded steel wall ties and reinforcement bars, from Baltimore, Md., to points in New York, New Jersey, Connecticut, and Pennsylvania; brick, other than firebrick, and calcium carbonate, from Rocky Ridge and Baltimore, Md., and Vineland and Cliffwood, N.J., to points in Connecticut, New Jersey, New York, and Pennsylvania; and calcium chloride, in bags, from Barberton, Ohio, to Newark, N.J., Mount Vernon, N.Y., Philadelphia, Pa., and Bridgeport, Conn., George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, counsel for applicants.

No. MC–FC–70303. By order of February 29, 1968, the Transfer Board approved the transfer to Richard Richards and Sam Williams, doing business as Mayer Trucking Co., Box 68, Humboldt, Ariz., 86329 of certificate of registration No. MC–120148 (Sub-No. 1) issued August 28, 1964, to George Giles Bosick, doing business as Mayer Trucking Co., Box 68, Humboldt, Ariz., 86329 evidencing a right to engage in the transportation in interstate or foreign commerce, of certain specified commodities between points in Arizona.

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

[F.R. Doc. 68–3013; Filed Mar. 11, 1968; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CASE WESTERN RESERVE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68–00406–33–46500. Applicant: Case Western Reserve University, 10900 Euclid Avenue, Cleveland, Ohio 44106. Article: Ultramicrotome, Model "Om U2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for sectioning sections of bone-containing tissue as part of an investigation concerning clarification and bone formation. Application received by Commissioner of Customs: February 23, 1968.

Docket No. 68–00407–33–46500. Applicant: Orange County Community College, 115 South Street, Middletown, N.Y. 10940. Article: Ultrotome III ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for the preparation of specimens for electron microscopy in a program set up for training medical technologists. Application received by Commissioner of Customs: February 23, 1968.

Docket No. 68–00408–33–46500. Applicant: Orange County Community College, 115 South Street, Middletown, N.Y. 10940. Article: Ultramicrotome, Model "Om U2". Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article will be used for the preparation of specimens for electron microscopy in a program set up for training medical technologists. Application received by Commissioner of Customs: February 23, 1968.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–2955; Filed, Mar. 11, 1968; 8:45 a.m.]

DUKE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00269–33–46500. Applicant: Duke University, Medical Center, Durham, North Carolina 27706. Article: Ultramicrotome, Model "Om U2". Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: Applicant states:

> The Reichert Microtome is to be used to produce uniform, high quality ultrathin sections for study of membrane ultrastructure by electron microscopy. The study contemplated concerns evidence of subunit organizations in unit membranes. This involves studies of densities present in membranes of the order of 15–20 Angstroms in diameter, repeating at periods in the order of 80–90 Angstroms.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a thermal advance system for ultrathin sectioning. The only known domestic ultramicrotome, the Model MT–2 manufactured by Ivan Sorvall, Inc. (Sorvall), employs a mechanical advance for both ultrathin sections and for thicker sections. (See catalogue on Sorvall Models MT–1 and MT–2 ultramicrotomes.) We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated Feb. 19, 1968), that sequences of thin sections, less than 100 Angstroms, and of very uniform thicknesses are necessary to the purposes for which the foreign article is intended to be used. A thermal advance ultramicrotome is the only type known that can meet these requirements. In a prior application relating to an ultramicrotome of the same model as the foreign article with which this application is concerned, HEW advised that consistent reproducibility of section thickness is substantially greater when the thermal feed is used, than when the advance is achieved through purely mechanical means. (See Docket No. 67–00052–33–46500 and memorandum from HEW dated July 26, 1967, contained therein.)

For these reasons, we find that the Sorvall Model MT–2 is not of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–2956; Filed, Mar. 11, 1968; 8:45 a.m.]

DUKE UNIVERSITY MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et sec.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00343–00–46040. Applicant: Duke University Medical Center, Department of Anatomy, Durham, North Carolina 27706. Article: Image intensifier. Manufacture: GEC–AEI Electronics, Ltd., United Kingdom. Intended use of article: The article will be used in conjunction with an AEI EM6B Electron Microscope to broaden the avenues of biological research with which preparations of cell membranes can be studied. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope manufactured by GEC–AEI Electronics, Limited of United Kingdom. The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–2957; Filed, Mar. 11, 1968; 8:45 a.m.]

STATE UNIVERSITY OF NEW YORK AT ALBANY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00286–00–72000. Applicant: State University of New York at Albany, 135 Western Avenue, Albany, N.Y. 12203. Article: Rheogoniometer accessories and parts. Manufacturer: Sangamo Controls, Ltd., United Kingdom. Intended use of article: The articles will be used as accessories to an existing Weissenberg rheogoniometer Model R17. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a specialized accessory for a Weissenberg rheogoniometer which was manufactured by Sangamo Controls of England. The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–2958; Filed, Mar. 11, 1968; 8:45 a.m.]

TEXAS CHRISTIAN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00283–33–46040. Applicant: Texas Christian University, Fort Worth, Tex. 76129. Article: Electron microscope, Hitachi Model HS–8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for training graduate students in a variety of preparative techniques for fixing, embedding, and sectioning tissue and microorganism for electron microscopy; and for all aspects of microscope operation including certain maintenance procedures. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides accelerating voltages of 25 and 50 kilovolts. The only known domestic electron microscope is the Model EMU–4 manufactured by the Radio Corporation of America (RCA), which provides accelerating voltages of 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltage provides optimum contrast for unstained, ultrathin biological specimens. The accomplishment of the purposes for which the foreign article is intended to be used involves the use of unstained ultrathin biological specimens and, consequently, the lower accelerating voltage provided by the foreign article is pertinent.

For this reason, the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–2959; Filed, Mar. 11, 1968; 8:45 a.m.]

UNIVERSITY OF NEW MEXICO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00275–33–46500. Applicant: University of New Mexico School of Medicine, Albuquerque, New Mexico 87106. Article: LKB Ultrotome III ultramicrotome 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The intended use of the article is for a variety of cytological research programs aimed at determining the ultrastructural and cytochemical parameters during normal, developmental and experimental responses to physiologic or pharmacological conditions. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB produkter AB, Stockholm, Sweden). The only known comparable domestic ultramicrotome, the Model MT–2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (page 11, 1966 catalogue for "Porter-Blum" MT–1 and MT–2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the miscroscope. (2) For its purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated Feb. 19, 1968) that only an ultramicrotome equipped with a thermal advance (feed) can meet this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT–2 is equipped only with a mechanical feed. In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We therefore find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1° (page 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT–2. The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–2960; Filed, Mar. 11, 1968; 8:45 a.m.]

Office of Foreign Direct Investments

GENERAL INTERPRETATIVE RULES

Amendment, Correction and Withdrawal of General Authorizations

The Office of Foreign Direct Investments issued General Authorization No. 1, 33 F.R. 816, and General Authorizations Nos. 2 and 3, 33 F.R. 3578. As indicated below, these General Authorizations are hereby in various respects amended, corrected, or withdrawn, effective as of the effective date of the Foreign Direct Investment Regulations, January 2, 1968, 33 F.R. 49, as amended (hereinafter called the "regulations"). In this instance, it is deemed impracticable and contrary to the public interest to afford notice and public procedure with respect to these actions because of the considerations of time and necessity.

Hereafter, whenever practicable and in the public interest, general authorizations or changes therein, as well as amendments to the regulations, will be issued in proposed form, subject to revision and issuance in final form after the public is given the opportunity to furnish written comments, suggestions, or objections.

Further, the Office of Foreign Direct Investments, in order to clarify and implement the regulations for the information and guidance of the public, intends to issue from time to time and publish in the FEDERAL REGISTER general interpretative rules which construe the regulations, the reporting forms, and other documents issued thereunder. Such statements of position will be serially numbered under the heading of general interpretative rules. They may take the form of statements, examples, rulings on assumed facts, or questions and answers, depending on the method deemed most likely to be of maximum assistance to the public. Unless otherwise indicated, general interpretative rules shall be effective as of the effective date of the regulations. When practicable and in the public interest, these rules will be published in proposed form, giving the public time to submit written comments, suggestions, or objections before being published in final form.

The public is cautioned that no regulation, general authorization, or general interpretative rule may be relied upon until issued in final form. However, to the extent that persons are required to file with the Office any reports pursuant to § 1000.602 of the regulations which are due prior to the date an applicable regulation, general authorization or general interpretative rule is published in final form, they may follow any such proposal as a guide in completing any such report, subject to revision upon issuance of the document in final form.

The first three such general interpretative rules are set forth below. General Interpretative Rules Nos. 1 and 2 are in substance restatements of previously known positions of the Office and it is not deemed practicable or in the public interest to postpone their effective dates, hence, they are published herewith in final form effective as of January 2, 1968.

General Interpretative Rule No. 3 reflects certain changes in the position previously adopted by the Office. Any persons interested in submitting comments, suggestions or objections thereon may do so by writing to the Legal Division, Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered, and subsequent to such time the rule, if adopted, will be published in the FEDERAL REGISTER as proposed or as it may be changed in the light of comments received.

General Authorization No. 1 (33 F.R. 816), Subparagraph (a)(1) of section 2 of General Authorization No. 1 is revised to read as follows:

(1) If such transfer is made, pursuant to a guarantee, in payment of, or to enable the affiliated foreign national to pay, indebtedness of such affiliated foreign national (including an international finance subsidiary) when and as due and payable (not including payment pursuant to a call or like provision resting control of the time of payment in the direct investor or such affiliated foreign national): *Provided*, That, in the case of a guarantee, made after the effective date, of such indebtedness, the direct investor prior to the making of such guarantee or on or before March 1, 1968 (whichever is later), shall have delivered to the Secretary a certificate executed by a duly authorized representative of the direct investor stating the amount of indebtedness covered by the guarantee and certifying that the direct investor has no reason to believe, under existing circumstances, that the affiliated foreign national will be unable to pay or otherwise satisfy such indebtedness without resort to performance under the guarantee (except, if applicable, transfers of capital referred to in paragraph (d) of this section 2).

Paragraph (a) of section 3 of General Authorization No. 1 is revised to read as follows:

SEC. 3. *Effect of certain transfers.* (a) Each transfer of capital authorized pursuant to paragraph (a) of section 2 or made subject to this section by the provisions of paragraph (b) or (c) of section 2 shall result in an equal reduction of the amount of direct investment authorized by § 1000.504(a) of the regulations: *Provided*, That, such reduction shall not be made to the extent that such transfer of capital is offset by funds transferred after the effective date to an account owned by such direct investor denominated in U.S. dollars at a domestic bank if such funds, whether transferred before or after the date of such transfer of capital, are from such of the direct investor's resources as are derived from (1) payments to it by affiliated foreign nationals outside the United States in excess of amounts representing earnings required to be repatriated by § 1000.202 of the regulations, or (2) the proceeds of sale to foreign nationals outside the United States (other than affiliated foreign nationals) of any portion of the direct investor's interest in an affiliated foreign national, or the obligations thereof, not otherwise deducted in determining the amount of transfers of capital.

General Authorization No. 2 (33 F.R. 3578). General Authorization No. 2 is corrected to read as follows:

Notwithstanding the provisions of paragraphs (a)(1) and (b)(1) of § 1000.202 of the regulations a direct investor is authorized in any year to refrain from transferring from Schedule A or B countries to the United States amounts representing earnings of its affiliated foreign nationals in such countries to the extent transfers of capital of such amounts would be generally authorized as transfers of capital in that year to affiliated foreign nationals in the same respective schedules pursuant to paragraphs (a)(1) or (a)(2) of § 1000.504.

General Authorization No. 3 (33 F.R. 3578). General Authorization No. 3 is hereby withdrawn.

General Interpretative Rule No. 1. The term "transfer of capital" as defined in § 1000.312 of the regulations does not include:

A. Payments by a primary obligor of interest currently due, prepayments of interest (provided that such prepayments are made in the course of customary lending practices or commercial transactions), and payments of commissions and fees in connection with borrowings.

B. A transfer of capital by a person within the United States to acquire the stock or debt obligations of, or an interest in, an affiliated foreign national to the extent the transfer is to another person within the United States acting for its own account. The provisions of this paragraph B are considered to cover purchases and sales of interest in affiliated foreign nationals by and among two or more persons within the United States acting as principals and do not include other direct or indirect transfers of capital to affiliated foreign nationals as, for example, the satisfaction by a direct investor of the obligations of an affiliated foreign national to a bank or other creditor within the United States.

General Interpretative Rule No. 2. The certificate described in section 2, paragraph (b) of General Authorization No. 1 requires that a direct investor certify, with respect to indebtedness covered by paragraph (b) that: "* * * the direct investor has reason to believe that, under existing circumstances, the borrowing will ultimately be repaid or satisfied from sources outside the United States."

Certain kinds of instruments of indebtedness provide for delivery of equity securities of the direct investor in satisfaction of the indebtedness pursuant to conversion or similar rights as described in paragraph (d) of section 2.

Provided, That the provisions of section (b) are satisfied in all other respects, certificates respecting such instruments of indebtedness shall be acceptable to this Office even though delivery to foreign nationals of securities issued within the United States by a domestic corporation might be construed as satisfaction

of the indebtedness from sources within the United States.

Proposed General Interpretative Rule No. 3. The term "transfer of capital" as defined in § 1000.312 of the regulations does not include:

(a) Subject to the provisions of the next paragraph, the sale, license, exchange, assignment, or other transfer of patents, trademarks, trade secrets, or proprietary information and processes to an affiliated foreign national or nationals: *Provided,* That, in computing the earnings of the recipient affiliated foreign national, for purposes of determining amounts which must be repatriated pursuant to § 1000.202 of the regulations, no deduction shall be made for amortization, or any like charge against earnings, with respect to the property so transferred.

Notwithstanding the foregoing, transfers of intangible rights described in the foregoing paragraph shall be treated as transfers of capital when the character or extent of such transfers represents a substantial departure from the established practice of the direct investor with respect to such intangible rights. The provisions of the preceding sentence may be illustrated by the following examples:

Example (1). A, a direct investor, has owned patents X through X–100 during the calendar years 1964 to date. During all such years, A licensed both affiliated and nonaffiliated foreign nationals to operate under such patents in consideration of the payment to A of royalties. In April of 1968, A transfers all of its patents X through X–100, and all rights to receive royalties from licensees thereunder, to its affiliated foreign national B in country C. Thereafter, all royalties from licensees under such patents are paid by such licensees to B company. The transfer of patents X through X–100 shall be treated as a transfer of capital to company B.

Example (2). D, a direct investor with one affiliated foreign national, E, in a Schedule B country, is engaged in the development of electronic devices and processes. Patent rights originating in such research are ordinarily transferred to that affiliated foreign national, which receives royalties from nonaffiliated foreign nationals throughout the world. In May of 1968, D establishes affiliated foreign national F in a Schedule C country by contributing patents previously transferred to E, and all rights thereunder, to F in exchange for all of the capital stock of F. F grants licenses under such patents to nonaffiliated foreign nationals in countries in Schedules A, B, and C. The transfer of such patents shall be treated as a transfer of capital to Schedule C countries.

Example (3). Direct investor M has wholly owned affiliated foreign nationals in each scheduled area during calendar years 1958 to date. During such period, M has made a practice of transferring patents, in exchange for the capital voting stock of the recipients, to its operating affiliated foreign nationals which are engaged in the same business as M, and which sublicense both affiliated and nonaffiliated foreign nationals. The recipient affiliated foreign nationals have never carried such transferred patents at more than nominal value on their books, and no charges against earnings of the recipients have been made with respect to such patents. The practice of M and its affiliated foreign nationals is continued during 1968. No transfer of capital is deemed to have taken place in prior years or in 1968.

Dated: March 11, 1968.

JOSEPH W. BARTLETT,
Acting Director, Office of Foreign Direct Investments.

[F.R. Doc. 68-3138; Filed, Mar. 11, 1968; 11:51 a.m.]

CANADA

Application of Foreign Direct Investment Regulations

General Authorization No. 4, set forth in proposed form below, is issued to implement the exchange of letters on March 7, 1968, between the Secretary of the Treasury of the United States and the Minister of Finance of Canada.

Proposed General Authorization No. 4, among other things, generally (a) authorizes direct investments by direct investors in Canada notwithstanding the limitations on transfers of capital to Schedule B countries in § 1000.504(a)(2) of the Foreign Direct Investment Regulations ("Regulations"); (b) exempts repatriation of earnings by a direct investor attributed or allocated to affiliated foreign nationals in Canada notwithstanding the repatriation requirements for Schedule B countries of § 1000.202(b) of the Regulations; (c) exempts direct investors from the requirement to reduce the amount of all bank deposits and other short-term financial assets held in Canada notwithstanding the requirements for Schedule B countries of § 1000.203(a) of the Regulations; and (d) excludes from the base period for Schedule B countries direct investments in Canada; subject, in all cases, to the provisions set forth below in Proposed General Authorization No. 4.

In keeping with the practice announced today by the Office of Foreign Direct Investments, General Authorization No. 4 is issued in proposed form, subject to revision and issuance in final form after the public has been given the opportunity to furnish written comments, suggestions, or objections. Any persons interested in submitting comments, suggestions, or objections thereon may do so by writing to the Legal Division, Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20530. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered, and subsequent to such time General Authorization No. 4, if adopted, will be published in the FEDERAL REGISTER as proposed, or as it may be changed (which changes may include amendments to the regulations to give effect to the provisions of the proposed General Authorization) in the light of comments received.

Specific authorizations, specific exemptions, general or specific interpretations or rulings and other actions previously issued by the Office of Foreign Direct Investments, or communicated to direct investors, will each be reexamined to implement the purpose of the exchange of letters between the United States and Canada.

Proposed General Authorization No. 4 will not exempt any person from filing Form FDI–101 (the Base Period Report). Reporting shall be required either on Form FDI–101 as originally issued or as amended. The time for filing FDI–101, as originally issued, will remain March 22, 1968, for direct investors if all, or none, of their foreign investments, direct and indirect, are located in Canada. A supplemental statement to such form should indicate the amount of liquid foreign balances reported for Schedule B countries which was held in Canada. The Office of Foreign Direct Investments will shortly issue an Amended Form FDI–101. Direct investors who have direct investments both in Canada and in any other foreign country will be required to file the amended form, but not Form FDI–101 as originally issued. The date by which such amended form is to be filed will be announced when the amended form is issued.

Proposed General Authorization No. 4:

SECTION 1. *Definitions.* For purposes of this General Authorization:

(a) "Canadian affiliate" shall mean an affiliated foreign national located in Canada (including a Majority-owned Canadian affiliate as the context requires);

(b) "Majority-owned Canadian affiliate" shall mean (i) a corporation organized under Canadian law or located in Canada in which a direct investor owns securities possessing in excess of 50 percent of the aggregate voting power of all securities outstanding or (ii) an unincorporated foreign business venture located in Canada in which a direct investor owns the right or power to receive, control or otherwise enjoy 50 percent or more of the earnings, receipts, income, or profits;

(c) "Non-Canadian affiliate" shall mean an affiliated foreign national located in a foreign country other than Canada, including a subsidiary of the second or subsequent tier, the first tier subsidiary being a Canadian affiliate; and,

(d) "Canadian Holding Company" shall mean an affiliated foreign national organized under Canadian law, the principal business of which is to make investments in countries other than Canada.

SEC. 2. *Authorized transfers of capital.* Notwithstanding the provisions of § 1000.504(a)(2) of the regulations, transfers of capital to Canada or any national thereof are authorized except (i) transfers of capital which are for the purpose of, or have the effect of, a concurrent or subsequent net transfer, or release for net transfer, of capital directly or indirectly to or for the account of or for the benefit of a Non-Canadian affiliate, and (ii) net transfers of capital by a Majority-Owned Canadian affiliate to a Non-Canadian affiliate, unless in

each case the capital so transferred, retransferred or released for transfer does not result in direct investment by or on behalf of or for the benefit of the direct investor in that year in the scheduled area concerned in excess of direct investment authorized with respect to the direct investor in such scheduled area by § 1000.504(a) of the regulations.

SEC. 3. *Repatriation of earnings and direct investment limits.* Notwithstanding the provisions of § 1000.202(b) of the regulations, no direct investor shall be required to repatriate in any year amounts representing earnings of a Canadian affiliate to the United States: *Provided*, That, if the earnings of a Non-Canadian affiliate are not available for payment directly to the direct investor because the same are payable initially to a Canadian affiliate and such earnings would have been subject, directly or indirectly, to the requirements of § 1000.202(b) of the regulations but for the provisions of this General Authorization, the following rules shall apply: (i) The Canadian affiliate shall not be required to repatriate any portion of its earnings to the United States in any year, regardless of distributions from Non-Canadian affiliates; and (ii) the earnings of Non-Canadian affiliates shall be subject to the provisions of § 1000.202 of the regulations without regard to the provisions of this General Authorization. Reinvestment of the earnings of Non-Canadian affiliates shall be taken into account in calculating direct investment pursuant to § 1000.504(a) of the regulations, except that transfers of such earnings denominated in U.S. dollars distributed to a Canadian affiliate shall, to that extent, be deemed to satisfy the requirements of § 1000.202 of the regulations as if such transfers had been made to an account owned by the direct investor denominated in U.S. dollars at a domestic bank.

SEC. 4. *Liquid foreign balances of direct investors.* Notwithstanding the provisions of § 1000.203 of the regulations, no direct investor shall be required to reduce or transfer to the U.S. bank deposits or other short-term financial assets held by or for the benefit of such direct investor in Canada.

SEC. 5. *Exclusion from direct investment.* (a) Direct investment in or to Canadian affiliates (including transfers of capital from or as a result of sales of an interest in Canadian affiliates) during any year shall not be included in computing direct investment in or to affiliated foreign nationals pursuant to §§ 1000.202(b)(2), 1000.503, 1000.504(a)(2) and 1000.505(a) of the regulations.

(b) Earnings of or earnings repatriated from Canadian affiliates during any year shall not be included in computing earnings of and earnings repatriated from affiliated foreign nationals in Schedule B countries during any year pursuant to § 1000.202(b) of the regulations.

(c) For purposes of computing deductions from direct investment pursuant to § 1000.504(b)(1), such portion of net borrowings by the direct investor as are or were from foreign nationals in Canada and such portions of net borrowings by the direct investor from any source as are or were expended in direct investment in Canadian affiliates shall not be deducted from direct investment in any year.

SEC. 6. *Transfers of capital between foreign countries.* For purposes of § 1000.505 of the regulations, if the transferor foreign national is a Canadian affiliate acting by, or on behalf of, or for the benefit of a direct investor, a transfer of capital to (i) a national of a Schedule C country is not authorized by this General Authorization and (ii) a national of a Schedule B country (other than Canada) or a Schedule A country is authorized pursuant to and subject to the limitations of § 1000.505(a) of the regulations.

SEC. 7. *Canadian holding companies.* A Canadian Holding Company shall be deemed to be a Canadian affiliate with respect to direct investments made or proposed to be made by the Canadian Holding Company in Canada. With respect to direct investments made or proposed to be made in foreign countries other than Canada, the existence of a Canadian Holding Company shall be disregarded for purposes of the regulations and direct investments by a Canadian Holding Company in any year shall be treated for all purposes as direct investment by the direct investor in such year.

SEC. 8. *Canadian program.* If a program for governing capital transfers to foreign countries or the nationals thereof by Canadian affiliates and other Canadian business ventures shall hereafter be instituted by the Canadian Government or any department or agency thereof, transfers of capital to Canadian affiliates (certified as subject to, or participating in, such program by a Canadian department or agency) shall be authorized without regard to the provisions of section 2 of this General Authorization for the duration of such program or participation by the Canadian affiliate therein.

SEC. 9. *Evasion.* Any transaction the purpose or effect of which is to evade or avoid any of the provisions of the regulations or this General Authorization may be disregarded in whole or in part for purposes of measuring compliance with the provisions of the regulations. Any person who, in the opinion of the Secretary, is a party to such a transaction shall be ineligible to avail itself of this General Authorization.

SEC. 10. *Effective date.* This General Authorization shall be effective as of the effective date of the regulations.

Dated: March 11, 1968.

JOSEPH BARTLETT,
Acting Director, Office of Foreign Direct Investments.

[F.R. Doc. 68-3139; Filed, Mar. 11, 1968; 11:51 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—MARCH

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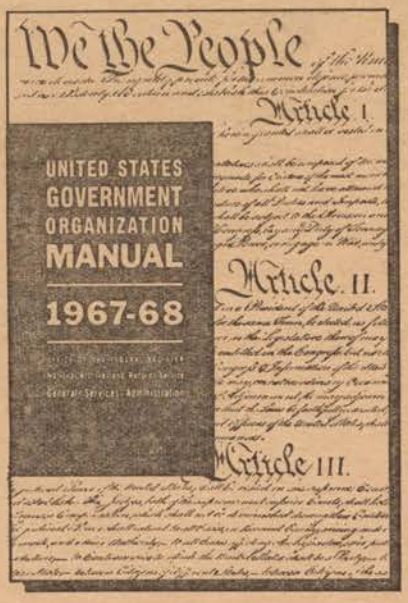
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