

FEDERAL REGISTER

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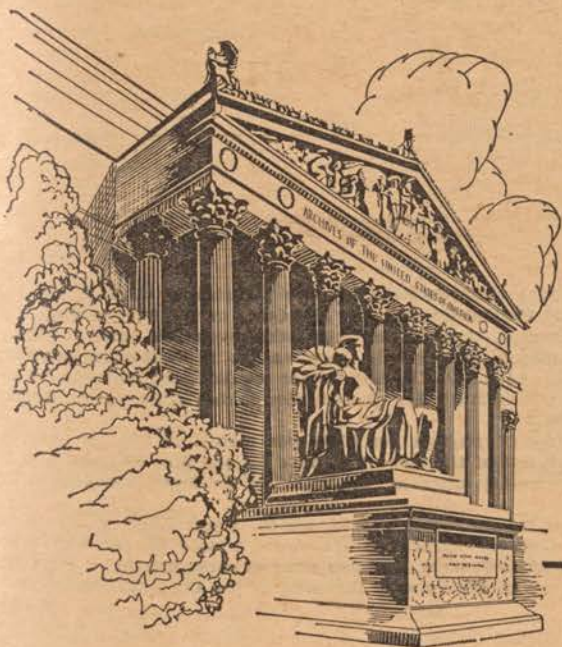
Friday, January 19, 1968 • Washington, D.C.

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Conservation Service
Air Force Department
Alien Property Office
Business and Defense Services
Administration
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Customs Bureau
Employment Security Bureau
Federal Aviation Administration
Federal Communications Commission
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Federal Power Commission
Federal Reserve System
Fiscal Service
Foreign Assets Control Office
General Accounting Office
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Interstate Commerce Commission
Land Management Bureau
Securities and Exchange Commission

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

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

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Title 4—ACCOUNTS

Chapter I—General Accounting Office

SUBCHAPTER C—CLAIMS; GENERAL

PART 33—DECEASED CIVILIAN OFFICERS AND EMPLOYEES; PROCEDURES FOR SETTLEMENT OF ACCOUNTS

PART 34—DECEASED MEMBERS OF THE ARMED FORCES AND THE NATIONAL GUARD; PROCEDURES FOR SETTLEMENT OF ACCOUNTS

PART 36—INCOMPETENT PUBLIC CREDITORS; PROCEDURES FOR SETTLEMENT OF ACCOUNTS

Miscellaneous Amendments

Subchapter C is amended as follows:

1. Section 33.1 is revised to read as follows:

§ 33.1 Scope of part.

(a) *Accounts covered by this part.* This part prescribes forms and procedures for the prompt settlement of accounts of deceased civilian officers and employees of the Federal Government and of the government of the District of Columbia (including wholly owned and mixed-ownership Government corporations), as contemplated by 5 U.S.C. 5581, 5582, 5583. The term "deceased employees" as used in this part includes former civilian officers and employees who die subsequent to separation from the employing agency.

(b) *Exceptions.* The procedures prescribed by this part do not apply to:

(1) Accounts of deceased officers and employees of the Federal land banks, Federal intermediate credit banks, or regional banks for cooperatives (see 5 U.S.C. 5581(1)).

(2) Payment of unpaid balance of salary or other sums due deceased Senators or officers or employees of the Senate (see 2 U.S.C. 36a; 5 U.S.C. 5581(1)).

(3) Payment of unpaid balance of salary or other sums due deceased Members of the House of Representatives (see 2 U.S.C. 38a). See § 33.6 for settlement of accounts of deceased officers and employees of the House of Representatives.

(Sec. 311, 42 Stat. 25, as amended; 31 U.S.C. 52. Interpret or apply 5 U.S.C. 5583)

2. Section 34.1 is revised to read as follows:

§ 34.1 Scope of part.

(a) This part prescribes forms and procedures for the prompt settlement of the accounts of:

(1) Deceased members of the Armed Forces (including deceased commissioned officers of the Public Health Service and

the Environmental Science Services Administration) pursuant to 10 U.S.C. 2771.

(2) Deceased members of the National Guard pursuant to 32 U.S.C. 714.

(b) A designation of beneficiary under 10 U.S.C. 2771 or 32 U.S.C. 714, properly executed and filed in the place designated for such purpose in the regulations of the department concerned, will be effective thereafter until (1) expressly changed or revoked in writing or (2) the serviceman transfers to a different branch of the military service or (3) returns to the same or a different branch after a break in service.

(c) The term "deceased members" as used in the part includes former members who die subsequent to discharge or separation from the service.

(d) The payment provisions of 10 U.S.C. 2771 and 32 U.S.C. 714 are effective only when the member's death occurs on or after January 1, 1956. Claims relating to the accounts of members dying before such date are for consideration by the Claims Division of the General Accounting Office.

(e) The term "pay and allowances" when used in this part includes any amount due a decedent from the service of which he was a member, exclusive of amounts payable administratively pursuant to other specific authority.

(Sec. 311, 42 Stat. 25, as amended; 31 U.S.C. 52. Interpret or apply 10 U.S.C. 2771; 32 U.S.C. 714; sec. 3, 70A Stat. 619, as amended; 33 U.S.C. 857a; and sec. 4, 70A Stat. 619, as amended; 42 U.S.C. 213a)

3. Section 34.7 is revised to read as follows:

§ 34.7 Applicability of general claim procedures.

When not in conflict with this part, the provisions of Part 31 of this Title, relating to procedures applicable to claims generally, are also applicable to the settlement of accounts of deceased members.

(Sec. 311, 42 Stat. 25, as amended; 31 U.S.C. 52. Interpret or apply 10 U.S.C. 2771; 32 U.S.C. 714; sec. 3, 70A Stat. 619, as amended; 33 U.S.C. 857a; and sec. 4, 70A Stat. 619, as amended; 42 U.S.C. 213a)

4. Section 36.2 is revised to read as follows:

§ 36.2 Where claims should be filed.

Claims for amounts due incompetent public creditors will be filed initially with the Government agency out of whose activities they arise.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 305, 42 Stat. 24; 31 U.S.C. 71)

[SEAL]

ELMER B. STAATS,
Comptroller General
of the United States.

[F.R. Doc. 68-738; Filed, Jan. 18, 1968; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 532—PAY UNDER PREVAILING RATE SYSTEMS

Chapter I is amended by adding a new Part 532, "Pay Under Prevailing Rate Systems", to include a new Subpart G, "Appeals", to supply the regulations necessary to implement 5 U.S.C. 5345, as added by Public Law 90-206, providing position classification appeals for employees in trades, crafts, and laborer occupations. The new regulations, which are effective January 15, 1968, read as follows:

Subparts A—F—[Reserved]

Subpart G—Appeals

Sec.

532.701 Applicability.

532.702 Agency responsibility.

532.703 Appeal to the Commission.

AUTHORITY: The provisions of this Part 532 issued under 5 U.S.C. 5345.

Subparts A—F—[Reserved]

Subpart G—Appeals

§ 532.701 Applicability.

This subpart applies to an employee in a trades, crafts, or labor occupation who is subject to section 5341(a) of Title 5, United States Code (referred to in this subpart as an employee) and to an agency in which such an employee is employed.

§ 532.702 Agency responsibility.

(a) Each agency shall establish a system for processing an application by an employee for a review of the correctness of the classification of his position (referred to in this subpart as an application), including the title or series when appropriate.

(b) In establishing the system required by this section, an agency, as a minimum, shall provide that:

(1) The provisions of the system shall be published and its employees shall be informed where a published copy is available for review.

(2) An application shall be in writing and contain the reasons the employee believes his position is erroneously classified.

(3) An application may be filed at any time. However, when an application involves a downgrading or other classification action which resulted in a reduction in grade or level of pay, in order to be entitled to retroactive corrective action the application must be filed:

(i) Within the time limits of and as an appeal under the agency appeals system

established under Part 771 of this chapter; or

(ii) If the employee is not covered by Part 771, within 15 calendar days of the effective date of the downgrading or other classification action.

(4) An employee may select a representative of his own choosing and the employee (and his representative when the representative is also employed by the agency) shall be granted a reasonable time in presenting his application, and shall be assured freedom from restraint, interference, coercion, or reprisal in presenting his application. An employee's representative does not have a right to be present during a desk audit conducted by the Commission.

(5) The application shall be processed and decided promptly, with a provision that when a decision has not been issued within 60 days of the date the employee filed the application, he may request the next higher level in the agency with classification authority to assume jurisdiction of his application and the next higher level will promptly process and decide it.

(6) An employee shall promptly furnish such facts as may be requested by the agency.

(7) An application shall be canceled and the employee so notified in the following circumstances:

(i) On receipt of a written request by an employee;

(ii) On failure to prosecute when an employee does not furnish requested information and duly proceed with the advancement of his application; however, instead of cancellation for failure to prosecute, the application may be adjudicated if the information is sufficient for that purpose; or

(iii) On notice that an employee has left the position, except when he would be entitled to retroactive benefits including benefits allowable after the death of an employee.

(8) No more than one level of review may be established within an agency before a final decision may be issued, and that level of review, when possible, must be above the level of classification authority which classified the position.

(9) When an employee not subject to Part 771 of this chapter requests a review of a downgrading or other classification action that resulted in a reduction of compensation and the decision of an agency reverses in whole or in part the downgrading or other classification action, the effective date of that decision shall be retroactive to the effective date of the action being reviewed when the initial application to the agency was submitted not later than 15 calendar days after the effective date of the action taken as a result of the classification decision. However, when the agency decision raises the grade or level of the position above its grade or level immediately preceding the downgrading, retroactivity will apply only to the extent of restoration to the grade or level immediately preceding the downgrading.

(10) The right of a retroactive effective date is preserved when an agency finds that an employee was not notified of the applicable time limit for review and was not otherwise aware of the limit, or that circumstances beyond his control prevented him from filing his application within the prescribed time limit.

(11) The effective date of a change in the classification of a position shall be specified in the agency decision and, unless otherwise required by this subpart, may not be earlier than the date of the decision but in no case may it be later than the beginning of the first pay period which begins after the 60th day from the date the application was filed. However, when the agency decision will result in a downgrading or other classification action that will reduce the compensation of the incumbent of the position, the effective date may not be earlier than the time required to effect the decision in accordance with procedures required by applicable law and regulation.

(12) When an application has been properly filed before the death of an employee and a favorable decision would entitle the employee to retroactive corrective action, it shall be processed to completion after his death and any appropriate corrective action made by amendment of the records of the agency.

(13) The decision on an application shall (i) be based on the record, (ii) be in writing, (iii) inform the employee either in the decision or as an attachment to the decision of the reasons for the decision, including an analysis of the classification of the position (i.e., a comparison of the position with the standard appropriate to the position), and (iv) inform the employee of his right to appeal the decision to the Commission and of the time limits within which the appeal must be filed.

(c) The agency is responsible for compiling and maintaining a classification review file which shall constitute the record and which shall not contain any document or information which the employee has not been given an opportunity to review.

§ 532.703 Appeal to the Commission.

(a) An employee may appeal the classification of his position to the Bureau of Inspections of the Commission only (1) after the agency has issued a decision under the system established under § 532.702, and (2) if he files the appeal with the Commission within 15 calendar days after receipt of the decision of the agency. The Commission may extend this time limit on a showing by the employee that he was not notified of the applicable time limit and was not otherwise aware of the limit, or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

(b) An employee shall make his appeal in writing and shall identify specifically the portions of the decision or classification analysis of the agency with which he disagrees.

(c) The Commission shall base its decision on the record established in the agency, except that when the Commission investigates or audits the position it may take the results of the investigation or audit into consideration.

(d) The Commission shall notify the employee and the agency in writing of its decision.

(e) The appeal of an employee shall be canceled and the employee so notified in the following circumstances:

(1) On receipt of his written request;

(2) On failure to prosecute, when the employee does not furnish requested information and duly proceed with the advancement of his appeal; however, instead of cancellation for failure to prosecute, an appeal may be adjudicated if the information is sufficient for that purpose. The Commission may reopen a canceled appeal on a showing that circumstances beyond the control of the employee prevented him from prosecuting the appeal, or

(3) On notice that the employee has left the position, except when he would be entitled to the retroactive benefits, including benefits allowable after the death of an appellant.

(f) An appeal decision made by the Commission is final. There is no further right to appeal. The appeal decision constitutes a certificate which is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officers of the Government.

(g) The Commissioners may, in their discretion, when in their judgment such action appears warranted by the circumstances, reopen and reconsider any previous decision.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 68-790; Filed, Jan. 18, 1968;
8:49 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

[Amdt. 4]

PART 792—CONSERVING BASE AND DESIGNATED DIVERTED ACREAGE

Feed Grain, Upland Cotton, Wheat Diversion, and Wheat Certificate Programs; Approved Conservation Uses

Section 792.3 of the regulations governing conserving base and designated diverted acreage, 31 F.R. 5873, as amended, is further amended by changing subparagraph (4) of paragraph (b) to read as follows:

§ 792.3 Designation, use, and care of diverted acreage under the feed grain, upland cotton, wheat diversion, and wheat certificate programs; approved conservation uses.

(b) *Cropland not eligible for designation.*

(4) Land which the county committee determines the producer reasonably could not expect to use in the absence of the program for the production of the crop being diverted because of (i) the physical condition of the land, (ii) a restriction in the lease or operating agreement prohibiting the production of such crop on the land, or (iii) any other reason;

(Titles III, IV, and V of the Food and Agriculture Act of 1965, 79 Stat. 1187)

Effective date: Upon publication in the FEDERAL REGISTER.

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

H. D. GODFREY,
Administrator, Agricultural
Stabilization and Conser-
vation Service.

[F.R. Doc. 68-736; Filed, Jan. 18, 1968;
8:46 a.m.]

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

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Expenses and Rate of Assessment; Correction

The publication titled "Expenses and Rate of Assessment," § 946.219, published in the FEDERAL REGISTER December 22, 1967 (32 F.R. 20702), is hereby corrected to change the section number to read:

§ 946.220 Expenses and rate of assessment.

Dated: January 15, 1968.

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

[F.R. Doc. 68-770; Filed, Jan. 18, 1968;
8:49 a.m.]

PART 948—IRISH POTATOES GROWN IN COLORADO

Approval of Changes in Fiscal Period and Expenses and Rate of Assess- ment for Area No. 1

Notice of rule making regarding proposed changes in the fiscal period and the expenses and rate of assessment for Area No. 1 (Western Slope), to be effective under Marketing Agreement No. 97 and Order No. 948 (7 CFR Part 948), both as amended, was published in the December 12, 1967, issue of the FEDERAL REGISTER (32 F.R. 17671).

The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than 30 days following publication in the FEDERAL REGISTER. None was received.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 1, the following changes are hereby approved:

A. For Area No. 1, the fiscal period for 1967-68 which began June 1, 1967, is amended to end June 30, 1968, both dates inclusive.

B. Change the ending date of the fiscal period appearing in § 948.256(a) to read "June 30, 1968."

C. Amend § 948.103 to read as follows:
§ 948.103 Fiscal period.

(a) The fiscal periods for Area No. 3 shall begin June 1 of each year and end May 31 of the following year, both dates inclusive.

(b) The fiscal periods for Area No. 1 and Area No. 2 shall begin July 1 and end June 30 of the following year, both dates inclusive.

It is hereby found that good cause exists for not postponing the effective date of these changes beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) it is necessary to make these changes effective at the earliest possible date in order to facilitate operations under the marketing agreement and order, (2) no changes in either the assessment rate or the approved expenses for the fiscal period affected were necessary, and (3) notice hereof has been given by publication in the FEDERAL REGISTER of December 12, 1967 (32 F.R. 17671).

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

Effective date: Dated January 15, 1968, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 68-771; Filed, Jan. 18, 1968;
8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Com- merce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 43]

PART 370—SCOPE OF EXPORT CON- TROL BY DEPARTMENT OF COM- MERCE

Definition of Collector of Customs

Section 370.1(k) (2) is hereby amended by adding a sentence reading as follows:

"For use of this term generally in this subchapter, see 19 CFR 1.1(d)."

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-63 Comp.)

Effective date: January 15, 1968.

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

[F.R. Doc. 68-739; Filed, Jan. 18, 1968;
8:46 a.m.]

[10 Gen. Rev. Export Regs., Amdt. 44]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Nickel Oxide, Etc.

Part 373 of the Code of Federal Regulations is amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-63 Comp.)

Effective date: January 15, 1968.

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

1. Section 373.38 is revised to read as follows:

§ 373.38 Nickel oxide and nickel sulfate.

Nickel oxide, Export Control Commodity No. 51369, is subject to the provisions set forth in §§ 373.18 and 373.39. Nickel sulfate, Export Control Commodity No. 51470, is subject to the provisions set forth in § 373.18.

NOTE: See § 373.20(b) for special provisions covering other nickel commodities.

2. Section 373.39(a) is revised to read as follows:

§ 373.39 Commodities supplied from
national stockpile.

(a) Scope. The following commodities are subject to the provisions of this § 373.39:

Export Control Commodity Number and
Commodity Description

51369 Nickel oxide.
67160 Ferronickel containing 90 percent or
less nickel.
68310 Nickel based magnetic materials, un-
wrought.
68310 Other nickel or nickel alloys, un-
wrought.

[F.R. Doc. 68-740; Filed, Jan. 18, 1968;
8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Issuance of Import Licenses Based on Physical Examination

Section 500.204, item (105), appendix, is being amended to add to the list of commodities set forth therein: 1. Cam-

phor, synthetic, racemic only; and 2. Furskins, weasel, from Japan. As amended, item 105 reads as follows:

(105) *Physical Examination.* The Office of Foreign Assets Control is satisfied that certain types of merchandise subject to § 500.204 can be reliably determined by physical examination not to be of Communist Chinese, North Korean, or North Vietnamese origin. Licenses to import these types of merchandise are issued subject to physical examination at the time of entry. Examples are:

Bristles, hog, not dyed, from Japan and Iran.
Camel hair from Outer Mongolia.
Camphor, synthetic, racemic only.
Cashmere.
Cassia from Indonesia and Sabah, Malaysia.
Chinaware from Eastern Europe and the U.S.S.R.
Earthenware from Eastern Europe and the U.S.S.R.
Embroidered articles, peasant-type, from Eastern Europe and the U.S.S.R.
Furskins, weasel, from Japan.
Hair, human, from India, Iran, and Pakistan.
Rugs, grass, from Spain and Portugal.
Straw manufactures from Eastern Europe and the U.S.S.R.
Wood articles from Eastern Europe and the U.S.S.R.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 68-762; Filed, Jan. 18, 1968; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-EA-104]

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

Alteration of Control Zone

On page 15546 of the FEDERAL REGISTER for November 8, 1967, the Federal Aviation Administration published proposed regulations which would alter the Millville, N.J., control zone.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 29, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on January 2, 1968.

GEORGE M. GARY,
Director.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Millville, N.J., control zone all after the words "Millville, N.J."

[F.R. Doc. 68-724; Filed, Jan. 18, 1968; 8:45 a.m.]

[Airspace Docket No. 67-EA-88]

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

Alteration of Control Zone and Transition Area

On page 15117 of the FEDERAL REGISTER for November 1, 1967, the Federal Aviation Administration published proposed regulations which would alter the Presque Isle, Maine control zone and transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. February 29, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on January 2, 1968.

GEORGE M. GARY,
Director.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting in the description of the Presque Isle, Maine control zone "VOR 159°" and insert in lieu thereof "VORTAC 158°"; delete "to the VOR; and" and insert in lieu thereof "to the VORTAC;"; delete the phrase, "RBN 169° bearing extending from the 5-mile radius zone to 7 miles south of the RBN;" and insert in lieu thereof "RBN 167° bearing extending from the 5-mile radius zone to 7 miles south of the RBN; and within 2 miles each side of the Presque Isle VORTAC 160° radial extending from the 5-mile radius zone to 14 miles south of the VORTAC."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting in the Presque Isle, Maine, transition area "VOR 339°" and insert in lieu thereof "VORTAC 338°"; delete "north of the VOR;" and insert in lieu thereof "north of the VORTAC;" delete "RBN 169°" and insert in lieu thereof "RBN 167°", following the words "south of the RBN;" add "within 2 miles each side of the Presque Isle VORTAC 160° radial extending from the 8-mile radius area to 21 miles south of the VORTAC;"

[F.R. Doc. 68-725; Filed, Jan. 18, 1968; 8:45 a.m.]

[Airspace Docket No. 67-EA-85]

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

Designation of Transition Area

On page 15120 of the FEDERAL REGISTER for November 1, 1967, the Federal Aviation Administration published a proposed regulation which would designate a 700-foot floor transition area over Haverhill Airport, Haverhill, Mass.

Interested parties were given 30 days after publication in which to submit

written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted 0001 e.s.t. February 29, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on January 2, 1968.

GEORGE M. GARY,
Director.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700 foot floor Haverhill, Mass., transition area described as follows:

HAVERHILL, MASS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°48'05" N., 71°03'45" W., of Haverhill Airport, Haverhill, Mass.; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius area to 6 miles northwest of the end of the runway, excluding the portion which coincides with the Boston, Mass., transition area. This transition area shall be effective from sunrise to sunset, daily.

[F.R. Doc. 68-726; Filed, Jan. 18, 1968; 8:45 a.m.]

[Airspace Docket No. 67-EA-87]

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

Designation of Transition Area

On page 15120 of the FEDERAL REGISTER for November 1, 1967, the Federal Aviation Administration published proposed regulations which would designate a 700-foot floor transition area over Plum Island Airport, Newburyport, Mass.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 29, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on January 2, 1968.

GEORGE M. GARY,
Director.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Newburyport, Mass., transition area described as follows:

NEWBURYPORT, MASS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (42°47'45" N., 70°50'25" W.) of Plum Island Airport, Newburyport, Mass.; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius area to 6 miles northwest of the end of the runway, excluding the portion which coincides with the Boston, Mass., transition area. This transition area shall be effective from sunrise to sunset, daily.

[F.R. Doc. 68-727; Filed, Jan. 18, 1968; 8:46 a.m.]

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8620; Amdt. 576]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELED, EFFECTIVE 1 FEB. 1968, OR UPON DECOMMISSIONING OF FACILITY AND COMMISSIONING OF "BE LOM" FACILITY OF BENTON HARBOR "ILS."							
City, Benton Harbor; State, Mich.; Airport name, Ross Field; Elev., 642'; Fac. Class., MHW; Ident., BEH; Procedure No. 1, Amdt. 2; Eff. date, 10 Dec. 66; Sup. Amdt. No. 1; Dated, 24 Oct. 64							
PROCEDURE CANCELED, EFFECTIVE 1 FEB. 1968, OR UPON DECOMMISSIONING OF FACILITY AND COMMISSIONING OF "BE LOM" FACILITY OF BENTON HARBOR "ILS."							
City, Benton Harbor; State, Mich.; Airport name, Ross Field; Elev., 642'; Fac. Class., MHW; Ident., BEH; Procedure No. 2, Amdt. 2; Eff. date, 10 Dec. 66; Sup. Amdt. No. 1; Dated, 14 Nov. 64							
ELX VOR.....	LOM (final).....	Direct.....	2300	T-dn.....	300-1	300-1	300-1½
SEN VOR.....	LOM.....	Direct.....	2300	C-dn*.....	500-1	500-1	500-1½
				S-dn-27*.....	500-1	500-1	500-1
				A-dn*.....	800-2	800-2	800-2

Procedure turn N side of crs, 090° Outbnd, 270° Inbnd, 2300' within 10 miles of LOM.

Minimum altitude over facility on final approach crs, 2300'.

Crs and distance, facility to airport, 270°—4.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles of LOM, climb to 2300' on crs of 270°, turn left and return to LOM.

*These minimums apply at all times for air carriers with approved weather reporting service. Use South Bend altimeter setting when control zone not effective. Circling and straight-in minimums are raised 100' and alternate minimums not authorized when control zone not effective.

MSA within 25 miles of facility: 000°—300°—2100'.

City, Benton Harbor; State, Mich.; Airport name, Ross Field; Elev., 642'; Fac. Class., LOM; Ident., BE; Procedure No. NDB(ADF) Runway 27, Amdt. Orig.; Eff. date, 1 Feb. 68 or upon commissioning of facility.

PROCEDURE CANCELED, EFFECTIVE 3 FEB. 1968.

City, Cherokee Village; State, Ark.; Airport name, Cherokee Village; Elev., 700'; Fac. Class., MHW; Ident., CVK; Procedure No. NDB(ADF) Runway 4, Amdt. Orig.; Eff. date, 8 July 67 or upon commissioning of facility.

				T-dn.....	300-1	300-1	NA
				C-dn.....	500-1	500-1	NA
				S-dn-35.....	500-1	500-1	NA
				A-dn.....	NA	NA	NA

Procedure turn W side of crs, 170° Outbnd, 350° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 742'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing Manila NDB, climb to 2000' left turn heading 170°, hold S of Manila NDB on bearing 170°—350° Inbnd, 1-minute left turns.

NOTE: Use Blytheville AFB, Ark., altimeter setting.

MSA within 25 miles of facility: 000°—360°—2000'.

City, Manila; State, Ark.; Airport name, Manila Municipal; Elev., 242'; Fac. Class., MHW; Ident., MXA; Procedure No. NDB(ADF) Runway 35, Amdt. Orig.; Eff. date, 1 Feb. 68

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Salem VOR.....	Dixboro Int (final).....	Direct.....	2500	T-dn..... C-dn..... S-dn-24*..... A-dn.....	300-1 600-1 600-1 NA	300-1 600-1 600-1 NA	300-1 600-1½ 600-1 NA

Radar available.

Procedure turn W side of crs, 033° Outbnd, 213° Inbnd, 2500' within 10 miles of Dixboro Int.

Minimum altitude over Dixboro Int on final approach crs, 2500'.

Crs and distance, Dixboro Int to airport, 213°—4.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing Dixboro Int, make climbing left turn to 2500' and proceed to SVM VOR.

NOTES: (1) Use Willow Run altimeter setting. (2) Dual VOR receivers or DME required.

*CAUTION: Trees to 875' MSL ¼ mile from threshold Runway 24 on final approach crs.

MSA within 25 miles of facility: 000°—180°—2800'; 180°—270°—2500'; 270°—360°—2000'.

City, Ann Arbor; State, Mich.; Airport name, Ann Arbor Municipal; Elev., 835'; Fac. Class., L-BVORTAC; Ident., SVM; Procedure No. VOR Runway 24, Amdt. Orig.; Eff. date, 1 Feb. 68

Salem VOR.....	Delhi Int (final).....	Direct.....	2500	T-dn..... C-dn..... C-n..... A-dn.....	300-1 500-1 500-2 NA	300-1 500-1 500-2 NA	300-1 500-1½ 500-2 NA
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Radar available.

Procedure turn N side of crs, 063° Outbnd, 243° Inbnd, 2500' within 10 miles of Delhi Int.

Minimum altitude over Delhi Int, on final approach crs, 2500'.

Crs and distance, Delhi Int, to airport, 243°—4.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles of Delhi Int, make climbing right turn to 2500' and proceed to SVM VOR.

NOTES: (1) Runway lights difficult to distinguish from surrounding lights. (2) Use Willow Run altimeter setting. (3) Dual VOR receivers or DME required.

MSA within 25 miles of facility: 000°—180°—2800'; 180°—270°—2500'; 270°—360°—2000'.

City, Ann Arbor; State, Mich.; Airport name, Young Field; Elev., 876'; Fac. Class., L-BVORTAC; Ident., SVM; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 1 Feb. 68

ELX VOR.....	Zang Int (final).....	Direct.....	2300	T-dn..... C-dn#..... S-dn-27#*..... A-dn#.....	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	300-1½ 500-1½ 400-1 800-2
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Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2300' within 10 miles of Zang Int.

Minimum altitude over Zang Int on final approach crs, 2300'.

Crs and distance, Zang Int to airport, 266°—4.5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing the Zang Int, climb to 2300' on ELX VOR R 266°, turn left and return to Zang Int, and contact SBN approach control for further instructions.

NOTES: (1) Reduction not authorized for REILS. (2) Use South Bend altimeter setting when control zone not effective. (3) Dual VOR receivers or DME required.

*400-¾ authorized with HIRL, except for 4-engine turbojets.

These minimums apply at all times for air carriers with approved weather reporting service.

*Circling and straight-in ceiling minimums are raised (100') and alternate minimums not authorized when control zone not effective.

MSA within 25 miles of facility: 000°—360°—2300'.

City, Benton Harbor; State, Mich.; Airport name, Ross Field; Elev., 642'; Fac. Class., L-BVORTAC; Ident., ELX; Procedure No. VOR Runway 27, Amdt. 7; Eff. date, 1 Feb. 68; Sup. Amdt. No. 6; Dated, 16 Sept. 67

R 055°, counterclockwise.....	SVM, R 304°.....	Via 7-mile DME Arc.....	2600	T-dn..... C-dn..... C-n..... A-dn.....	300-1 800-1 800-2 NA	300-1 800-1 800-2 NA	300-1 800-1½ 800-2 NA
R 220°, clockwise.....	SVM, R 304°.....	Via 7-mile DME Arc.....	2500	C-dn..... A-dn.....	500-1 500-1	500-1 500-1	500-1½ 500-2
7-mile DME Fix, R 304°.....	SVM VOR (final).....	Direct.....	2500	Minimums with DME or Dual VOR receivers: C-dn..... C-n.....	500-1 500-2	500-1 500-2	500-1½ 500-2

Radar available.

Procedure turn S side of crs, 304° Outbnd, 124° Inbnd, 2500' within 10 miles.

Minimum altitude over facility on final approach crs, 2500'; over Johnson Int, 1500'.

Crs and distance, facility to airport, 124°—7.1 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles after passing SVM VOR, make left-climbing turn to 2500' and return to the SVM VOR.

Note: Use Willow Run altimeter setting.

MSA within 25 miles of facility: 000°—180°—2800'; 180°—270°—2500'; 270°—360°—2000'.

City, Plymouth; State, Mich.; Airport name, Mettetal; Elev., 700'; Fac. Class., L-BVORTAC; Ident., SVM; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 1 Feb. 68

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 220°, clockwise	SVM, R 303°	Via 7-mile DME Arc.	2500	T-dn	300-1	300-1	200-1½
R 055°, counterclockwise	SVM, R 303°	Via 7-mile DME Arc.	2600	C-d	1000-1	1000-1	1000-1½
7-mile DME Fix, R 308°	SVM VOR (final)	Direct	2500	C-n	1000-1½	1000-1½	1000-1½
				A-dn	NA	NA	NA
					Minimums with DME or Dual VOR receivers:		
				C-d	500-1	500-1	500-1½
				C-n	500-1½	500-1½	500-1½

Radar available.
 Procedure turn 8 side of crs, 308° Outbnd, 128° Inbnd, 2500' within 10 miles.
 Minimum altitude over facility on final approach crs, 2500'; over Road Int, 1675'.
 Crs and distance, facility to airport, 128°—9 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9 miles after passing SVM VOR, make left-climbing turn to 2500' and return to SVM VOR.
 NOTE: Use Willow Run altimeter setting.
 CAUTION: Mettetal airport 2 miles NW on final approach crs.
 MSA within 25 miles of facility: 000°-180°-2800'; 180°-270°-2500'; 270°-360°-2600'.
 City, Plymouth; State, Mich.; Airport name, National; Elev., 675'; Fac. Class., L-BVORTAC; Ident., SVM; Procedure No. VOR Runway 11, Amdt. Orig.; Eff. date, 1 Feb. 68

10-mile DME Fix, R 108°	YKM VOR (final)	Direct	2700	T-dn	300-1	300-1	300-¾
Gleed Int	YKM VOR	Direct	4500	C-dn	600-1	600-1	600-1½
14-mile DME Fix, R 221° counterclockwise	Zillah Int (14-mile DME Fix, R 108°)	14-mile DME Arc	4500	A-dn	800-2	800-2	800-2
Zillah Int	10-mile DME Fix, R 108°	Direct	4200				

Procedure turn 8 side of crs, 108° Outbnd, 288° Inbnd, 4200' within 10 miles.
 Final approach from holding pattern at YKM VOR not authorized, procedure turn required.
 Minimum altitude over facility on final approach crs, 2700'.
 Crs and distance, facility to airport, 244°—3.6 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing YKM VOR, make a right-climbing turn, climb direct to VOR, continue climb to 4500' on R 108° within 10 miles. All turns 8 side, R 108°.
 CAUTION: High terrain extends from NE to NW of YKM VOR.
 #Takeoff minimums Runways 4/22 and 16/34: 500-1 day, 800-2 night.
 %Takeoffs all runways—Climb on R 284° YKM VOR within 6 miles of YKM VOR to cross YKM VOR at or above: Eastbound V-4, 2000'; westbound V-4/AS, 4100'; southbound V-25, 4200'; V-25E, 2300'; northbound V-25, 4100'; northeastbound V-44S, 3300'; southwestbound V-44S, 6800'; V-44SS, 2600'. All turns 8 side R 284° YKM VOR.
 *Circling south of Runways 9-27 not authorized. Terrain and obstructions within this area and within 1.7 miles to 2185'.
 NSA within 25 miles of facility: 000°-090°-5300'; 090°-180°-4700'; 180°-270°-6800'; 270°-360°-6200'.
 City, Yakima; State, Wash.; Airport name, Yakima Municipal; Elev., 1682'; Fac. Class., H-BVORTAC; Ident., YKM; Procedure No. VOR Runway 27, Amdt. 8; Eff. date, 1 Feb. 68; Sup. Amdt. No. VOR 1, Amdt. 7; Dated, 17 Dec. 66

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
 If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 283°, GSO VORTAC clockwise	R 037°, GSO VORTAC	10-mile DME Arc GSO R 022° lead radial.	2500	T-dn	300-1	300-1	200-1½
				C-dn	400-1	500-1	500-1½
				S-dn-23	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
R 103°, GSO VORTAC counterclockwise	R 037°, GSO VORTAC	10-mile DME Arc GSO R 052° lead radial.	2500				
10-mile DME Fix, R 037°	7-mile DME Fix, R 037° (final)	R 037°	1900				

Radar available.
 Procedure turn W side of crs, 037° Outbnd, 217° Inbnd, 2400' within 10 miles of Atlantic 7-mile DME/Radar Fix.
 Minimum altitude over Atlantic 7-mile DME/Radar Fix on final approach crs, 1900'.
 Crs and distance, Atlantic 7-mile DME/Radar Fix to airport, 217°—2.9 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished upon reaching 4.1-mile DME Fix (R 037°) climb to 2500', via R 037°/217° GSO within 20 miles, or when directed by ATC, climb to 2500' and proceed to Thomas Int via GSO R 221°.
 MSA within 25 miles of facility: 000°-090°-3500'; 090°-180°-3100'; 180°-270°-3400'; 270°-360°-5100'.
 City, Greensboro; State, N.C.; Airport name, Greensboro-High Point-Winston-Salem Regional; Elev., 926'; Fac. Class., H-BVORTAC; Ident., GSO; Procedure No. VOR/DME Runway 23, Amdt. 2; Eff. date, 3 Feb. 68; Sup. Amdt. No. 1; Dated, 23 Dec. 67

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ELX VOR	LOM (final).....	Direct.....	2300	T-dn.....	300-1	300-1	300-1½
SBN VOR	LOM.....	Direct.....	2300	C-dn*.....	400-1	500-1	500-1½
				S-dn-27*.....	400-1	400-1	400-1
				A-dn*.....	800-2	800-2	800-2

Procedure turn N side of crs, 090° Outbnd, 270° Inbnd, 2300' within 10 miles of OM.

Minimum altitude over facility on final approach crs, 2300'.

Crs and distance, facility to airport, 270°—4.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles of LOM, climb to 2300' on crs of 270°, turn left and return to LOM.

Note: Reduction not authorized for REILs.

*These minimums apply at all times for air carriers with approved weather reporting service. Use South Bend altimeter setting when control zone not effective. Circling and straight-in minimums are raised 100' and alternate minimums not authorized when control zone not effective.

§400-¾ authorized with operative HIRL, except for 4-engine turbojets.

City, Benton Harbor; State, Mich.; Airport name, Ross Field; Elev., 642'; Fac. Class., ILS; Ident., I-BEH; Procedure No. LOC Runway 27, Amdt. Orig.; Eff. date, 1 Feb. 68 or upon commissioning of ILS.

YKM VOR	YKM OM	Direct.....	4500	T-dn#%.....	300-1	300-1	300-1½
Gleed Int.	YK LOM	Direct.....	4500	C-dn*.....	600-1	600-1	600-1½
14-mile DME Fix, R 221° YKM VOR	E crs YKM ILS	14-mi DME Arc	4500	S-dn-27.....	300-¾	300-¾	300-¾
counterclockwise.		YKM R 104° lead radial.		A-dn.....	600-2	600-2	600-2

Procedure turn S side of crs, 080° Outbnd, 260° Inbnd, 4200' within 10 miles (Final approach from holding pattern at YK LOM not authorized, procedure turn required.)

Minimum altitude at glide slope interception Inbnd, 4000'.

Altitude of glide slope and distance to approach end of runway at OM, 3398'—6.9 miles; at MM, 1315'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 1800', then make right-climbing turn and climb to 4500' on E crs ILS within 10 miles of LOM.

Note: Procedure not authorized with glide slope inoperative.

CAUTION: High terrain extends from NE to NW of YKM VOR.

#Takeoff minimums Runways 4/22 and 16/34: 500-1 day, 800-2 night.

%Takeoffs all runways—Climb on R 284° YKM VOR within 6 miles of YKM VOR to cross YKM VOR at or above: Eastbound V-4, 2000'; Westbound V4/4S, 4100'; southbound V25, 4200'; V25E, 2300'; northbound V-25, 4100'; northeastbound V-44S, 3300'; southwestbound V-44S, 6800'; V-44S, 2600'. All turns S side R 284° YKM VOR.

*Circling S of Runways 9-27 not authorized. Terrain and obstructions within this area and within 1.7 miles to 2185'.

MSA within 25 miles of LOM: 000°-090°—5300'; 090°-180°—4700'; 180°-360°—6800'.

City, Yakima; State, Wash.; Airport name, Yakima Municipal; Elev., 1682'; Fac. Class., ILS; Ident., I-YKM; Procedure No. ILS Runway 27, Amdt. 14; Eff. date, 1 Feb. 68; Sup. Amdt. No. ILS-27, Amdt. 13; Dated, 17 Dec. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on December 28, 1967.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 68-165; Filed, Jan. 18, 1968; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-525]

PART 216—COMMINGLING OF BLIND SECTOR TRAFFIC BY FOREIGN AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of January 1968.

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER on August 9, 1967 (32 F.R. 11480), and circulated as EDR-121, SPDR-9, Docket 18837, the Board proposed to adopt a new Part 216 of the Economic Regulations, applicable to foreign air carriers, which would prohibit the comingling of blind sector traffic on a flight operating in foreign air transportation, unless the combined carriage of such traffic was specifically authorized by the Board. The proposed new part also set forth procedures for issuance of a Special Au-

thorization, authorizing such carriage. In addition, there was proposed an amendment of § 375.35(a)(2) of Part 375 of the Board's Special Regulations, which permits certain free transportation to blind sector points, to reflect that blind sector operations would be authorized pursuant to Part 216.

Pursuant to the Notice, seven comments have been received from foreign air carriers,¹ and one from a U.S. air carrier engaged in foreign air transportation.² Due consideration has been given to all relevant matter presented.

¹ Caledonian Airways (Prestwick) Ltd. (Caledonian); Cia Mexicana de Aviacion, S.A. (CMA); KLM Royal Dutch Airlines (KLM); Lufthansa German Airlines (Lufthansa); Scandinavian Airlines System (SAS); Swissair, Swiss Air Transport Co., Ltd. (Swissair); and a joint comment primarily on behalf of Transportes Aereos Nacionales, S.A. (TAN), but also on behalf of Compania Ecuatoriana de Aviacion, S.A. and Empresa Guatemalteca de Aviacion.

² Pan American World Airways, Inc.

The Board has decided to adopt the rule essentially as proposed; however we will make certain minor modifications as set forth below. Accordingly, except as modified herein, the tentative findings set forth in the Explanatory Statement to the proposed rules (EDR-121, SPDR-9, supra) are incorporated herein by reference and made final. The proposed amendment to § 375.35(a)(2) of Part 375 of the Special Regulations is also being adopted and issued concurrently herewith (SPR-20).

In essence the proposed rule provides that a foreign air carrier may deviate from an authorized foreign air transportation route, for the purpose of comingling so-called "blind sector traffic" with air transportation traffic (i.e., traffic carried to and from the United States) on a flight operating pursuant to the authority of a Board permit issued under section 402 of the Federal Aviation Act, only if specifically authorized by the Board to do so. Basically "blind sector traffic" constitutes traffic enplaned or

deplaned at a point not named in the carrier's section 402 permit, but which is not moving in foreign air transportation because carried solely between two foreign points.

Certain of the comments of foreign air carriers challenge the Board's jurisdiction under the Federal Aviation Act of 1958 to impose any restrictions on blind sector operations.² In this connection it is variously argued that section 402 of the Act can have no application, because the "blind sector traffic" is concededly not itself moving in foreign air transportation, and section 402 requires that a permit be obtained only to "engage in foreign air transportation"; that section 1108(b) is inapplicable because it does not apply to commercial air transportation operations conducted under the authority of a section 402 permit, and further applies only with respect to navigation in the United States, not navigation outside thereof; and that the Federal Aviation Act should not be interpreted to have extraterritorial application, so as to permit Board regulation of traffic carried wholly outside the United States.

Initially, we cannot agree that the instant regulation in any way represents an attempt by the Board to impose extraterritorial regulatory jurisdiction. The Board does not seek by this regulation to control any operations between foreign points, to the extent that such operations are conducted independently of an operation in foreign air transportation (i.e., for the carriage of traffic to and from the United States). But where operations between two foreign points are conducted in the course of a flight operating to and from the United States, there can be little question that the international principle of exclusive sovereignty over the air space above a nation's territory³ permits regulation of all aspects of that flight, including deviation from the authorized route for the purpose of carriage of unauthorized traffic which is not itself moving to or from the United States. This is particularly true where, as in the case of the instant blind sector traffic, such carriage can substantially affect the economics of the air transportation operation. Indeed, the regulatory jurisdiction of each nation over all aspects of a flight operating to and from its territory is implicit from the international practice of route exchanges whereby homeland, intermediate points, destination in the other country's territory, and beyond points, are many times spelled out in detail, and the rights to

operate between such points are exchanged on the basis of economic considerations.⁴ It would not be reasonable to assume that the principle of exclusive sovereignty with respect to a country's airspace would permit a delineation of all points on a route on the basis of an economic exchange, but that the whole economic character of a route might be altered by blind sector operations which were beyond the scope of regulatory jurisdiction of the other party.

Moreover, we believe that it is clear that the power delegated to the Board under sections 1108(b) (49 U.S.C. 1508) and 402 (49 U.S.C. 1372) of the Federal Aviation Act of 1958, to regulate both the navigation of aircraft and the carriage of commercial traffic into the United States, subject to terms, conditions, or limitations, fully encompasses all aspects of any operation or flight which enters the U.S. airspace, including the operation of that flight for traffic purposes between two foreign points wholly outside the United States. Thus, wholly aside from such authority as may emanate from the power to regulate "air transportation" traffic under section 402, section 1108(b) not only authorizes, but indeed constitutes a statutory requirement that a permit or special authorization be obtained from the Board for any navigation of foreign civil aircraft in the United States in a manner other than as authorized under a section 402 permit. The section requires a permit with respect to all navigation into the United States, which would include flights engaged in air transportation as well as other navigation which does not fall within the scope of section 402. However, "with respect to any operation authorized by" a section 402 foreign air carrier permit, the carrier is not "required to obtain additional authorization" under section 1108(b), but rather the section 402 permit in effect serves as the required permit under section 1108(b).⁵ However, where a flight purporting to operate pursuant to the authority of a section 402 permit deviates from the authorized route for traffic purposes (i.e., the commingling of "blind sector traffic"), and thereby is operating in a manner neither contemplated nor authorized by the section 402 permit, the operation would not, to this extent, be "authorized by said permit," and an additional section 1108(b) permit would be required to permit the navigation of the aircraft into the United States via the point not authorized for service in the section 402 permit. Accordingly, it has been the Board's practice to require that an appropriate authorization under section 1108(b) be obtained in order to

engage in blind sector operations,⁶ although such authorization could also be granted by a specific provision in the foreign air carrier's section 402 permit.⁷

Moreover, we have no doubt that the section 1108(b) requirement that foreign civil aircraft may be navigated in the United States, only if such navigation is authorized by a permit and is "in accordance with the terms, conditions, and limitations thereof," constitutes a delegation of authority to the Board to regulate all aspects of any flight navigated into the United States, including the route which must be followed on such flight. It may be noted that the only limitation on the regulatory power under this section is that the Board's action shall "be in the interest of the public" and that "in exercising its powers hereunder, the Board shall do so consistently with any treaty, convention or agreement which may be in force between the United States and any foreign country or countries."⁸

We would like to emphasize that this regulation does not represent a new or changed policy of the Board. Rather, the regulation merely constitutes a specific implementation and clarification of the requirement (that specific authorization be obtained for blind sector operations) which the Board has previously held to be applicable and has implemented under Part 375 of the Special Regulations and section 1108(b) of the Act.⁹ Our primary concern is the confusion and legal uncertainties that have surrounded the fore-

² See, e.g., *Compagnie Nationale Air France*, Foreign Permit, 30 C.A.B. 981, n. 1 (1960); *Compagnie Nationale Air France*, Navigation of Foreign Aircraft, 30 C.A.B. 1562 (1960); *Philippine A.L.*, Foreign Permit, 35 C.A.B. 331, 337, n. 9 (1961); *Cathay Pacific Airways, Ltd.*, Foreign Permit, Order E-24951, Feb. 10, 1967. As indicated in the rulemaking notice (EDR-121, supra, at note 3), the Board's practice may not have been wholly consistent in this respect; however, this possible inconsistency is one of the reasons for promulgation of the instant regulation.

³ While the Board deems section 1108(b) to be the appropriate vehicle for asserting jurisdiction over blind sector operations, we note that section 402 does not preclude our granting such rights in a permit issued thereunder in light of the authority there granted to include in such permits terms and conditions which have a reasonable relationship to the air transportation being authorized. Moreover, to the extent that it might be urged that our action governs operations implicitly authorized by outstanding permits, we nonetheless consider the regulation to be within statutory authority (see *American Airlines v. C.A.B.*, 359 F. 2d 624 (C.A.D.C. 1966)).

⁴ In this regard, certain foreign carriers have contended that the nature of the bilateral air transport agreements with the countries of which they are nationals are such that any denial of a "special authorization" would be contrary to such bilateral agreements. We express no opinion with respect to these contentions; however, the Board would, of course, act consistently with the requirements of any applicable bilateral air transport agreement in determining whether to issue a "special authorization" under this regulation.

⁵ See note 8, supra.

⁶ *Caledonian, KLM, SAS, Swissair, and TAN*.
⁷ Sec. 1108(b) requires (with the exception of "any operation authorized" by a sec. 402 permit) that a permit be obtained from the Board for any navigation of foreign civil aircraft in the United States.

⁸ Art. 1 of the Chicago Convention provides as follows: "The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory." This principle is specifically asserted with respect to the United States in sec. 1108(a) of the Federal Aviation Act.

⁹ Indeed, the 1966 amendments to the bilateral air transport agreement between the United States and the United Kingdom include, inter alia, the naming of points on certain routes which are restricted to blind sector operations.

¹⁰ See *Qantas Empire, Foreign Transfer Traffic*, 29 C.A.B. 33, 43 (1959).

going requirement.¹² The new part will make this requirement specific; will resolve the legal questions which, on occasion, have arisen in connection with prior implementation; and will provide an appropriate and simple procedure whereby the required authorization may be obtained.¹³

Pan American requests modification or deletion of the proviso to the definition of "blind sector traffic," which excludes "beyond homeland" traffic from the definition.¹⁴ The carrier urges that this proviso gives an unwarranted implication that foreign carriers are entitled to conduct though single plane flights from beyond homeland points.¹⁵ It was not our intention in this regulation to express any policy or interpretation with respect to beyond homeland operations, and we express no opinion as to the validity of Pan American's contentions. It appears that the intent of the proviso to exclude authorized "beyond homeland" traffic from the definition may be achieved by adding a simple notation to this effect, and the proviso, with its objectionable implications, may be deleted. We shall so modify the definition.¹⁶

¹² We recognize that the Board has in a few foreign permit cases specifically contemplated blind sector operations from foreign points not named in the permit. The Board would of course give consideration to this factor in determining whether to issue a Special Authorization pursuant to Part 216.

¹³ Caledonian urges that the regulation should not be made applicable to charter carriers. We cannot agree. Charter carriers, as well as scheduled route carriers, are authorized to operate to the United States only from authorized points or areas. To the extent such carriers may be permitted, on such flights, to conduct blind sector operations to unauthorized points or areas, the scope of authorization contemplated by the permit could well be exceeded. The question as to whether a particular blind sector charter operation would be contrary to the contemplated scope of operations, or otherwise contrary to the public interest, is a matter which should appropriately be considered in connection with an application under Part 216 for a special authorization to engage in such operations. Accordingly, we find no basis for excluding foreign charter carriers from the scope of the regulation.

¹⁴ The proviso reads as follows: "Provided, That this definition shall not include traffic carried by a foreign air carrier between a point named in such carrier's foreign air carrier permit and a point beyond the carrier's homeland, where the flight is operated via, and lands at, a homeland terminal point authorized under such permit."

¹⁵ CMA also notes that the language of this proviso might be construed as failing to exclude traffic carried beyond a homeland terminal point authorized under the permit to another point in the carrier's homeland.

¹⁶ We reject Pan American's further proposed revisions as unnecessary. The term "terminal or intermediate point," appearing in the definition of "blind sector traffic" (§ 216.1), is all-inclusive, and would encompass points beyond the United States, as well as any other point named in the applicable route description. In view of § 302.16 of the Board's procedural regulations, pursuant to which the Board may extend the applicable time period, there is no need for a revision of § 216.4(d) (1) to provide for consideration of late filed memoranda in response to applications.

Accordingly, the Civil Aeronautics Board hereby adopts a new Part 216 of the Economic Regulations (14 CFR Part 216), effective February 19, 1968, to read as follows:

- Sec.
216.1 Definitions.
216.2 Applicability.
216.3 Prohibition.
216.4 Special authorizations.
216.5 Existing permits.
216.6 Existing unauthorized operations.

AUTHORITY: The provisions of this Part 216 issued under section 204(a) of the Federal Aviation Act of 1958 (72 Stat. 743; 49 U.S.C. 1324(a)). Interpret or apply sections 402 and 1108(b) (72 Stat. 757, 798; 49 U.S.C. 1372, 1508(b)).

§ 216.1 Definitions.

(a) As used in this part, unless the context otherwise requires:

"Act" means the Federal Aviation Act of 1958, as amended.

"Blind sector traffic" means revenue traffic, carried by a foreign air carrier on a flight operating in air transportation, which is enplaned at one foreign point and deplaned at another foreign point, where at least one of such points is not named as a terminal or intermediate point in the carrier's applicable foreign air carrier permit.

NOTE: This definition shall not be deemed to include the carriage of authorized "beyond homeland" traffic (i.e., traffic carried between a point named in a carrier's foreign air carrier permit and a point beyond a homeland terminal point authorized under such permit).

"Revenue traffic" means persons, property or mail carried for compensation or hire.

(b) Terms defined in section 101 of the Act have the meaning expressed in such definitions.

§ 216.2 Applicability.

This part sets forth the requirements applicable to foreign air carriers for obtaining a Special Authorization from the Board with respect to any deviation from an authorized foreign air transportation route for the purpose of commingling blind sector traffic with air transportation traffic carried pursuant to a foreign air carrier permit issued by the Board. The deviation by a foreign air carrier from its authorized route for the purpose of combined carriage to or from the United States of nonrevenue or other traffic, the carriage of which does not constitute engaging in foreign air transportation, is governed by the provisions of Part 375 of this chapter.

§ 216.3 Prohibition.

No foreign air carrier shall carry any blind sector traffic, as defined in this part, on any flight operating in air transportation pursuant to the authority of a foreign air carrier permit issued under section 402 of the Act, unless the combined carriage of such traffic has been specifically authorized by such permit, or by a Special Authorization issued under § 216.4

§ 216.4 Special authorizations.

(a) *Applications.* Any foreign air carrier may apply to the Board for a Spe-

cial Authorization, as required by this part, for the carriage of blind sector traffic on a particular flight, series of flights, or for a specified or indefinite period of time between specified points. Applications shall be submitted directly to the Board, addressed to the attention of the Director, Bureau of Operating Rights. One original and seven true copies in conformity with the requirements of §§ 302.3(b) and 302.4 (b) and (c) of this chapter shall be filed. The applications shall contain a proper identification of the applicant; the flight or flights upon which it is proposed to carry such blind sector traffic, including routing, nontraffic stops, and dates or duration of the authority sought; a full description of such traffic, and points between which such traffic will be carried; information or documentation as to whether the country of which the applicant is a national grants reciprocal privileges to U.S. carriers; and the reasons for requesting such authorization together with such additional information as will establish that the grant of such authority will otherwise be in the public interest. Such additional information as may be specifically requested by the Board shall also be furnished.

(b) *Service.* Applications shall be served upon each direct U.S. air carrier certificated to engage in individually ticketed or waybilled foreign air transportation over any portion of the route to which the application pertains, and on such other persons as the Board may require, and proof of such service shall accompany the application as provided in § 302.8 of this chapter. Notice of such applications shall also be published in the Board's Weekly List of Applications Filed.

(c) *Memoranda in support or opposition.* Any interested person may file a memorandum in support of or in opposition to the grant of an application. Such memorandum shall set forth in detail the reasons why it is believed that the application should be granted or denied and shall be accompanied by such data, including affidavits, which it is desired that the Board consider. Copies of the memorandum shall be served upon the applicant. Nothing in this subparagraph shall be deemed to preclude the Board from granting or denying an application when the circumstances so warrant without awaiting the filing of memoranda in support of or in opposition to the application.

(d) *Time for filing.* (1) Applications seeking authority to engage in blind sector operations for a period of 3 months or longer, shall be submitted at least 60 days in advance of the proposed commencement of such operations. Memoranda in response to such an application shall be submitted within 15 days after the date of filing thereof.

(2) Applications seeking authority to engage in blind sector operations for a period less than three months shall be filed at least 20 days in advance of the proposed commencement of such operations, and memoranda in response thereto within 7 days after the date of filing thereof: *Provided*, That the Board may consider late filed applications upon a

showing of good cause for failure to adhere to this requirement.

(e) *General procedural requirements.* Except as otherwise provided herein, the provisions of Part 302, Subpart A, of this chapter shall apply to the extent applicable.

(f) *Issuance of Special Authorization.* A Special Authorization authorizing the carriage of blind sector traffic will be issued only if the Board finds that the proposed carriage is fully consistent with applicable law and this part, and that grant of such authority would be in the public interest. The application may be granted or denied in whole or in part without hearing, and a Special Authorization made subject to any conditions or limitations, to the extent that such action is deemed by the Board to be in the public interest. Special Authorizations are not transferable.

(g) *Nature of the privilege conferred.* A Special Authorization issued pursuant to this section shall constitute a privilege conferred upon a carrier, which may be enjoyed only to the extent that its continued exercise remains in the interest of the public. Accordingly, any Special Authorization issued pursuant to this section may be revoked, suspended, amended or restricted without hearing.

§ 216.5 Existing permits.

"Foreign aircraft permits" issued by the Board under the provisions of Part 375 of the Board's Special Regulations, authorizing the combined carriage of blind sector traffic as defined in this part, shall continue in effect in accordance with their terms until their expiration date unless sooner terminated, revoked or modified by the Board. Such permits shall, upon the effective date of this part, be deemed to constitute a Special Authorization issued pursuant to § 216.4.

§ 216.6 Existing unauthorized operations.

Notwithstanding the provisions of § 216.3, if within 30 days after the effective date of this part a carrier files an application for a Special Authorization to continue to perform existing blind sector operations which have been regularly performed by such carrier commencing on a date prior to August 9, 1967, such carrier may continue to engage in such blind sector operations until final decision by the Board on such application; *Provided*, That any such application shall, in addition to the requirements of § 216.4(a), contain a statement that the carrier is relying upon this section for continuance of preexisting blind sector operations, and shall fully describe such operations including the date inaugurated, and the frequency and continuity of performance.

By the Civil Aeronautics Board.

Effective, February 19, 1968.

Adopted, January 15, 1968.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-765; Filed, Jan. 18, 1968; 8:48 a.m.]

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-104]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Subpart M—Expedited Procedure for Modifying or Removing Certain Limitations on Nonstop Operations Contained in Certificates of Public Convenience and Necessity of Local Service Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of January 1968.

On October 6, 1967, the Board issued a supplemental notice of proposed rule making (PDR-26), published at 32 F.R. 14111, amending Part 302, Rules of Practice in Economic Proceedings, by the inclusion of new Subpart M, establishing expedited procedure for modifying or removing certain limitations on nonstop operations contained in local service carrier's certificates.¹ The proposed expedited procedure provided, where the Board determined in its discretion to employ it, for a limited evidentiary hearing followed by an expedited discretionary review of the examiner's decision.

Comments on PDR-26 were received from six trunklines, an all-cargo carrier, 12 local service carriers commenting jointly, the cities of Dayton, Ohio and Fresno, Calif., and the Louisville and Jefferson County Air Board, Ky.²

Interested persons have been offered an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented. For the reasons herein-after set forth, we have decided to adopt the proposed rule, with certain revisions, as described below. Therefore, except as modified herein, the tentative findings set forth in the Explanatory Statement to the proposed rule (PDR-26, *supra*) are incorporated herein by reference and made final.

The comments received raise issues of a general scope bringing in question the wisdom, fairness, and legality of the proposed expedited procedure as a whole, as well as objections and suggested modifications of both substantive and procedural nature as to particular provisions.

General disapproval of the expedited procedure presented by PDR-26 has been

¹The Board had originally proposed by PSDR-16 to grant local service carriers authority, under the change in service pattern procedure, to schedule nonstop service in particular medium-haul high-density markets also served by trunklines. In light of the comments then received the Board as a matter of policy decided to propose PDR-26 instead.

²The trunklines are Braniff, Continental, Delta, Eastern, National, and Northwest, all of whom either oppose adoption of the proposed procedure or suggest extensive revisions. A statement of support for PDR-26 was filed by each of the cities and the county named and jointly by Allegheny, Bonanza, Frontier, Lake Central, Mohawk, North Central, Ozark, Pacific, Piedmont, Southern, Trans-Texas, and West Coast Airlines.

expressed by some trunklines in the form of disputing basic policy premises made by the Board in proposing the regulation, and questioning whether it meets the due process and fair hearing standard. The contentions broadly challenging the policy underpinnings of this subpart were considered and rejected by the Board before proposing the new provisions, and nothing new has been presented. We are not persuaded that the proposed procedure should be withdrawn on policy grounds.

With respect to the due process question, we must reject the contention that the regulation is inherently unreasonable. Enough flexibility exists in the rule (including modifications adopted and discussed, *infra*) taken together with the Board's implicit power to relax the provisions if necessary, as for example, by the grant of extensions of time, to afford due process to all interested persons.

This brings us to a consideration of suggested modifications and clarifications of specific aspects of the new procedure. Delta argues that this regulation is not designed for the modification or elimination of the general condition in local service carrier certificates requiring the carrier to provide service to each intermediate point on each segment of its route system, and requests that this be clarified by the Board. If, as is our understanding, Delta is suggesting that the procedures of this subpart should not be used to process an application for a modification of general provisions applicable to the applicant's system, then we are in accord with the carrier's position.

The trunklines all expressed the view that the provision permitting applications for removal of nonstop restrictions between any two points in the local carrier's system is too broad, and suggest that applications be limited to points on the same segment. They argue that the subpart, as proposed, encourages wholesale filing of applications by locals, particularly newly merged regional carriers, for service between all major points within their route systems, and will result in the deterioration of the local carriers' attention to the smaller communities. They point out also that in the case of a particular pair of on-segment points some consideration will have been given in prior proceedings to the public convenience and necessity requirements of the local carrier's service. But with respect to points located on different segments such a determination will seldom have been made.

We recognize that the breadth of the provision allows for many applications whose processing under these expedited procedures would be inappropriate. Moreover, under the regulation as proposed, the mere filing of an application (even one which the Board in its discretion might ultimately decide not to treat under this subpart) immediately triggers a miniature route proceeding with answers and competing applications required to state each party's entire evidentiary case. This would pose an undue burden on persons interested in these proceedings. However, instead of

introducing rigid limitations, such as restricting applications to a carrier's points on-segment, we have decided to adopt as a solution to the problem a procedural modification which will enable the Board, in its discretion, to dismiss summarily an application prior to the filing of answers and motions to consolidate. Under the revised procedure any interested person may, within 7 days of service of an application, file a statement requesting that the Board exercise its discretionary authority to dismiss the application summarily. The procedure thereafter will depend on whether the application involves points on the same segment only, or points on different segments. Where only on-segment points are involved, the regulation will permit the Board to dismiss the application, or to temporarily suspend further procedures by the entry of an order within 10 days of the filing of the application. In the event the Board takes no action within the 10-day period, the provisions of the subpart will apply automatically. With respect to cases involving restrictions between points on different route segments, in view of the greater potential complexity of such cases, the revised rule provides, in effect, that the further procedures of Subpart M will not apply until the Board so orders.

Adoption of the above preliminary procedure will provide additional time for answers to an application and for motions to consolidate, since the 25-day period originally proposed will start to run only after the Board determines to process the application under Subpart M or where the Board takes no action in the case of on-segment points after expiration of the 10-day period. However, we do not believe that a compelling showing has been made for a lengthening of time limits for other prehearing and posthearing procedural steps, which we believe will prove reasonable in most cases, in view of the built-in limitations on the scope of the issues. And, as previously noted, the Board retains the power to grant extensions of time to assure fair treatment in unusual circumstances.

The final regulation embodies certain of the detailed procedural amendments suggested by the comments on PDR-26. Thus § 302.1310 has been clarified to provide specifically for the right of a party having filed an answer in opposition to an application to reply to an answer in support of that application. Section 302.1307 has been modified concurrently to cover service of answers as well as applications. Section 302.1307 has also been modified to include all-cargo carriers among the persons to be served with applications. The provisions in § 302.1309, that a motion to consolidate requesting authority different from that requested in the original application should be denied, have been qualified by the clause, "except where consolidation is required by law," to avoid possible conflicts with the *Ashbacker* doctrine. Finally, the proposed provision (§ 302.1313 of PDR-26) that oral argument before the Board will not normally be allowed has been deleted.

In consideration of the foregoing, the Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302), effective January 19, 1968, as follows:

1. Amend the table of contents of Part 302 by adding a new Subpart M, the title of which reads as set forth above. New Subpart M is adopted and set forth to read as follows:

Sec.	
302.1301	Applicability.
302.1302	Subpart A governs.
302.1303	Filing of application and publication of notice.
302.1304	Contents of application.
302.1305	Preliminary procedures; summary dismissal of application; stay of proceedings.
302.1306	Answers to application.
302.1307	Service of application and answer.
302.1308	Intervention.
302.1309	Motions to consolidate.
302.1310	Reply to answers.
302.1311	Procedures after filing of answers and reply.
302.1312	Hearing.
302.1313	Briefs to the examiner.
302.1314	Examiner's initial decision.
302.1315	Subsequent procedures.

AUTHORITY: The provisions of this Subpart M issued under secs. 204(a) and 401 of the Federal Aviation Act of 1958, 72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 754, as amended by 76 Stat. 143, 49 U.S.C. 1371; and secs. 3 and 4 of the Administrative Procedure Act, 81 Stat. 54, 80 Stat. 383; 5 U.S.C. 552 and 553.

§ 302.1301 Applicability.

This subpart sets forth the special rules applicable to proceedings on applications for amendments of certificates of public convenience and necessity of local service carriers to remove or modify certificate provisions which require local service carriers to serve one or more points between particular pairs of points.

§ 302.1302 Subpart A governs.

Except as otherwise provided herein, the provisions of Subpart A are applicable.

§ 302.1303 Filing of application and publication of notice.

Any local service carrier may file an application for amendment of its certificate as described in § 302.1301. If the applicant desires the Board to process the application pursuant to the expedited procedure provided by this subpart, the application should clearly so state. The Board shall publish notice of the application of the local service carrier in the *FEDERAL REGISTER*. Applications shall be served as provided in § 302.1307.

§ 302.1304 Contents of application.

The application shall set forth all the facts upon which the applicant relies to show that the public convenience and necessity require the relief sought. The application shall include estimates of the financial results of the operation, including the estimated effect on the applicant's subsidy need for each of the succeeding 2 years. The application shall set forth the names of the parties served as required by § 302.1307.

§ 302.1305 Preliminary procedures; summary dismissal of application; stay of proceedings.

(a) *Applications involving one segment.* On or before the 10th day following the filing of an application under § 302.1303 seeking removal or modification of a restriction applicable solely to service between points on the same segment, the Board may, in its discretion, (1) dismiss the application without prejudice to the refiling thereof under the normal certificate procedure, if the Board finds that the application is not in compliance with, or is inappropriate for processing under, the provisions of this subpart, or (2) stay further procedural steps with respect to such application pending further order of the Board.

(b) *Applications involving more than one segment.* In the case of an application for the removal or modification of a restriction applicable to service between points on different segments, the Board shall, upon consideration of such application and any statement filed pursuant to paragraph (c) of this section, issue an order either (1) providing for further proceedings pursuant to §§ 302.1306-10, or (2) dismissing the application without prejudice to the refiling thereof under the normal certificate procedure, if the Board finds that the application is not in compliance with, or is inappropriate for processing under, the provisions of this subpart.

(c) Any interested person may, within 7 calendar days after the filing of an application under § 302.1303, file and serve upon the applicant a statement requesting the Board to exercise its discretion to dismiss the application without further proceedings in accordance with paragraph (a) or paragraph (b) of this section. The filing of a statement shall not operate as a stay of proceedings.

§ 302.1306 Answers to application.

(a) Any interested person may file and serve an answer with the Docket Section of the Board in opposition to, or in support of, an application. Answers shall set forth the economic data and other facts upon which the party relies to support its position. In the case of an application governed by § 302.1305(a), such answers shall be filed and served within 25 days after (1) the expiration of the 10-day period following the filing of an application without Board action, or (2) service of a Board order directing further proceedings pursuant to §§ 302.1306-10. In the case of an application governed by § 302.1305(b), such answers shall be filed and served within 25 days after service of a Board order providing for further proceedings pursuant to §§ 302.1306-10.

(b) Failure of a person to file an answer within the time specified in this section shall be considered as a waiver by such person of the right to a hearing on the application and all other procedural steps short of a final decision of the Board in the proceeding. Failure to request a hearing in an answer filed pursuant to this section shall be deemed

to be a waiver of the right to a hearing on the application and all other procedural steps short of final Board decision.

§ 302.1307 Service of application and answer.

(a) *Persons to be served.* A copy of an application or an answer shall be served on (1) any certificated air carrier which is authorized to engage in individually ticketed or waybilled air transportation at one or both of the points with respect to which the applicant seeks nonstop authority; (2) the chief executive of any State of the United States in which any point which is involved in the application is located: *Provided, however,* That if there be a State commission or agency having jurisdiction of transportation by air, the application shall be served on such commission or agency rather than the chief executive of the State; and (3) the chief executive of the city, town, or other unit of local government at each of the points located in the United States, between which the applicant seeks authority, as well as each certificated point intermediate thereto.

(b) *Additional service of notice.* The Board may, in its discretion, order additional service on such person or persons as the facts of the situation warrant.

§ 302.1308 Intervention.

(a) *Persons served.* A person who is served pursuant to § 302.1307 of this subpart with a copy of an original application and who files an answer to such application will automatically become a party to the proceeding without the necessity of filing a petition for intervention. A person who is so served and who does not file an answer is not entitled to seek intervention under the provisions of paragraph (b) of this section.

(b) *Persons not served.* A person who is not served pursuant to § 302.1307 of this subpart with a copy of an original application may petition for intervention not later than 7 calendar days after service of the Board's order of hearing. Answers to such petition shall be filed within 5 calendar days after the petition is filed.

§ 302.1309 Motions to consolidate.

(a) Motions to consolidate for hearing other applications shall be filed within the time limits specified by § 302.1306 for the filing of answers. Motions to consolidate which request different authority from that requested in the original application with which consolidation is sought shall be denied, except where consolidation is required by law. Motions to consolidate shall include economic data and other facts in support of both the motion to consolidate and the application sought to be consolidated. Data in support of the application sought to be consolidated shall conform, to the extent applicable, to the provisions of § 302.1304 with respect to original applications. Such motions shall

be served upon the persons specified in § 302.1307.

(b) Answers to motions to consolidate shall be filed within 15 days after service of the motion. Such answers shall (1) set forth the basis of the support of or opposition to the motion to consolidate, and (2) with respect to the merits of the application for route authority, set forth the type of data required by § 302.1306 for answers to an original application.

§ 302.1310 Reply to answers.

Replies to answers may be filed and served within 7 days after service of an answer to an original application or an answer to a motion to consolidate, as the case may be.

§ 302.1311 Procedures after filing of answers and reply.

After the time for filing a reply or replies has expired, the Board shall issue an order setting the matter for hearing, denying the application without prejudice to refiling the application under normal certificate procedure, or taking other appropriate action. The Board shall also dispose of motions to consolidate filed pursuant to § 302.1309. Except where the Board issues a final order disposing of an application on the pleadings, petitions for reconsideration of these Board actions shall not be entertained.

§ 302.1312 Hearing.

If the Board determines, pursuant to § 302.1311, that a hearing should be held, the application or applications shall be set promptly for hearing in Washington, D.C., before an examiner of the Board. No prehearing conference shall be held. The issues shall be restricted to the relief requested in the application or applications. Unless the examiner finds that additional evidence is necessary in order to assure a party a fair hearing, the hearing shall be limited to (a) introduction into evidence of the application, answer and reply, and the motion to consolidate and related pleadings, and (b) oral testimony on cross-examination of any witness sponsoring such application, answer or reply or motion to consolidate or related pleadings.

§ 302.1313 Briefs to the examiner.

Briefs to the examiner shall be filed not more than 10 days following the close of the hearing, unless the examiner determines that briefs are not necessary under the circumstances of the case.

§ 302.1314 Examiner's initial decision.

Except for the following, the provisions of § 302.27 shall be applicable:

(a) Unless a petition for discretionary review is filed pursuant to §§ 302.28 and 302.1315 or the Board issues an order to review upon its own initiative, the initial decision shall become effective as the final order of the Board 15 days after service thereof; and

(b) Where a petition for discretionary review is timely filed or action to review is taken by the Board upon its own initiative, the effectiveness of the initial de-

cision is stayed until the further order of the Board.

§ 302.1315 Subsequent procedures.

Except for the following, the provisions of §§ 302.28 to 302.33 and 302.36 and 302.37 shall be applicable:

(a) Any party may file and serve a petition for discretionary review by the Board of an initial decision within 10 days after service thereof;

(b) Within 10 days after service of a petition for discretionary review, any party may file and serve an answer in support of or in opposition to the petition;

(c) Within 10 days after date of the order granting discretionary review, any party may file a brief to the Board;

(d) A petition for reconsideration of any order shall be filed within 10 days after service thereof, and an answer in support of or in opposition to such petition shall be filed within 7 calendar days after the petition is filed.

By the Civil Aeronautics Board.

Effective. January 19, 1968.

Adopted. January 15, 1968.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-764; Filed, Jan. 18, 1968;
8:48 a.m.]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. No. SPR-20]

PART 375—NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES

Free Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of January 1968.

In a notice of proposed rule making published in the FEDERAL REGISTER on August 9, 1967 (32 F.R. 11480), and circulated as EDR-121, SFDR-9, Docket 18837, the Board proposed to adopt a new Part 216 of the Economic Regulations, applicable to foreign air carriers, which would prohibit the commingling of blind sector traffic on a flight operating in air transportation, unless the combined carriage of such traffic was specifically authorized by the Board. The new part also sets forth procedures for issuance of a special authorization, authorizing such carriage. In addition there was proposed an amendment of § 375.35(a)(2) of Part 375 of the Board's Special Regulations, which permits certain free transportation to blind sector points, to reflect that blind sector operations would be authorized pursuant to Part 216.

Several comments were received in response to the rule making notice; however, none relate to the proposed amendment to Part 375. In ER-525, issued simultaneously herewith, the Board adopted the proposed new Part 216, essentially as proposed. It therefore becomes necessary to adopt the correlative and technical amendment of § 375.35(a)(2).

Accordingly the Board hereby amends § 375.35(a)(2) of Part 375 of its Special Regulations (14 CFR 375.35(a)(2)), effective February 19, 1968, to read as follows:

§ 375.35 Free transportation.

(a) * * *

(2) Between a point in the United States named in the carrier's section 402 permit, and a point outside the United States not named in the permit, when authorized in accordance with the provisions of Part 216 of this chapter to carry blind sector traffic to or from such unnamed foreign point; and

(Secs. 204(a) and 1108(b) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 798; 49 U.S.C. 1324, 1508(b))

By the Civil Aeronautics Board.

Effective, February 19, 1968.

Adopted, January 15, 1968.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-766; Filed, Jan. 18, 1968;
8:48 a.m.]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. No. OR-29]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Delegation to the Director, Bureau of Operating Rights

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of January 1968.

In ER-525, issued simultaneously herewith, the Board is adopting a new Part 216 of the Economic Regulations, which inter alia, provides for issuance of "Special Authorizations" authorizing foreign air carriers to commingle "blind sector traffic" (not moving in air transportation) with foreign air transportation traffic on a flight operating pursuant to the authority of a permit issued under section 402 of the act. With respect to blind sector operations which are unopposed, and involve only a single flight or series of flights to be performed within a 30-day period, the Board believes that it is appropriate to provide for issuance of temporary Part 216 Special Authorizations pursuant to delegated authority. Such delegation will enable the staff to deal effectively with emergency situations requiring prompt action, and requests for authorization to engage in incidental or sporadic blind sector carriage of little economic significance.¹

Since this amendment is a rule of internal agency organization and procedure, notice and public procedure thereon are not required.

Accordingly, the Civil Aeronautics Board hereby amends Part 385 of its

¹In the event that the need for a blind sector authorization of this nature should exceed the 30-day period of approval, renewal of a Special Authorization issued under delegated authority would be required.

Organization Regulations (14 CFR Part 385) by adding a new paragraph (v) to § 385.13, effective February 19, 1968, to read as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

(v) Approve issuance, for temporary periods not to exceed 30 days, of Special Authorizations provided for in § 216.4 of this chapter (Economic Regulations), when no person disclosing a substantial interest protests.

(Sec. 204(a) (72 Stat. 743; 49 U.S.C. 1324). Interpret or apply secs. 402 and 1108(b) (72 Stat. 757, 798; 49 U.S.C. 1372, 1508(b)), and Reorganization Plan No. 3 of 1961 (26 F.R. 5989))

By the Civil Aeronautics Board.

Effective, February 19, 1968.

Adopted, January 15, 1968.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-767; Filed, Jan. 18, 1968;
8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 13—COMMERCIAL RADIO OPERATORS

Order Regarding Term of Licenses and Eligibility for New License

In the matter of amendment of Part 13 of the Commission's rules to specify Federal Aviation Administration in lieu of Federal Aviation Agency.

The Commission has under consideration certain editorial amendments of Part 13 of its rules concerning references to the Federal agency which issues aircraft pilot certificates. The name of that agency has recently been changed from Federal Aviation Agency to Federal Aviation Administration.

Sections 13.4(c) and 13.5(a) should be amended to include the new name of the agency.

The amendments adopted herein are editorial in nature and not substantive and therefore compliance with the requirements of Title 5, United States Code, section 553 is unnecessary.

It is ordered, Pursuant to delegated authority of § 0.261 of the Commission's rules and to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, that §§ 13.4(c) and 13.5(a) of the rules are amended as set forth below effective January 19, 1968.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: January 15, 1968.

Released: January 16, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

Part 13 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 13.4(c) is amended to read as follows:

§ 13.4 Term of licenses.

(c) A commercial operator license, of any grade, granted to an alien aircraft pilot under a waiver of the U.S. nationality provisions of section 303(1) of the Communications Act, until such time as the question of a national security policy has been determined with respect to such persons will normally be issued for a period not in excess of 1 year from the date of issuance. An operator license issued to an alien shall be valid only if the operator continues to hold an aircraft pilot certificate issued by the Federal Aviation Administration or one of its predecessor agencies and is lawfully in the United States.

2. Section 13.5(a) is amended to read as follows:

§ 13.5 Eligibility for new license.

(a) Commercial licenses are issued only to citizens and other nationals of the United States except, in the case of aliens who hold aircraft pilot certificates issued by the Federal Aviation Administration or one of its predecessor agencies, the Commission, if it finds that the public interest will be served thereby, may waive the requirement of U.S. nationality.

[F.R. Doc. 68-756; Filed, Jan. 18, 1968;
8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-30]

PART 1048—COMMERCIAL ZONES

Cincinnati, Ohio Commercial Zone

Order. At a session of the Interstate Commerce Commission, Review Board Number 2, held at its office in Washington, D.C., on the 27th day of December 1967.

It appearing, that on May 4, 1966, the Commission, division 1, made and filed its order on further consideration in this proceeding, modifying, in part, its prior order, 94 M.C.C. 766, modifying the limits of the zone adjacent to and commercially a part of Cincinnati, Ohio, contemplated by section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8));

It further appearing, that by joint petition filed September 5, 1967, Associated Transport, Inc., Ecklar-Moore Express, Inc., and McDuffee Motor Freight, Inc., seek modification so as to include an additional area within the limits of the commercial zone of Cin-

cinnati, Ohio: And good cause appearing therefor:

It is ordered, That the proceeding be, and it is hereby, reopened for reconsideration.

It is further ordered, That § 1048.7 as prescribed in the order entered in this proceeding on May 4, 1966 (49 CFR 1048.7) be, and it is hereby, vacated and set aside in the following revision is hereby substituted in lieu thereof:

It is further ordered, That § 1048.7 of Chapter X of Title 49 of the Code of Federal Regulations be amended to read as follows:

§ 1048.7 Cincinnati, Ohio.

The zone adjacent to and commercially a part of Cincinnati, Ohio, within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuing carriage to or from a point beyond the zone is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)), includes and is comprised of all points as follows:

Addyston, Ohio.	Marlemon, Ohio.
Cheviot, Ohio.	North Bend, Ohio.
Cincinnati, Ohio.	Norwood, Ohio.
Cleves, Ohio.	St. Bernard, Ohio.
Elmwood Place, Ohio.	Covington, Ky.
Fairfax, Ohio.	Newport, Ky.

That part of Ohio bounded by a line commencing at the intersection of the Colerain-Springfield Township line and corporate limits of Cincinnati, Ohio, and extending along said township line in a northerly direction to its intersection with the Butler-Hamilton County line, thence in an easterly direction along said county line to its intersection with Ohio Highway 4, thence in a northerly direction along Ohio Highway 4 to its intersection with Mulhauser Road, thence in an easterly direction along said road to the Fairfield Township-Union Township line, thence northward along said township line to its intersection with the right-of-way of the Pennsylvania Railroad Co., thence southeasterly along the right-of-way of the Penn-

sylvania Railroad Co. to its intersection with Princeton-Glendale Road (Ohio Highway 747), thence southward along said road to its intersection with Mulhauser Road, thence in an easterly direction along said road to the terminus thereof west of the tracks of the Pennsylvania Railroad, thence continuing in an easterly direction in a straight line to Allen Road, thence along the latter to the junction thereof with Cincinnati-Dayton Road, thence in a southerly direction along Cincinnati-Dayton Road to the Butler-Hamilton County line, thence along the said county line and the Warren-Hamilton County line in an easterly direction to the Symmes-Sycamore Township line, thence in a southerly direction along the Symmes-Sycamore Township line to its intersection with the Columbia Township line, thence in a westerly direction along the Sycamore-Columbia Township line to Madeira Township, thence in a clockwise direction around the boundary of Madeira Township to the Sycamore-Columbia Township line, thence in a westerly direction along said township line to Silverton Township, thence in a southerly direction along the Silverton-Columbia Township line to the Cincinnati corporate limits, thence in a southerly direction along said corporate limits to junction with Redbank Road, thence in a southerly direction over Redbank Road to the Cincinnati corporate limits.

That part of Kenton County, Ky., lying on and north of a line commencing at the intersection of the Kenton-Boone County line and Dixie Highway (U.S. Highways 25 and 42), and extending over said highway to the corporate limits of Covington, Ky., including communities on the described line.

That part of Campbell County, Ky., lying on and north of a line commencing at the south corporate limits of Newport, Ky., and extending along Licking Pike (Kentucky Highway 9) to junction with Johns Hill Road, thence along Johns Hill Road to junction with Alexandria Pike (U.S. Highway 27), thence northward along Alexandria Pike to junction with River Road (Kentucky Highway 445), thence over the latter to the Ohio River, including communities on the described line.

That part of Boone County, Ky., bounded by a line beginning at the Boone-Kenton County line west of Erlanger, Ky., and extending in a northwesterly direction along Donaldson Highway to the Greater Cincinnati

Airport, thence clockwise around the outer perimeter of said airport to the northern tip thereof, thence in a northeasterly direction along Kentucky Highway 1334 to junction with Kentucky Highway 20, and thence along the latter to the Boone-Kenton County line.

That part of Boone and Kenton Counties, Ky., bounded by a line commencing at the intersection of the Boone-Kenton County line with the southern corporate limits of Elsmere, Ky., and extending in a southerly direction along said county line approximately 0.9 mile to the northern boundary of the Northern Kentucky Industrial Foundation, thence in a westerly direction along said boundary to its intersection with the southern corporate limits of Florence, Ky., thence in a westerly direction along said corporate limits to their intersection with U.S. Highway 42, thence in a southwesterly direction along said highway to its intersection with Interstate Highway 75, thence in a southerly direction along Interstate Highway 75 to a point 2 miles south of the Florence, Ky., corporate limits, thence in a straight line in a northeasterly direction to Richardson Road, thence in an easterly direction over Richardson Road to junction with Kentucky State Route 1303 (Turkeyfoot Road), thence in a northerly direction over Kentucky State Route 1303 to the southern boundary of Edgewood, Kenton County, Ky.

(49 Stat. 543, as amended, 544, as amended, 546, as amended; 49 U.S.C. 302, 303, 304)

It is further ordered, That this order shall become effective on March 1, 1968, and shall continue in effect until the further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Review Board No. 2.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-745; Filed, Jan. 18, 1968; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Bureau of Employment Security

[20 CFR Part 602]

ALIENS PERFORMING TEMPORARY LABOR

Minimum Wages

Pursuant to section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as implemented by 8 CFR 214.2(h), regulations have been established (20 CFR 602.10, 602.10a, and 602.10b; 32 F.R. 4569) setting forth the policies that will be followed in the certification and use of temporary foreign labor for agricultural employment in the United States. These policies establish minimum standards with regard to wages (20 CFR 602.10b(a)(1)) which must be offered to United States workers before certification to permit the admission of foreign workers will be made and which must be afforded foreign workers upon admission.

As most of these wage rates have not been reviewed for approximately 1 year, I have decided to and do hereby commence public proceedings to determine whether any adjustments are now appropriate. In doing so I intend to give particular emphasis to the question of what criteria or self-executing formula could be instituted for determining future rate adjustments which are necessary to prevent adverse effect upon U.S. workers, thus obviating the future need for extensive public proceedings.

Accordingly, all interested persons are invited to submit data, views, or argument either orally or in writing concerning this subject to a duly assigned hearing examiner appointed under section 11 of the Administrative Procedure Act on January 29, 1968, at the U.S. Department of Labor Building, Room 216, 14th Street and Constitution Avenue NW., Washington, D.C., or on January 31, 1968, at the Federal Building, 450 Golden Gate Avenue, Room 13450, San Francisco, California. Both of these proceedings will commence at 10 a.m.

The proceedings shall be stenographically reported. Transcripts will be made available to interested persons on such terms as the hearing examiner shall prescribe. The hearing examiner shall regulate the proceedings, dispose of procedural requests, objections, and related matters and confine the proceedings to the matters pertinent to those hereinbefore stated. After the record has been closed, the hearing examiner shall certify it to me for determination of what changes, if any, should be made in the regulations of the Department of Labor concerning the minimum wage rates which must be offered to U.S. agricultural workers and afforded to foreign

workers in order to prevent adverse effect upon U.S. workers.

Persons who do not attend the oral proceeding may submit written comments by mailing them on or before January 31, 1968, to the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of January 1968.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-735; Filed, Jan. 18, 1968;
8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-SW-94]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Harlingen, Tex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. 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 proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

Harvey Richards Field, the present municipal airport is scheduled for abandonment with operations subsequently relocated to the site of what was previously known as Harlingen AFB, which

is presently called Harlingen Industrial Airpark, and which will be renamed as Harlingen Municipal Airport.

The presently designated airspace will be retained until the additional airspace necessary to provide instrument capability at the new municipal airport site has been effected. Additional changes in airspace dimensions, including the possible deletion of the airspace now based on Harvey Richards Field (Municipal Airport) will be accomplished when the full extent of controlled airspace has been determined.

The Harlingen, Tex., transition area, as described in § 71.181 (32 F.R. 2195) will be altered by adding "and that airspace extending upward from 700 feet above the surface within a 5-mile radius of the (new) Harlingen Municipal Airport (lat. 26°13'36" N., long. 97°39'10" N.) and within 2 miles each side of a 360° bearing (351° magnetic) from the Harlingen RBN (lat. 26°18'17.8" N., long. 97°39'25.3" W.) extending from the RBN to 8 miles north; within 2 miles each side of a 180° bearing (171° magnetic) extending from the RBN to the airport; and within 2 miles each side of the Harlingen VOR 118° radial (109° magnetic) extending from the VOR to the airport."

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

Issued in Fort Worth, Tex., on January 10, 1968.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 68-729; Filed, Jan. 18, 1968;
8:46 a.m.]

[14 CFR Part 93]

[Docket No. 8669, Notice 68-1]

LORAIN COUNTY REGIONAL AIRPORT SPECIAL TRAFFIC

Proposed Pattern Rule

The Federal Aviation Administration is considering amending Part 93 of the Federal Aviation Regulations by adding a new Subpart prescribing a special airport traffic pattern for the Lorain County Regional Airport, Lorain County, Ohio.

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 the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before March 19, 1968, will be considered by the Administrator before taking action on the pro-

posed rule. The proposal contained in this notice may be changed in 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 Lorain County Regional Airport Authority, organized and sponsored by the cities of Lorain and Elyria and the county of Lorain, Ohio, is engaged in the development of a new public use general aviation airport to be located in Lorain County, Ohio (latitude 41°20'41" N., longitude 82°10'48" W.). The airport will initially consist of one 5,000-foot northeast/southwest runway and is proposed to serve business and executive needs of the western and southwestern Cleveland Metropolitan area, and also to serve as a reliever airport for Cleveland Hopkins Airport.

Objections to the proposed airport site have been received, based primarily on the premise that the airport would introduce serious aircraft noise nuisance problems to the citizens of Oberlin, Ohio, and would have a serious adverse effect on educational programs at Oberlin College and especially the Oberlin Conservatory of Music. According to representatives of Oberlin College, the proposed airport would be so close to Oberlin College that it would necessitate the curtailment or elimination of some of the present curricula because of noise problems.

Oberlin College is located approximately 4 miles southwest of the proposed airport and 2.2 miles from the extended runway centerline. In a southwest departure from the airport, a standard left traffic pattern would place much of the outgoing traffic over the college. In the case of traffic approaching the airport from the south or southwest, much of this approaching traffic might also be operated over or closely adjacent to the college.

The Oberlin College Provost has stated that although the buildings at Oberlin have been built within the past few years, they were not built with the problem of aircraft noise in mind and therefore are not adequately insulated to provide protection against such noise. The college has requested that a special airport traffic pattern be prescribed at the Lorain County Regional Airport to ensure that undue noise problems will not be created.

In view of the foregoing, it is proposed that Part 93 be amended by adding a new Subpart I to read as follows:

Subpart I—Lorain County Regional Airport

§ 93.111 Applicability.

This subpart prescribes special airport traffic pattern rules for the Lorain County Regional Airport, Lorain County, Ohio.

§ 93.113 Aircraft operations.

Each person piloting an airplane landing at the Lorain County Regional Airport shall enter the traffic pattern north of the airport and shall execute a right

traffic pattern for a landing to the southwest or a left traffic pattern for a landing to the northeast. Each person taking off from the airport shall execute a departure turn to the north as soon as practicable after takeoff.

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

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

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 68-728; Filed, Jan. 18, 1968;
8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Docket No. 19352; EDR-130A]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Liability Insurance Requirements and Letters of Registration; Supplemental Notice

JANUARY 16, 1968.

The Board in 32 F.R. 17598 and by circulation of EDR-130, dated December 5, 1967, gave notice that it had under consideration an amendment to Part 298 which would require all air taxi operators to maintain liability insurance coverage and register with the Board. Interested persons were invited to participate in the proceeding by submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section of the Board on or before January 22, 1968.

The National Air Taxi Conference, which has a membership of about 250 air taxi operators, has requested that the deadline for filing comments be extended for 1 week so that it may fully coordinate its position and comments with its members.

The undersigned finds that good cause has been shown for the extension of time requested. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations, effective June 21, 1967, the undersigned hereby extends the time for submitting comments to January 29, 1968.

All relevant communications received on or before January 29, 1968, will be considered by the Board before taking action on the proposed rule. Copies of these communications will be available for examination in the Docket Section, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates Division.

[F.R. Doc. 68-768; Filed, Jan. 18, 1968;
8:49 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 524]

[Docket No. 68-4]

NONEXCLUSIVE TRANSSHIPMENT AGREEMENTS

Proposed Exemption Regulations

Notice is hereby given that the Federal Maritime Commission (hereinafter "Commission") is considering the promulgation of a rule which will exempt nonexclusive transshipment agreements from the approval requirements of section 15 of the Shipping Act, 1916 (39 Stat. 733; 46 U.S.C. 814).

It appears that there is no regulatory need for the Commission to require approval of nonexclusive section 15 transshipment agreements as they are considered to be of inconsequential effect upon the interstate and foreign commerce of the United States.

Transshipment agreements are considered anticompetitive only where the arrangements between the parties are exclusive, i.e., second carriers agree not to accept through cargo from any other carrier while first carriers agree to transship only via these second carriers; or where the agreements include arrangements other than transshipment which are anticompetitive in effect. Such anticompetitive transshipment agreements will continue to require approval by the Commission (see Commission decisions in Dockets 65-17 and 65-19, Oct. 14, 1966).

In order to obtain exemption from the approval requirements of section 15, the following requirements must be met:

(1) Conference agreements, where affected, shall be modified to provide for transshipment arrangements within the scope and structure of the conference.

(2) Connecting carrier agreements shall be executed between the parties to the transshipment arrangement in a form set forth in the rule and shall be filed with the Commission.

(3) Applicable tariffs shall set forth the conditions for transshipment.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 USC 553) and sections 15, 35, and 43 of the Shipping Act, 1916, (46 U.S.C. 814, 833a, and 841a), a new part is proposed to be added to Title 46 CFR as follows:

PART 524—EXEMPTION OF NON-EXCLUSIVE TRANSSHIPMENT AGREEMENTS FROM THE APPROVAL REQUIREMENTS OF SECTION 15, SHIPPING ACT, 1916

- | | |
|-------|--|
| Sec. | |
| 524.1 | Statement of policy and purpose. |
| 524.2 | Definition. |
| 524.3 | Requirements to be met to obtain exemption from the requirements of Commission approval. |
| 524.4 | Form of connecting carrier agreement. |
| 524.5 | Termination of approved transshipment agreements. |

Sec. 524.6 Compliance with the filing and approval requirements of Section 15.

AUTHORITY: The provisions of this Part 524 are issued under secs. 15, 35, and 43, Shipping Act, 1916; (46 U.S.C. 814, 833a, and 841a).

§ 524.1 Statement of policy and purpose.

Section 35 of the Shipping Act, 1916, provides that the Commission, upon application or on its own motion, may by order or rule exempt for the future any class of agreements between persons subject to the Act, or any specified activity of such persons from any requirement of the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, where it finds that such exemption will not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory, or be detrimental to commerce. The purpose of this part is to prescribe conditions under which non-exclusive transshipment agreements will be exempted from the approval requirements of section 15, Shipping Act, 1916.

§ 524.2 Definition.

A nonexclusive transshipment agreement for the purpose of this part is an agreement between a carrier serving a port of origin and a carrier serving a port of destination to establish a through rate between such ports, which agreement does not prohibit either carrier from entering into similar agreements with other carriers.

§ 524.3 Conditions to be met to obtain exemption from the requirements of Commission approval.

(a) Conference agreements shall be modified, where necessary, to provide for transshipment arrangements within the scope of the applicable conference.

(b) Connecting carrier agreements shall be executed between the parties to the transshipment arrangement in the form set forth in § 524.4 and filed with the Commission for information but not for approval.

(c) The applicable tariff or tariffs shall provide:

- (1) The through rate;
- (2) The routings (origin, transshipment, and destination ports); additional charges, if any (i.e. port arbitrary and/or additional transshipment charges); and participating carriers; and,
- (3) A tariff provision substantially as follows:

The rules, regulations, and rates in this tariff apply to all transshipment arrange-

ments between the publishing carrier or carriers and the participating connecting or feeder carriers. Participating connecting or feeder carriers, party to transshipment arrangements, have agreed to observe the rules, regulations, rates, and routings established herein as evidenced by a connecting carrier agreement on file with the Commission.

§ 524.4 Form of connecting carrier agreement.

Form of connecting carrier agreement which must be filed with the Commission is as follows:

CONNECTING CARRIER AGREEMENT No. -----

Agreement between -----
(herein referred to as the prime carrier),
and -----, (herein referred to as the connecting carrier).

1. This agreement covers and is restricted to the transportation of -----

(General cargo or specified commodities)

under through bills of lading issued by the carrier in the trade from/between ports in ----- to/and ports in ----- with transshipment at -----

2. The connecting carrier, insofar as its functions under this agreement are concerned, concurs in and shall comply with all the terms, conditions, rates, rules, regulations and transshipment routes of the applicable tariff(s) published by -----; identified as ----- (carrier) ----- (tariff name); and filed with the Commission pursuant to section 18(a) and (b) of the Shipping Act, 1916.

3. The through rate shall be apportioned on the basis of ----- percent to the prime carrier and ----- percent to the connecting carrier.¹

4. The expenses of transshipment of such cargo shall be absorbed on the basis of ----- percent by the prime carrier and ----- percent by the connecting carrier.¹

5. This agreement does not bind any of the parties hereto to transship exclusively with the other.

6. Any party to this agreement may terminate its participation herein by giving thirty (30) days written notice to the other. A copy of such notice shall be promptly dispatched to the Commission.

7. This agreement shall terminate concurrently with the cancellation of the applicable tariff.

8. This agreement and/or any modification thereof shall not be effective prior to the effective date of the applicable tariff(s), and supersedes approved Federal Maritime Commission Agreement No. -----

¹ Variable—paragraphs 3 and 4 may be expanded to show more detail or minimum revenue to one party.

Dated at ----- this ----- day of ----- 19-----

By -----
PRIME CARRIER

(Name & Title)

By -----
CONNECTING CARRIER

(Name & Title)

§ 524.5 Termination of approved transshipment agreements.

Approved transshipment agreements now on file with the Commission may be terminated and the transshipment operations continued pursuant to the exemption rule upon application of the parties and compliance with all requirements of this part.

§ 524.6 Compliance with the filing and approval requirements of section 15.

Notwithstanding the exemption provisions of this part, persons subject to section 15 who nevertheless desire Commission approval of transshipment agreements may continue to file such agreements with the Commission for section 15 determination and approval in accordance with currently applicable procedures.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 19, 1968, an original and 15 copies of their views or arguments pertaining to the proposed rules. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change and should be supported by statements and arguments relating the proposed change to the purposes of sections 15, 35, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 833a, and 841a).

The Federal Maritime Commission, Bureau of Compliance, Office of Hearing Counsel shall participate in the proceeding and shall file reply to comments on or before March 4, 1968, by serving an original and 15 copies on the Federal Maritime Commission and one copy on each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before March 15, 1968.

By order of the Federal Maritime Commission.

[SEAL]

THOMAS LIST,
Secretary.

[F.R. Doc. 68-743; Filed, Jan. 18, 1968; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3-r]

POTASSIUM CHLORIDE FROM FRANCE

Antidumping Proceeding Notice

JANUARY 15, 1968.

On October 17, 1967, information was received in proper form pursuant to the provisions of § 14.6(b) of the Customs Regulations indicating a possibility that potassium chloride, otherwise known as muriate of potash, imported from France is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

Potassium chloride is primarily used in the manufacture of fertilizer.

The information was submitted by Rosenberg and Blenden, Carlsbad, N. Mex.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made for differences in quantity and circumstances of sale.

Having conducted a summary investigation, and having determined on this basis that there are grounds for so doing, the Bureau of Customs is instituting an inquiry pursuant to the appropriate provisions of the Customs Regulations to determine the validity of the information.

A summary of the information received from all sources is as follows:

The information received tends to indicate that the prices for home consumption are higher than the prices for the merchandise sold for exportation to the United States.

This notice is published pursuant to § 14.6(d)(1)(i) of the Customs Regulations (19 CFR 14.6(d)(1)(i)).

LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 68-759; Filed, Jan. 18, 1968; 8:48 a.m.]

[Antidumping—ATS 643.3-r]

POTASSIUM CHLORIDE FROM WEST GERMANY

Antidumping Proceeding Notice

JANUARY 15, 1968.

On October 17, 1967, information was received in proper form pursuant to the provisions of § 14.6(b) of the Customs Regulations indicating a possibility that potassium chloride, otherwise known as muriate of potash, imported from West Germany, is being, or is likely to be,

sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

Potassium chloride is primarily used in the manufacture of fertilizer.

The information was submitted by Rosenberg and Blenden, Carlsbad, N. Mex.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made for differences in quantity and circumstances of sale.

Having conducted a summary investigation, and having determined on this basis that there are grounds for so doing, the Bureau of Customs is instituting an inquiry pursuant to the appropriate provisions of the Customs Regulations to determine the validity of the information.

A summary of the information received from all sources is as follows:

The information received tends to indicate that the prices for home consumption are higher than the prices for the merchandise sold for exportation to the United States.

This notice is published pursuant to § 14.6(d)(1)(i) of the Customs Regulations (19 CFR 14.6(d)(1)(i)).

LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 68-760; Filed, Jan. 18, 1968; 8:48 a.m.]

Fiscal Service

[Dept. Cir. 570, 1967 Rev., Supp. No. 6]

ST. PAUL FIRE AND MARINE INSURANCE CO.

Termination of Authority To Qualify as Surety on Federal Bonds and Change of Name

The Certificate of Authority as an acceptable surety on Federal bonds issued by the Secretary of the Treasury under date of June 1, 1967, to the St. Paul Fire and Marine Insurance Co., St. Paul, Minn., a Minnesota corporation, under the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13), is hereby terminated effective as of midnight December 31, 1967.

Pursuant to a Reinsurance and Reorganization Agreement, approved by the Commissioner of Insurance of the State of Minnesota on December 13, 1967, and effective as of midnight December 31, 1967, St. Paul Mercury Insurance Co., St. Paul, Minn., acquired certain assets and assumed all of the insurance liabilities of the St. Paul Fire and Marine Insurance Co., which withdrew from the insurance business and adopted the name

The St. Paul Cos., Inc. At the same time, the name of the St. Paul Mercury Insurance Co. was changed to St. Paul Fire and Marine Insurance Co. A copy of the Reinsurance and Reorganization Agreement is on file in the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

A certificate of authority dated January 1, 1968 has been issued under the above Act of Congress to the following company, replacing the certificate dated June 1, 1967, issued to the St. Paul Mercury Insurance Co.

An underwriting limitation of \$15 million has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1968. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Name of company, location of principal executive office, and State in which incorporated:

St. Paul Fire and Marine Insurance Co.

St. Paul, Minn.

Minnesota

In view of the foregoing, no action need be taken by bond-approving officers, by reason of the reorganization, with respect to any bond or other obligation in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1967, by the St. Paul Fire and Marine Insurance Co. or the St. Paul Mercury Insurance Co., pursuant to the certificates of authority issued to the companies by the Secretary of the Treasury.

Dated: January 15, 1968.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 68-761; Filed, Jan. 18, 1968; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Claim 58650]

LUCETTE GEORGETTE ALMANZOR

Notice of Intention To Return Vested Property

Pursuant to section 82(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate

provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Lucette (Lucie) Georgette Almanzor, 25 ter, route des Gardes Meudon (Seine et Oise), France; Claim No. 58650; Vesting Order Nos. 500A-1 and 3430; \$76.49 in the Treasury of the United States. All right, title, interest, and claim of whatsoever kind or nature in and to every license, agreement, privilege, power, and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, shares of profits or other emolument, and all causes of action accrued or to accrue relating to the works entitled "Journey to the End of the Night" and "Death on the Installment Plan" vested by Vesting Order Nos. 500A-1 and 3430 to the extent owned by Louis-Ferdinand Destouches, also known as Louis-Ferdinand Celine, immediately prior to vesting, and his successor in interest, Lucette (Lucie) Georgette Almanzor.

Executed at Washington, D.C., on January 16, 1968.

For the Attorney General.

EDWIN L. WEISL, Jr.,
Assistant Attorney General,
Civil Division, Director, Office
of Alien Property.

[F.R. Doc. 68-737; Filed, Jan. 18, 1968;
8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S-965]

CALIFORNIA

Notice of Classification of Public Lands for Multiple-Use Management

JANUARY 10, 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, the public lands in paragraph 3 are classified for multiple use, together with any lands therein that may become public lands in the future. As used herein, "Public Lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

Publication of this notice segregates the described lands from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands described in paragraph 4 from appropriation under the mining laws (30 U.S.C. Ch. 2). The lands shall remain open to all other applicable forms of appropriation.

2. No adverse comments were received following publication of the notice of proposed classification (32 F.R. 14716, Oct. 24, 1967), or at the public hearing

at Fresno, California, which was held on November 8, 1967. No changes have been made in the list of lands included in this classification. The record showing reaction to the classification made by members of the public attending or interested in the hearing is on file and can be examined in the Folsom District Office, Folsom, California.

3. The public lands affected by this classification are located within the following described areas and are shown on the Fresno-San Benito Planning Unit Classification Map, on file in the Folsom District Office, 63 Natoma Street, Folsom, Calif., and on the Sacramento Land Office records, Bureau of Land Management, 650 Capitol Mall, Sacramento, Calif.:

MOUNT DIABLO MERIDIAN, CALIFORNIA

BLOCK NO. I

All public lands in:

- T. 16 S., R. 6 E.,
Sec. 1.
- T. 15 S., R. 7 E.,
Secs. 31, 32, and 33.
- T. 16 S., R. 7 E.,
Secs. 4 to 10, inclusive, secs. 13 to 18, inclusive, secs. 20, 24, 25, 29, 30, and 36.
- T. 17 S., R. 7 E.,
Secs. 1 and 12, secs. 24 to 27, inclusive, and sec. 35.
- T. 16 S., R. 8 E.,
Secs. 19, 30, 31, and 33.

Except the following public lands:

- T. 16 S., R. 8 E.,
Sec. 33, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$

BLOCK NO. II

All public lands in:

- T. 15 S., R. 8 E.,
Secs. 23 to 26, inclusive, secs. 35 and 36.
- T. 16 S., R. 8 E.,
Secs. 1, 12, 13, and 24.
- T. 13 S., R. 9 E.,
Secs. 23 to 26, inclusive, and secs. 33 to 36, inclusive.
- T. 14 S., R. 9 E.,
Secs. 1 to 4, inclusive, secs. 10 to 13, inclusive, secs. 24, 25, and 36.
- T. 15 S., R. 9 E.,
Secs. 1 to 3, inclusive, secs. 10 to 15, inclusive, and secs. 19 to 36, inclusive.
- T. 16 S., R. 9 E.,
Secs. 1 to 29, inclusive.
- T. 18 S., R. 9 E.,
Secs. 12 and 13.
- T. 13 S., R. 10 E.,
Secs. 18, 19, and secs. 29 to 32, inclusive.
- T. 14 S., R. 10 E.,
Secs. 1, 2, and secs. 5 to 36, inclusive.
- T. 15 S., R. 10 E.,
Secs. 1 to 36, inclusive.
- T. 16 S., R. 10 E.,
Secs. 1 to 30, inclusive, and secs. 32 to 36, inclusive.
- T. 17 S., R. 10 E.,
Secs. 1 to 4, inclusive, secs. 10 to 15, inclusive, secs. 22 to 27, inclusive, and secs. 32 to 36, inclusive.
- T. 18 S., R. 10 E.,
Secs. 1 to 26, inclusive.
- T. 13 S., R. 11 E.,
Secs. 32 to 36, inclusive.
- T. 14 S., R. 11 E.,
Secs. 1 to 36, inclusive.
- T. 15 S., R. 11 E.,
Secs. 1 to 36, inclusive.
- T. 16 S., R. 11 E.,
Secs. 1 to 36, inclusive.
- T. 17 S., R. 11 E.,
Secs. 1 to 36, inclusive.

- T. 18 S., R. 11 E.,
Secs. 1 to 19, inclusive, secs. 23 to 26, inclusive, secs. 30 and 36.
 - T. 19 S., R. 11 E.,
Secs. 1, 12, 13, 14, 17, secs. 19 to 27, inclusive, and sec. 35.
 - T. 14 S., R. 12 E.,
Sec. 31.
 - T. 15 S., R. 12 E.,
Secs. 5 to 8, inclusive, sec. 15, secs. 17 to 22, inclusive, and secs. 27 to 35, inclusive.
 - T. 16 S., R. 12 E.,
Secs. 1 to 36, inclusive.
 - T. 17 S., R. 12 E.,
Secs. 1 to 36, inclusive.
 - T. 18 S., R. 12 E.,
Secs. 1 to 36, inclusive.
 - T. 19 S., R. 12 E.,
Secs. 1 to 30, inclusive, and secs. 33 to 36, inclusive.
 - T. 20 S., R. 12 E.,
Secs. 1, 2, secs. 11 to 14, inclusive, secs. 23 and 24.
 - T. 16 S., R. 13 E.,
Sec. 7, secs. 17 to 22, inclusive, and secs. 26 to 34, inclusive.
 - T. 17 S., R. 13 E.,
Secs. 1 to 24, inclusive, and sec. 26.
 - T. 18 S., R. 13 E.,
Secs. 4 to 36, inclusive.
 - T. 19 S., R. 13 E.,
Secs. 1 to 24, inclusive, secs. 30 and 31.
 - T. 20 S., R. 13 E.,
Secs. 2 to 11, inclusive, secs. 14 to 29, inclusive, and secs. 32 to 36, inclusive.
 - T. 21 S., R. 13 E.,
Secs. 1 to 4, inclusive, and secs. 10 to 13, inclusive.
 - T. 17 S., R. 14 E.,
Secs. 6, 7, 8, and 18.
 - T. 18 S., R. 14 E.,
Secs. 18 to 22, inclusive, and secs. 26 to 35, inclusive.
 - T. 19 S., R. 14 E.,
Secs. 2 to 11, inclusive, and secs. 14 to 19, inclusive.
 - T. 20 S., R. 14 E.,
Secs. 19, 30, and 31.
 - T. 21 S., R. 14 E.,
Secs. 2 to 10, inclusive, secs. 15 to 18, inclusive, secs. 21, 22, 27, and 28.
- Except the following public lands:
- T. 16 S., R. 8 E.,
Sec. 13, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
 - T. 15 S., R. 9 E.,
Sec. 19, lot 3 and SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 29, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, lots 2, 3, and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
 - T. 16 S., R. 9 E.,
Sec. 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 10, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
 - T. 18 S., R. 9 E.,
Sec. 12, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
 - T. 14 S., R. 10 E.,
Sec. 33, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
 - T. 16 S., R. 10 E.,
Sec. 15, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 25, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
 - T. 15 S., R. 12 E.,
Sec. 31, lot 13.
 - T. 16 S., R. 12 E.,
Sec. 6, lot 3.
 - T. 17 S., R. 12 E.,
Sec. 7, lots 2, 3, and 4.
 - T. 19 S., R. 13 E.,
Sec. 31, lot 1.

BLOCK NO. III

All public lands in:

- T. 22 S., R. 14 E.,
Secs. 12, 13, 34, and 35.
T. 23 S., R. 14 E.,
Secs. 1, 2, 3, and secs. 10 to 13, inclusive.
T. 22 S., R. 15 E.,
Secs. 7, 12, 13, and secs. 17 to 36, inclusive.
T. 23 S., R. 15 E.,
Secs. 1 to 12, inclusive, secs. 14 to 23, inclusive, and secs. 26 to 30, inclusive.
T. 22 S., R. 16 E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 23 S., R. 16 E.,
Sec. 6.

Except the following public lands:

- T. 22 S., R. 15 E.,
Sec. 24, lot 4.

BLOCK NO. IV

All public lands in:

- T. 9 S., R. 22 E.,
Secs. 26, 27, 33, 34, and 35.
T. 10 S., R. 22 E.,
Secs. 1 to 4, inclusive, secs. 9 to 11, inclusive, sec. 15.

BLOCK NO. V

All public lands in:

- T. 21 S., R. 16 E.,
Sec. 24.
T. 21 S., R. 17 E.,
Secs. 28 and 32.

The public lands proposed to be classified aggregate approximately 123,963 acres.

4. As provided in paragraph 1, the following lands are further segregated from appropriation under the mining laws (totaling approximately 1,041 acres):

MOUNT DIABLO MERIDIAN, CALIFORNIA

All public lands in:

- T. 18 S., R. 10 E.,
Sec. 8, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9, SW $\frac{1}{4}$.
T. 18 S., R. 11 E.,
Sec. 12, NE $\frac{1}{4}$;
Sec. 26, lots 3 and 4;
Sec. 26, lot 8, and E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 9 S., R. 22 E.,
Secs. 26, 27, 33, 34, and 35.
T. 10 S., R. 22 E.,
Secs. 1 to 4, inclusive, secs. 9 to 11, inclusive, sec. 15.

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

E. J. PETERSEN,
Acting State Director.

[F.R. Doc. 68-664; Filed, Jan. 18, 1968;
8:45 a.m.]

[OR 181]

OREGON

Order Providing for Opening of Public Lands

JANUARY 8, 1968.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C.

315g), the following lands have been re-conveyed to the United States:

WILLAMETTE MERIDIAN

- T. 21 S., R. 34 E.,
Sec. 12, S $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 22 S., R. 34 E.,
Sec. 1, E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 21 S., R. 35 E.,
Sec. 21, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 26, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 35, NE $\frac{1}{4}$.

The areas described aggregate 520 acres.

2. The lands are located in Harney County. They are semiarid in character and are not suitable for farming.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location, and selection. All valid applications received at or prior to 10 a.m., February 13, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals, Program Management and Land Office, Post Office Box 2965, Portland, Ore. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 68-734; Filed, Jan. 18, 1968;
8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

ALBERT EINSTEIN COLLEGE OF MEDICINE

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. 68-00139-33-46500. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: Ultramicrotome, Model LKB 8800A, Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections of kidney tissue for observation in an electron microscope. Various equal thickness serial sections will be cut in long series of thicknesses between the values of 50 Angstroms and 2 microns. Comments: No comments have been received

with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting the thinnest possible sections of biological specimens. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultratome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic instrument, the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall), specifies a thin-sectioning capability of 100 Angstroms (page 11, 1966 catalogue for Sorvall "Porter-Blum" MT-1 and MT-2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better 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 electron microscope. (2) The applicant requires an ultramicrotome 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) in its memorandum dated November 21, 1967, that this capability in the required dimensions and reliability can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (page 2 of catalogue on "Ultratome III" cited above). The Sorvall Model MT-2 is equipped only with a mechanical advance system for all thicknesses. (See catalogue for Sorvall Model MT-2 cited above.) In connection with Docket No. 67-00024-33-46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is 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 "Ultratome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

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, Busi-
ness and Defense Services
Administration.

[F.R. Doc. 68-714; Filed, Jan. 18, 1968;
8:45 a.m.]

ALBERT EINSTEIN COLLEGE OF MEDICINE

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. 68-00138-33-46500 Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: Ultramicrotome, Model LKB 8800A, Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections of kidney tissue for observation in an electron microscope. Various equal thickness serial sections will be cut in long series of thicknesses between the values of 50 Angstroms and 2 microns. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting the thinnest possible sections of biological specimens. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultratome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic instrument, the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall), specifies a thin-sectioning capability of 100 Ang-

stroms (page 11, 1966 catalogue for Sorvall "Porter-Blum" MT-1 and MT-2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better 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 electron microscope. (2) The applicant requires an ultramicrotome 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) in its memorandum dated November 21, 1967, that this capability in the required dimensions and reliability can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (page 2 of catalogue on "Ultratome III" cited above). The Sorvall Model MT-2 is equipped only with a mechanical advance system for all thicknesses. (See catalogue for Sorvall Model MT-2 cited above.) In connection with Docket No. 67-00024-33-46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is 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 one degree (page 3 of catalogue on "Ultratome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

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, Busi-
ness and Defense Services
Administration.

[F.R. Doc. 68-715; Filed, Jan. 18, 1968;
8:45 a.m.]

HOWE LABORATORY OF OPHTHALMOLOGY 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. 68-00260-33-46500. Applicant: Howe Laboratory of Ophthalmology, Harvard University Medical School, 243 Charles Street, Boston, Mass. 02114. Article: Ultramicrotome Model LKB 8800 Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in the study of ocular development of embryonic tissues from various vertebrate classes. Thin sections of specimen tissues will be prepared for observation under an electron microscope. Section thickness will range from 50 Angstroms to microns. Application received by Commissioner of Customs: December 5, 1967.

Docket No. 68-00261-33-46040. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Electron Microscope Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for biological research to examine various negatively stained specimens and to determine specific subcellular relationships as shown in the application. Application received by Commissioner of Customs: December 6, 1967.

Docket No. 68-00262-33-46040. Applicant: Health Research, Inc., Roswell Park Memorial Institute, 666 Elm Street,

Buffalo, N.Y. 14203. Article: Electron Microscope Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: Applicant states:

The microscope will be used in three main ways: (a) High resolution studies on membrane fractions and membrane lipid-protein complexes obtained from rat liver cells, (b) Electron optical experiments to determine physical basis of electron imaging and to develop new methods of obtaining higher contrast and resolution on biological structures, and (c) Large and small angle electron diffraction of cell membranes and other biological materials in order to give additional information about their structure.

Application received by Commissioner of Customs: December 6, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific
and Technical Equipment,
Business and Defense Services
Administration.

[F.R. Doc. 68-716; Filed, Jan. 18, 1968;
8:45 a.m.]

PENNSYLVANIA STATE UNIVERSITY AND STATE UNIVERSITY OF NEW YORK, UPSTATE MEDICAL CENTER

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. 68-00270-60-31550. Applicant: The Pennsylvania State University, Commonwealth of Pennsylvania, Department of Property and Supplies,

Harrisburg, Pa. 17125. Article: Vacuum Induction Glass Melting Equipment, Model TI 30 FE/SV. Manufacturer: Slatem, Italy. Intended use of article: Applicant states: "Undergraduate and graduate research and instruction in field of Glass Science involving melting special glasses." Application received by Commissioner of Customs: December 11, 1967.

Docket No. 68-00271-33-46040. Applicant: State University of New York Upstate Medical Center, 766 Irving Avenue, Syracuse, N.Y. 13210. Article: Electron Microscope, Model Elmiskop 1A, with Recirculation Unit and Spare Parts Kit. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used in medical research to examine various negatively stained specimens as well as to determine specific subcellular relationships as shown in the application. Application received by Commissioner of Customs: December 11, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific
and Technical Equipment,
Business and Defense Services
Administration.

[F.R. Doc. 68-717; Filed, Jan. 18, 1968;
8:45 a.m.]

STATE UNIVERSITY OF NEW YORK, DOWNSTATE 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 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. 68-00140-33-46500. Applicant: State University of New York, Downstate Medical Center, 450 Clarkson Avenue, Brooklyn, N.Y. 11203. Article: Ultramicrotome, Model LKB 8800A, Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections of cartilage, calcifying cartilage and bone induced in mouse thigh by cultured human cells for observation in an electron microscope. Equal thickness serial sections between the values of 50 Angstroms and 2 microns will be cut. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) For the purposes for which the foreign

article is intended to be used, the applicant requires an ultramicrotome capable of cutting the thinnest possible sections of biological specimens. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultratome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic instrument, the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall), specifies a thin-sectioning capability of 100 Angstroms (page 11, 1966 catalogue for Sorvall "Porter-Blum" MT-1 and MT-2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Connecticut). The better 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 electron microscope. (2) The applicant requires an ultramicrotome 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) in its memorandum dated November 21, 1967, that this capability in the required dimensions and reliability can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (page 2 of catalogue on "Ultratome III" cited above). The Sorvall Model MT-2 is equipped only with a mechanical advance system for all thicknesses. (See catalogue for Sorvall Model MT-2 cited above.) In connection with Docket No. 67-00024-33-46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is 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 "Ultratome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

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. 68-718; Filed, Jan. 18, 1968;
8:45 a.m.]

UNIVERSITY OF LOUISVILLE MEDICAL SCHOOL 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. 68-00266-33-86500. Applicant: University of Louisville Medical School, Department of Surgery, 511 South Floyd Street, Louisville, Ky. 40202. Article: Cone-in-cone viscometer, complete, with "Zero-Max" variable speed unit, gear box, thermocouple pump and one set of cones with one stainless steel transport trolley. Manufacturer: Industrial Supply Co., Australia. Intended use of article: Applicant states:

The instrument will be used to determine the viscosity of whole blood and plasma at varying shear rates. It will be used in a study of rheologic disorders in conjunction with shock in the presence of liver damage and varying conditions of flow velocity gradient, tonicity, pH, etc. The factors affecting blood viscosity and the phenomena of red cell aggregation and red cell rigidity will be examined, under clinical and experimental conditions. The long term objective of this investigation is to develop methods

and means for (1) a more precise understanding of pathogenesis of shock, inadequate organ perfusion and intravascular thrombosis; (2) early and reliable diagnosis of certain acute and chronic circulatory disorders and their rational prevention and effective treatment; and (3) promoting a greater interest in hematorheology.

Application received by Commissioner of Customs: December 8, 1967.

Docket No. 68-00268-33-46040. Applicant: Department of Anatomy, Mount Sinai School of Medicine, Fifth Avenue and 100th Street, New York, N.Y. 10029. Article: Electron Microscope Model HS-8. Manufacturer: Hitachi, Limited, Japan. Intended use of article: The article will be used in various research areas as described in the application, including electron histochemistry for which tissues and cells fixed in various aldehydes will be examined at high resolution and maximum contrast. Utilization of an electron probe will be introduced and applied in biology for the identification, localization, and quantitation of elements in minute tissue samples. Application received by Commissioner of Customs: December 8, 1967.

Docket No. 68-00269-33-46500. Applicant: Duke University, Medical Center, Durham, N.C. 27706. Article: Ultra Microtome, 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.

Application received by Commissioner of Customs: December 11, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and
Technical Equipment, Business
and Defense Services
Administration.

[F.R. Doc. 68-719; Filed, Jan. 18, 1968;
8:45 a.m.]

UNIVERSITY OF MISSISSIPPI 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 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. 68-00142-33-46500. Applicant: The University of Mississippi Medical Center, 2500 North State Street, Jackson, Miss. 39216. Article: Ultramicrotome, Model LKB 8800A, Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections of various tissue for observation in an electron microscope. Equal thickness serial sections between values of 50 Angstroms and 2 microns will be cut. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting the thinnest possible sections of biological specimens. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultratome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic instrument, the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall), specifies a thin-sectioning capability of 100 Angstroms (page 11, 1966 catalogue for Sorvall "Porter-Blum" MT-1 and MT-2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better 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 electron microscope. (2) The applicant requires an ultramicrotome 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) in its memorandum dated November 21, 1967, that this capability in the required dimensions and reliability can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (page 2 of catalogue on "Ultratome III" cited above). The Sorvall Model MT-2 is equipped only with a mechanical advance system for all thicknesses. (See catalogue for Sorvall Model MT-2 cited above.) In connection with Docket No. 67-00024-33-46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the for-

foreign article is 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 one degree (page 3 of catalogue on "Ultratome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

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. 68-720; Filed, Jan. 18, 1968;
8:45 a.m.]

UNIVERSITY OF TENNESSEE

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. 67-00056-65-46040. Applicant: The University of Tennessee, Knoxville, Tenn. 37916. Article: Electron Microscope, Model EM 300 with rotating and tilting stage, Model PW 6501/00, pole piece PW 6202, and plate holder PW 6210/16. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for research on the following programs: Application of adiabatic calorimetry to metal systems; application of X-ray diffuse scattering to the study of structure of binary alloys; the ductility of nickel and nickel-base alloys at high temperatures; mechanism of embrittling effects of irradiation in welds in pressure vessel steel using electron fractography; and metallurgical aspects of high pressure gas bearing seals. Comments: Comments were received from one domestic manufacturer, Radio Corporation of America (RCA). These were received after the period for receiving

such comments with respect to this application had expired. Therefore, pursuant to § 602.5(a) of the regulations cited above, the comments have been treated as an offer to provide additional information to the extent that they contain factual information, as contrasted with arguments, explanations or recommendations. 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 foreign article provides a guaranteed resolution of 5 Angstroms (specifications for Norelco Model EM 300 attached to application), whereas the RCA Model EMU-4 provides a guaranteed resolution of 8 Angstroms (specifications for RCA Model EMU-4 attached to comments of RCA dated July 10, 1967). (The lower the numerical rating in terms of Angstroms, the better the resolving power.) In view of the applicant's purpose to extend the investigations to the finest structure observable, the better resolving power of the foreign article is pertinent. (2) The foreign electron microscope has a continuously variable magnification of 220X to 200,000X. Magnification within this range is accomplished with no interruption in the operation of the electron microscope and the investigation being conducted with it. The RCA Model EMU-4 has noncontinuous magnification of approximately the same range (i.e. 500X to 200,000X). Operation of the EMU-4 must be interrupted by the insertion of an optional low-magnification projector pole piece to obtain magnification within the range of from 500X to 70,000X. Magnification above the upper limit of this range is accomplished by removal of the pole piece to obtain the maximum of 200,000X. The fact that the foreign instrument does not require interruption of the experiment has been established as a pertinent characteristic in an application of a similar intended use. (See Docket No. 67-00041-65-46040, and National Bureau of Standards memorandum dated July 5, 1967.) The effect of interruption while changing pole pieces is to expose the specimen to air during the time required to make this change and thereby damage the specimen.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended 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. 68-721; Filed, Jan. 18, 1968;
8:45 a.m.]

UTAH STATE 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. 68-00177-00-77040. Applicant: Utah State University, Department of Chemistry, Logan, Utah 84321. Article: Fox Type Ion Source, Model MS1030, for use with Hitachi RMU-6D Mass Spectrometer. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: To provide electron beam with very narrow electron energy distribution as an accessory to existing Hitachi RMU-6D Mass Spectrometer. 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 to a mass spectrometer, which was previously purchased and delivered to the applicant. Similar accessories, made by other than the manufacturer of the original instrument for which it is intended, are not interchangeable with the foreign article. We therefore find that no Fox type ion source manufactured in the United States is 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. 68-722; Filed, Jan. 18, 1968;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17680-17682; FCC 68R-14]

STATE OF OREGON BOARD OF HIGHER EDUCATION ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of State of Oregon acting by and through the State Board of

Higher Education, Medford, Oreg., Docket No. 17680, File No. BPCT-3814; Liberty Television, a joint venture comprised of Liberty Television, Inc., and Siskiyou Broadcasters, Inc., Medford, Oreg., Docket No. 17681, File No. BPCT-3858; Medford Printing Co., Medford, Oreg., Docket No. 17682, File No. BPCT-3859; for construction permits.

1. State of Oregon acting by and through the State Board of Higher Education (State); Liberty Television, a joint venture comprised of Liberty Television, Inc., and Siskiyou Broadcasters, Inc. (Liberty); and Medford Printing Co. (Medford), mutually exclusive applicants, request a construction permit to operate a television broadcast station on VHF Channel 8 at Medford, Oreg. The applications were designated for hearing in an order released September 6, 1967 (FCC 67-998). Now before the Review Board are: (a) A petition to enlarge issues, filed on September 27, 1967, by Liberty; and (b) a petition to enlarge issues, filed October 10, 1967, by Southern Oregon Broadcasting Co. (Southern), licensee of Station KTVM (TV), Channel 5, Medford, an intervenor in the proceeding.¹ In their petitions,² both Liberty and Southern urge the addition of issues inquiring into Medford's financial qualifications. In addition Liberty also requests the addition of an issue to determine whether a grant of the Medford application "would be consistent with § 73.685(b) of the Commission's rules with respect to shadowing in, and line-of-sight to, Medford, Oreg., and if not, whether circumstances exist which would warrant a waiver of the rule."

The financial issue. 2. In its application, Medford indicated that it would require funds in an amount of \$614,500 in order to construct its proposed station and operate for 1 year; and that it will have available \$225,000 in existing capital, \$100,000 in profits from its existing radio and newspaper operations, and a bank loan of \$300,000, or a total of \$625,000. Petitioners urge the addition of a financial issue primarily on three grounds. First, they contend that the \$10,000 allocated for professional fees, furniture, installation, and preoperating costs are inadequate. Southern cites its own "mountain top" installation expenditures and concludes that " * * * it will require more than \$10,000 to cover the installation of the antenna and transmitting equipment alone * * *. If there is anything left after installation, we would concede that possibly the furniture item would cover a desk and chair or two * * *." Referring to the "fee"

portion of the \$10,000 allocation, Southern notes that if this amount " * * * were for the payment of lawyer's fees alone, it would be so low as to be ridiculous." Liberty's argument relies on comparisons of applications in allegedly comparable proceedings in which legal and engineering fees alone were in considerable excess of Medford's entire preoperating estimate and notes that these fees "may very well exceed \$10,000 even though the proceeding may not have reached the hearing stage." The second shared allegation of the petitioners relates to Medford's estimate of "first year overhead." Southern again cites its own experience in the Medford market, and contends that Medford's \$335,000 projection is "substantially less" than the \$416,800 "normal average" operation costs estimated in an affidavit submitted by Southern's general manager.³ In addition, Liberty asserts that Medford has not made provision for "acquiring land." Moreover, although their estimates differ, both Liberty and Southern note that no provision has been made by Medford with regard to the repayment of its \$300,000 bank loan; they respectively attribute \$78,000 and \$69,600 to this obligation during the first year. Further, Liberty observes that Medford " * * * makes no provision for contingencies, should its actual construction and operating costs exceed its original estimates." Finally, Liberty contends that Medford lacks sufficient resources to meet even its own cost estimates.⁴ With the exception of Liberty's challenge to Medford's preoperating estimates, the Broadcast Bureau supports the addition of a financial issue, absent a satisfactory detailed breakdown by Medford Printing of its cost estimate.

3. In opposition, Medford submits an affidavit of Gerald T. Latham, director and business manager of Medford, which allegedly "disposes completely" of the petitioners' contentions. Mr. Latham contends that petitioners' cost estimates constitute "extreme assumptions," citing as an example the fact that (a) Medford's present financial situation will not necessitate the \$300,000 bank loan and the resulting principal and interest payments; and (b) however, should such a loan become necessary, the loan agreement provides that "no principal whatever would be payable during the first year" and that projected 5 months' interest charges (should the full loan be taken after 6 months of operation) would amount to less than \$8,000. In addition, Medford supplies a more recent balance sheet (as of September 30, 1967) which allegedly demonstrates an increase of

cash on hand of more than \$127,000 since its original filing. Thus, Medford avers, even if petitioners' estimates are accurate, Medford has sufficient funds to undertake its broadcast obligations. Furthermore, Medford alleges that, based on its past profit record, should it be granted a permit after 2 years, "there will be available \$200,000" for broadcast purposes. In view of the foregoing, Medford contends that it will have "in excess of \$1 million" to meet cash needs during the first year of operation; and concludes, that even if petitioners' higher estimates are accepted, sufficient funds are still available. Finally, Medford responds to Liberty's argument by indicating that provision has been made for land acquisition since its transmitter site is being leased from the U.S. Forest Service at "a nominal annual fee," and studio and office facilities located on property now owned by Medford will be utilized. Southern, in its reply, objects to the introduction in Medford's opposition of an allegedly different financial plan not contained in Medford's original application; and to the competency of Medford's director, Gerald Latham, to submit data in connection with Medford's application.⁵

4. The Review Board finds that there is sufficient basis for enlarging the issues in this proceeding. First, both Liberty and Southern have adequately demonstrated that a question exists as to the sufficiency of the \$10,000 allocation for professional fees, furniture, and installation. The affidavit filed with Southern's petition alleges that preparation of the tower site, tower base, erection and painting charges alone may exceed \$5,000; an allegation which is unrefuted in Medford's opposition. This uncontested estimate by itself, raises serious doubt as to the feasibility of Medford's projection for preoperating costs. Therefore an issue will be added regarding this item. The Board also finds petitioners' allegations adequate to warrant an inquiry into Medford's estimates of first-year-operation costs. Southern's pleading contains an affidavit from the general manager of an existing television station in Medford itemizing alleged minimum first year's operating costs. The affidavit indicates that at least \$82,000 more than Medford has allocated may be required in order to operate during the first year. Medford has not attempted to itemize its estimated costs or to rebut this showing. Instead, Medford relies on the availability of funds of \$625,000 indicated in its application.⁶

⁵ Rule 1.513 states, " * * * applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed * * * by an officer, if the applicant is a corporation * * *." (Emphasis supplied.)

⁶ Liberty has argued (see note 4) that the \$225,000 in existing capital is not available. However, when Medford's total current assets of \$478,147 and total assets of \$1,134,012 are considered, its accounts payable and accrued liabilities of \$53,612 are offset. While much of this total has not been shown to be "liquid," and, therefore, cannot be considered available for purposes of construction and operating the proposed station, it may be considered to offset liabilities.

¹ Southern's petition to intervene was granted by the Examiner in Order, FCC 67M-1699, released Oct. 11, 1967. While Southern's instant petition is not timely filed, "good cause" for the delay has been shown.

² The other pleadings before the Review Board are: (a) Opposition, filed Nov. 3, 1967, by Medford; (b) comment, filed Nov. 3, 1967, by the Broadcast Bureau relating to Southern's petition; (c) reply to opposition, filed Dec. 4, 1967, by Southern; and (d) comment, filed Oct. 25, 1967, by the Broadcast Bureau relating to Liberty's petition.

³ The affidavit also suggests that if the estimated principal and interest payments on Medford's projected \$300,000 loan are included in first-year overhead, the figure would reach \$486,400.

⁴ Contending that Medford has only \$236,625 in liquid assets with accounts payable and accrued liabilities of \$53,612, Liberty urges that the remaining \$183,000 in net current and liquid assets, the \$300,000 bank loan and \$100,000 in profits, " * * * falls approximately \$23,000 short of the \$610,000 which it [Medford] concedes it must have * * *."

plus the additional funds reflected in a revised balance sheet. While the Review Board has held that supplemental information submitted with pleadings which merely clarifies or reaffirms a financial showing contained in an application will be considered without the necessity of an amendment (Theodore Granik, FCC 66R-39, 2 FCC 2d 519; WMGS, Inc., FCC 66R-72, 7 RR 2d 194), the instant offering cannot be characterized in this manner. Here the applicant offers a revised financial position which allegedly demonstrates an increase in available funds of at least \$127,000. Under these circumstances, the Board is of the opinion that the principle enunciated in Triad Stations, Inc. (FCC 64R-540, 3 RR 2d 1062) that the determination of whether a financial issue is justified must be made on the basis of an applicant's proposal of record is controlling.⁷ As such, Medford's original showing of \$625,000 in available funds, is inadequate to offset the \$696,000 minimum estimate offered and affirmed by the petitioners. For these reasons issues will be added to determine whether Medford is financially qualified to be a Commission licensee.

Compliance with § 73.685(b) of the Commission's rules. 5. Liberty's petition to enlarge seeks the addition of an issue to determine whether Medford's present antennashadowing violates the shadowing or line-of-sight provisions of Rule 73.685 (b). Attached to the petition is an engineering statement which allegedly shows that Medford "does not comply with the requirements" stated in the rule; "[b]ecause of mountainous terrain between the proposed site and the city of Medford, shadowing is bound to result." Petitioner's particular concern is the area located between a "mountain peak" approximately 4.4 miles from the antenna site and the southwestern tip of the city of Medford 13.6 miles removed on the N. 331° E. radial. Liberty relies on Central Coast Television (KOCY), 2 FCC 2d 306, 6 RR 2d 719, to support its contention that an issue should be added where "some shadowing" may exist. The Broadcast Bureau opposes the addition of the issue. Noting that the submitted "engineering data does not define, with any detail, the present corporate limits of Medford, Ore."; and that only one radial is used by Liberty to support its argument, the Bureau contends that the obstruction which appears to exist on the indicated radial "cannot be characterized as a 'major obstruction'."⁸

6. Medford's opposition is supported by an engineering statement which indicates that " * * * the peak in question would affect less than 1 percent of the city in the extreme southwest section." A graph plotted on 4/3 earth's radius graph paper demonstrates, Medford avers, "that the extreme southwest tip of the city of Medford would be below the line-of-sight condition * * *." The affidavit further notes that Medford is filing an amendment to reflect a revised higher center of radiation based on a land surveyor's measured elevation of the proposed site, which would " * * * further reduce the area affected." Medford also includes a notarized letter from a resident of the affected area, who states that her television reception continued to be "very good" even when Channel 10's transmitter was moved to Mount Ashland. Medford argues that both Channel 10 and Channel 8 (the contested channel here) are high-band VHF channels and similar good transmission should result from Medford's site.

7. The Review Board concurs with the Broadcast Bureau's view that Liberty's allegations and engineering exhibits are insufficient to form the basis for an enlargement. The obstruction appearing on Liberty's single radial exhibit has not been shown to constitute a major obstruction. Medford's contention that less than 1 percent of the city will be affected has not been refuted.⁹ In Central Coast Television (KOCY), supra, a line-of-sight issue was added where the applicant neither admitted nor denied the allegation in a petition to deny of substantial shadowing, but requested a waiver of Rule 73.685(b). The Commission noted in that case: "The extent of the shadowing has not been clearly defined by any of the parties, but on the basis of the uncontested allegations that there would be at least some shadowing, we believe that a sufficient question has been raised to warrant an issue." The opposition in the instant case, however, provides a sufficient basis for concluding that no substantial question has been raised concerning a major obstruction.

8. Accordingly, it is ordered, That the petitions to enlarge issues, filed on September 27, 1967, and October 10, 1967, respectively, by Liberty Television and by Southern Oregon Broadcasting Co., are granted to the extent indicated below, and denied in all other respects; and

9. It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issues:

⁷ The amendment referred to in Medford's opposition demonstrating a higher elevation of the proposed site than initially shown in the application was accepted by Order of Dec. 5, 1967, petition for reconsideration denied, FCC 68M-4, released Jan. 3, 1968.

⁸ In an order, FCC 67R-487, released Nov. 21, 1967, the Board granted Liberty an extension of time in which to file a reply up to and including Dec. 4, 1967. A search of the Commission's files fails to disclose the filing of such pleading by Liberty.

(a) To determine, with respect to the application of Medford Printing Co. (1) the basis for its estimated preoperating costs; and (2) the basis for its estimated operating expenses for the first year of operation.

(b) To determine, in light of the evidence adduced under the foregoing issue, whether Medford Printing Co. is financially qualified.

10. It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof under the issues added herein will be on Medford Printing Co.

Adopted: January 12, 1968.

Released: January 17, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,¹¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-758; Filed, Jan. 18, 1968;
8:48 a.m.]

[Docket Nos. 17742, 17743; FCC 68M-62]

**PATRIOT STATE TELEVISION, INC.,
AND BOSTON HERITAGE BROADCASTING, INC.**

Order Continuing Hearing

In re applications of Patriot State Television, Inc., Boston, Mass., Docket No. 17742, File No. BPCT-3771; Boston Heritage Broadcasting, Inc., Boston, Mass., Docket No. 17743, File No. BPCT-3794; for construction permit for new television broadcast station (Channel 68).

The Hearing Examiner having under consideration a communication dated January 4, 1968, from counsel for Boston Heritage Broadcasting, Inc., requesting that the time for exchanging exhibits be deferred to January 16, 1968, and that the hearing now scheduled for January 29, 1968, be extended to January 30, 1968;

It appearing that the request was made on behalf of both applicants and that counsel for the Broadcast Bureau concurred in the request;

Accordingly, it is ordered, That the date for the exchange of exhibits shall be on and including January 16, 1968, and the hearing now scheduled for January 29, 1968, shall be rescheduled for January 30, 1968, at 10 a.m., in the Commission's offices, Washington, D.C.

Issued: January 12, 1968.

Released: January 15, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-757; Filed, Jan. 18, 1968;
8:48 a.m.]

¹¹ Dissenting statement of Board Member Pincock filed as part of the original document and Board Member Nelson absent.

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

American Mail Line, Ltd., Nedlloyd & Hoegh Lines, and American President Lines, Ltd.:

Notice of agreement filed for approval by:

Mr. D. J. Morris, Manager, Rates and Conferences, American President Lines, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 9247-2 between the member lines of the India, Pakistan, Burma, and Ceylon/West Coast U.S. Rate Agreement modifies the basic agreement by adding Article 8 providing for selecting and employing a Secretary to serve for such a period of time and at such rate of compensation as shall be fixed between the Secretary and the members lines in accordance with terms and conditions set forth in the agreement.

Dated: January 15, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-744; Filed, Jan. 18, 1968; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4825, etc.]

A. J. HODGES INDUSTRIES, INC.,
ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

JANUARY 11, 1968.

Take notice that each of the Applicants listed herein has filed an applica-

tion or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 2, 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 all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public conveni-

ence and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to 18 CFR 2.56, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4825 C 11-6-67	A. J. Hodges Industries, Inc., Post Office Box 1817, Shreveport, La. 71101.	United Gas Pipe Line Co., Sligo Field, Bossier Parish, La.	* 13.5508	15.025
G-6204 E 12-26-67	Warren Petroleum Co. (successor to Gulf Oil Corp.), Post Office Box 1589, Tulsa, Okla. 74102.	El Paso Natural Gas Co., South Fullerton Gasoline Plant, Andrews County, Tex.	15.19	14.05
G-6434 E 12-20-67	Dorothy N. Manziel (Operator), et al. (successor to Bobby Manziel, et al.), Post Office Box 3005, Station A, Tyler, Tex. 75701.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	15.0	14.65
G-7247 E 12-26-67	Skelly Oil Co. (Operator) et al. (successor to J. R. Butler & Co. (Operator) et al.), Post Office Box 1650, Tulsa, Okla. 74102.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	11.0004	14.65
G-11949 D 12-15-67	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001 (partial abandonment).	El Paso Natural Gas Co., Pegasus Plant, Midland and Upton Counties, Tex.	(?)	-----
G-12071 D 12-15-67	do.	El Paso Natural Gas Co., Dollarhide Plant, Andrews County, Tex.	(?)	-----
G-12080 D 12-15-67	do.	El Paso Natural Gas Co., Denton Plant, Lea County, N. Mex.	(?)	-----
C160-738 C 12-29-67	Ashland Oil & Refining Co., Post Office Box 18095, Oklahoma City, Okla. 73118.	Panhandle Eastern Pipe Line Co., Northeast Selling Field, Dewey County, Okla.	15.0	14.65
C161-1008 D 12-13-67	M. L. Sloan, c/o Eugene L. Smith, attorney, Post Office Box 206, Liberal, Kans. 67901.	Panhandle Eastern Pipe Line Co., Carver-Robbins Field, Pratt County, Kans.	* 16.0	14.65
C163-750 E 12-8-67	Marion L. Sloan and Merle R. Sloan (successors to Pratt County Gas Co., c/o Eugene L. Smith, attorney, Post Office Box 296, Liberal, Kans. 67901).	do.	* 15.0	14.65
C163-1041 C 11-16-67	Shell Oil Co., Operator, 50 West 50th St., New York, N.Y. 10020.	Northern Natural Gas Co., Tippet Gasoline Plant, Crockett County, Tex.	* 14.58784 * 16.5	-----
C164-582 C 12-28-67	Hunt Oil Co. (Operator), et al., 1401 Elm St., Dallas, Tex. 75202.	Texas Gas Transmission Corp., Cotton Valley Field, Webster Parish, La.	13.75	15.025
C165-448 C 12-20-67	Edwin C. Meredith, agent for E. C. Meredith, et al., 12141 Amhurst Ct., Plymouth, Mich. 48170.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325
C165-1145 C 12-15-67	Pan American Petroleum Corp., Post Office Box 561, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., various fields, Latimer and Haskell Counties, Okla.	* 15.0	14.65
C165-1286 C 12-4-67	Rincon Oil & Gas Corp., 1126 Mercantile Securities Bldg., Dallas, Tex. 75201.	El Paso Natural Gas Co., Dakota Field, Rio Arriba County, N. Mex.	13.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment of delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

NOTICES

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Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pres- sure base	Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pres- sure base
C166-159 D 12-18-67	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Montana-Dakota Utilities Co., In- dian Butte Field, Fremont County, Wyo.	Assigned ¹⁰		C168-757 A 12-14-67	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., Putnam Field, Dewey County, Okla.	15.4	14.65
C166-163 D 12-18-67	do	do	(u)		C168-758 A 12-14-67	Carri Oil, et al., Post Office Box 576, Corpus Christi, Tex. 78403.	Texas Eastern Transmission Corp., South Gyp Hill Area, Brooks County, Tex.	16.0	14.65
C166-168 D 12-18-67	Allegany Land & Mineral Co., 318 Professional Bldg., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., Simpson District, Harrison County, W. Va.	(u)		C168-759 F 12-13-67 ¹¹	Baco Petroleum Corp., (suc- cessor to Gulf Oil Corp.), 890 1007 Ave., New York, N.Y.	El Paso Natural Gas Co., Big Piney-La Barge Field, Sublette County, Wyo.	15.0	15.025
C167-143 C 12-14-67	Joseph S. Gruss, 30 Broad St., New York, N.Y. 10001.	Consolidated Gas Supply Corp., various districts, Roane and Cal- houn Counties, W. Va.	25.0	15.325	C168-760 A 12-18-67	H. J. Simmons, Jr., et al., c/o Roy G. Hurreth, agent, Spencer, W. Va. 26276.	Cabot Corp., Lee District, Calhoun County, W. Va.	17.5	15.325
C167-145 E 12-26-67	The Angelina Corp. (successor to Edwin Allday (Operator) et al.), 1706 First City National Bank Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Gist Area, Newton County, Tex.	15.6	14.65	C168-761 A 12-18-67	C. C. Grant, Granville, W. Va. 26147.	do	17.5	15.325
C167-152 C 12-14-67	Sun Oil Co. (Mid-Continent Division), 1608 Walnut St., Philadelphia, Pa. 19103.	Panhandle Eastern Pipe Line Co., South Peak Field, Ellis County, Okla.	20.4	14.65	C168-762 A 12-18-67	Harry L. Blackstock, Jr., c/o C. D. Curtis, attorney, Post Office Box 423, Fairview, Okla. 73731.	Oklahoma Natural Gas Gathering Corp. and National Fuels Corp., acreage in Major County, Okla.	12.0	14.65
C167-297 A8-31-66	Charles F. Smith, Box 47, Weston, W. Va. 26452.	Consolidated Gas Supply Corp., Driftwood Township, Cameron County, Pa.	27.5	15.325	C168-763 A 12-20-67	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Trunkline Gas Co., South Pelto Blocks 16 and 23; South Timber Blocks 51, 52, 63, 189, 190, and 203; Ship Shoal Blocks 266 and 267; Offshore Southern Louisiana.	21.25	15.025
C167-463 A 10-3-66	Philip H. Jones et al., d.b.a. Porter Oil & Gas Co., 103 Myres Ave., Painsboro, W. Va. 26415.	Consolidated Gas Supply Corp., Lafayette District, Pleasants County, W. Va.	20.0	15.325	C168-764 B 12-20-67	Horizon Oil & Gas Co. of Texas, Hartford Bldg., Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., Wildcat Field, Hansford County, Tex.	Depleted	
C167-467 C 12-26-67	Wesley Petroleum, Ltd., 2002 Republic Bank Bldg., Dallas, Tex. 75201.	Northern Natural Gas Co., Sharon West Field, Woodward County, Okla.	17.0	14.65	C168-765 B 12-14-67	Shell Oil Co.	Consolidated Gas Supply Corp., Somerset Field, Somerset County, Pa.	Depleted	
C167-478 A 11-16-66	C. J. Beckup et al., d.b.a. Cedar Gas Co., 4114 Camden Ave., Parkersburg, W. Va. 26101.	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	20.0	15.325	C168-766 B 12-20-67	Perry Gas Co., 1338 Third Ave., Huntington, W. Va. 25701.	Consolidated Gas Supply Corp., Triadelphia District, Logan County, W. Va.	Uneconomical	
C167-1223 C 12-18-67	Sasco Production Co., Post Office Box 6102, Longview, Tex. 75601.	Lone Star Gas Co., Henderson South Travis Peak Field, Rusk County, Tex.	15.0	14.65	C168-767 A 12-21-67	R. H. Adkins, Hamlin, W. Va. 25523.	United Fuel Gas Co., Laurel Hill District, Lincoln County, W. Va.	23.0	15.325
C167-1331 C 12-26-67	Shenandoah Oil Corp., 1018 Commerce Bldg., Fort Worth, Tex. 76102.	Ches Service Gas Co., Aetna Field, Barber County, Kans.	14.0	14.65	C168-768 A 12-21-67	Black Oil Co., 203 Park Ave., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	17.0	14.65
C167-1481 C 12-20-67	Robert Weeks, Agent for Wolf Run Oil & Gas Co., 3031 Wallace Circle, Huntington, W. Va.	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	25.0	15.325	C168-770 A 12-21-67	James H. Helland, Operator, 2111 Alamo National Bank Bldg., San Antonio, Tex. 78205.	United Gas Pipe Line Co., South Cabeza Creek Area, Goliad County, Tex.	16.0	14.65
C167-1549 A 5-1-67	Willard E. Ferrell, Agent for George Cunningham, et al., d.b.a. Chalmers Develop- ment Co., Post Office Box 5056, Philadelphia, Pa. 19111.	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	20.0	15.325	C168-771 F 12-20-67 ¹²	Goodale, Bertman & Co., Inc., Operator (successor to Claud B. Hamill), Post Office Box 729, Liberty, Tex. 77575.	Natural Gas Pipeline Co. of America, Spanish Camp Field, Wharton County, Tex.	16.0	14.65
C167-1803 C 12-26-67	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Northern Natural Gas Co., Six Mile Northwest Pool, Beaver County, Okla.	17.0	14.65	C168-772 A 12-21-67	Kirkpatrick Oil & Gas Co. (Operator) et al., 1300 North Broadway, Oklahoma City, Okla. 73103.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	17.0	14.65
C168-136 C 1-2-68	Calvert Drilling & Producing Co., et al., c/o Ernest R. Fleet, attorney, Fleck, Smith, Mather, Strutz, Mayer & Stewart, Post Office Box 1436, Blismarck, N. Dak. 58301.	Mountain Fuel Supply Co., acreage in Moffat County, Colo.	15.0	15.025	C168-773 A 12-22-67	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Mountain Fuel Supply Co., West Side Canal Area, Carbon County, Wyo.	15.0	15.025
C168-451 A 11-13-67	Champion Petroleum Co., Post Office Box 9385, Fort Worth, Tex. 76107.	El Paso Natural Gas Co., Gomez Field, Pecos County, Tex.	16.5	14.65	C168-774 A 12-27-67	J. C. Barnes Oil Co. (Operator) et al., Post Office Box 505, Midland, Tex. 79701.	Panhandle Eastern Pipe Line Co., Aledo Field, Custer and Dewey Counties, Okla.	19.0	14.65
C168-754 B 12-14-67	Stonestreet Lands Co., Box 330, Spencer, W. Va. 26276.	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	Uneconomical		C168-775 A 12-26-67	Shell Oil Co.	Trunkline Gas Co., Ship Shoal and South Timber Areas, Offshore Louisiana.	21.25	15.025
C168-755 B 12-14-67	French Creek Gas Co., 105-106 Upshur Bldg., Buckhannon, W. Va. 26201.	Consolidated Gas Supply Corp., Meade District, Upshur County, W. Va.	16.5	14.65	C168-776 A 12-26-67	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Transcontinental Gas Pipe Line Corp., Block 179 Field, Eugene Island Area, Offshore Louisiana.	20.5	15.025
C168-756 B 12-14-67	Petroleum Drilling Corp., et al., 4401 Centre Ave., Pitts- burgh, Pa. 15219.	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	Uneconomical		C168-777 B 12-26-67	J. A. Gray et al.	Tennessee Gas Pipeline Co., a divi- sion of Tennessee, Inc., Magnet Withers Field, Wharton County, Tex.	Depleted	
			Uneconomical		C168-778 A 12-26-67	Midwest Oil Corp., 1700 Broad- way, Denver, Colo. 80202.	Arkansas Louisiana Gas Co., Wave- land Field, Yell County, Ark.	15.0	14.65
			Uneconomical		C168-779 B 12-26-67	Calvert Exploration Co. (Operator) et al., National Bank of Tulsa Bldg., Tulsa, Okla. 74113.	Northern Natural Gas Co., East Balko Field, Beaver County, Okla.	Depleted	

See footnotes at end of table.

NOTICES

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI68-780 (G-2673) F 12-20-67	Fred Whitaker (successor to J. Cleo Thompson et al.) c/o Tom Roberts, Attorney at law, Post Office Box 129, Carthage, Tex. 75633.	Arkansas Louisiana Gas Co., South Hallsville Field, Harrison County, and Bethany and Carthage Fields, Panola County, Tex.	10.5954	14.65
CI68-781 (G-2671) F 12-20-67	do.	Arkansas Louisiana Gas Co., Bethany and Carthage Fields, Panola County, Tex.	11.25	14.65
CI68-782 (G-2672) F 12-20-67	do.	do.	11.25	14.65
CI68-783 A 12-27-67	H. L. Hawkins & H. L. Hawkins, Jr., Suite 2703, 225 Baronne St., New Orleans, La. 70112.	Trunkline Gas Co., Lakeside, South Thornwell, Southwest Lake Arthur Fields, Cameron Parish, La.	21.25	15.025
CI68-784 A 12-27-67	Davon Drilling Co., (Operator) et al., Post Office Box 12500, Oklahoma City, Okla. 73112.	Cities Service Gas Co., acreage in Logan County, Okla.	13.0	14.65
CI68-785 A 12-27-67	Southwest Gas Producing Co., Inc., et al., 1309 Louisville Ave., Monroe, La. 71201.	United Gas Pipe Line Co., Forest Grove Field, Claiborne Parish, La.	18.25	15.025
CI68-786 A 12-28-67	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003.	Panhandle Eastern Pipe Line Co., Hunton Formation, Dewey and Custer Counties, Okla.	19.0	14.65
CI68-787 B 12-29-67	Getty Oil Co., ¹ Post Office Box 1404, Houston, Tex. 77001.	Valley Gas Transmission, Inc., West Dinero Field, Live Oak County, Tex.	Depleted	-----
CI68-788 A 12-29-67	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	17.0	14.65
CI68-789 A 12-29-67	King Resources Co., 100 Park Avenue Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Gate-Lake Field, Harper County, Okla.	17.0	14.65
CI68-790 A 12-29-67	Tarpon Management Co., Post Office Drawer 2507, Corpus Christi, Tex. 78403.	United Gas Pipe Line Co., Bernstein-Cockburn Area, Wharton County, Tex.	16.5	14.65
CI68-791 A 1-2-68	J. Lee Youngblood, 1965 First National Bank Bldg., Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., Putnam Oswego Pool, Dewey County, Okla.	17.0	14.65
CI68-792 B 1-2-68	Panola Trading Co., Inc., Post Office Box 1748, Shreveport, La. 71102.	Arkansas Louisiana Gas Co., Washkom Field, Harrison County, Tex.	Depleted	-----
CI68-793 A 1-2-68	Professional Oil Management, Inc., c/o Kenneth Tureaud, president, 3372 Washtenaw Ave., Ann Arbor, Mich. 48104.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	27.0	15.325
CI68-794 A 1-2-68	Stanley-Hager, Post Office Box 1834, Huntington, W. Va. 25719.	Consolidated Gas Supply Corp., Skin Creek District, Lewis County, W. Va.	25.0	15.325
CI68-795 B 1-2-68	Edwin Allday, c/o W. H. Drushel, Jr., attorney, Vinson, Elkins, Weems & Searls, 2100 First City National Bank Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Deweyville Field, Newton County, Tex.	(20)	-----

¹ Includes 1.50 cents per Mcf tax reimbursement.

² Purchaser has reduced its daily contract volume.

³ Amendment to certificate filed to reflect change in delivery point.

⁴ Rate in effect subject to refund in Docket No. RI66-347.

⁵ The predecessor in interest has filed in Docket No. RI64-657 a motion to make this rate effective subject to refund.

⁶ By letter filed Dec. 28, 1967, Applicant agreed to accept permanent authorization containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.

⁷ Casinghead gas.

⁸ Gas-well gas.

⁹ Subject to deduction for compression and/or treating costs, should Buyer compress or treat gas.

¹⁰ Deletes acreage assigned to Pan American Petroleum Corp.

¹¹ Acreage released to landowners.

¹² Includes 3.4 cents per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

¹³ Subject to upward and downward B.t.u. adjustment.

¹⁴ By letter filed Dec. 26, 1967, Applicant agreed to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.

¹⁵ Includes 1.4 cents per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

¹⁶ Partially succeeds Gulf Oil Corp.'s FPC GRS No. 57.

¹⁷ Partially succeeds Claud B. Hamill's FPC GRS No. 8.

¹⁸ Formerly Tidewater Oil Co.

¹⁹ Includes 2 cents per Mcf gathering and transportation charge.

²⁰ Well ceased to produce.

[F.R. Doc. 68-658; Filed, Jan. 18, 1968; 8:45 a.m.]

[Docket No. RI68-335 etc.]

MARATHON OIL CO. ET AL.

Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates ¹

JANUARY 10, 1968.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI68-335...	Marathon Oil Co., 539 S. Main St., Findlay, Ohio 45840. Attn: Jack Fariss, Esq.	87	3	Colorado Interstate Gas Co. (Wamsutter Unit Area, Sweetwater County, Wyo.).	\$5,158	12-13-67	² 1-13-68	6-13-68	15.0	³ 16.0	
RI68-336...	Pubco Petroleum Corp., Post Office Box 87103, Albuquerque, N. Mex. 87103. Attn: D. W. Reeves, president.	15	2	Colorado Interstate Gas Co. (Desert Springs Field, Sweetwater County, Wyo.).	5,902	12-13-67	² 1-13-68	6-13-68	14.5	³ 15.5	
RI68-337...	Texaco, Inc., Post Office Box 53332, Houston, Tex. 77052. Attn: Mr. R. C. Shields.	89	21	Texas Eastern Transmission Corp. (San Domingo Field, Bee County, Tex.) (R.R. District No. 2).	1,070	12-15-67	² 2-5-68	7-5-68	14.3733	³ 14.8733	RI63-373.
	do.	90	18	do.	600	12-15-67	² 2-5-68	7-5-68	14.3733	³ 14.8733	
	do.	88	20	Texas Eastern Transmission Corp. (Rudman and West Cosden Fields, Bee County, Tex.) (R.R. District No. 2).	(7)	12-15-67	² 2-5-68	7-5-68	14.3733	³ 14.8733	RI63-379.
	do.	96	19	Texas Eastern Transmission Corp. (Wilcox Field, Bee County, Tex.) (R.R. District No. 2).	315	12-15-67	² 2-5-68	7-5-68	14.3733	³ 14.8733	RI63-379.
	do.	272	15	Texas Eastern Transmission Corp. (Nordheim Field, DeWitt County, Tex.) (R.R. District No. 2).	780	12-15-67	² 2-5-68	7-5-68	³ 14.8733	³ 15.3733	RI63-379.
RI68-338...	Texaco, Inc. (Operator) et al.	97	24	Texas Eastern Transmission Corp. (South Karon, South Cabeza Creek, Hostetter Fields, and North Hostetter Field, Bee, Goliad and McMullen Counties, Tex.) (R.R. District Nos. 1 and 2).	14,490 2,280	12-15-67	² 2-5-68	7-5-68	⁹ 14.3733 ¹⁰ 14.5	² 14.8733 ³ 15.0	RI63-380. RI63-380.
RI68-339...	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001. Attn: Mr. John J. Carter.	134	8	El Paso Natural Gas Co. (Vinegarone Field, Val Verde County, Tex.) (R.R. District No. 1).	2,851	12-11-67	² 1-11-68	6-11-68	14.0	⁴ 15.0	
RI68-340...	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001. Attn: Mr. R. E. Galbraith.	84	12	Texas Eastern Transmission Corp. (Meyersville Field, DeWitt County, Tex.) (R.R. District No. 2).	165	12-18-67	² 2-5-68	7-5-68	14.3733	³ 14.8733	RI63-313.
	do.	137	12	Texas Eastern Transmission Corp. (Meyersville Field, DeWitt, Goliad and Victoria Counties, Tex.) (R.R. District No. 2).	340	12-18-67	² 2-5-68	7-5-68	14.3733	³ 14.8733	RI63-313.
RI68-341...	Continental Oil Co. (Operator) et al.	114	15	Texas Eastern Transmission Corp. (Meyersville Field, DeWitt County, Tex.) (R.R. District No. 2).	136	12-18-67	² 2-5-68	7-5-68	14.3733	³ 14.8733	RI63-313.
	do.	139	8	Texas Eastern Transmission Corp. (Cabeza Creek Field, Goliad County, Tex.) (R.R. District No. 2).	302	12-18-67	² 2-5-68	7-5-68	14.3733	³ 14.8733	RI63-313.
	do.	141	¹² 14	Texas Eastern Transmission Corp. (Meyersville and East Meyersville Fields, DeWitt, Goliad and Victoria Counties, Tex.) (R.R. District No. 2).	336	12-18-67	² 2-5-68	7-5-68	14.3733	³ 14.8733	RI63-313.
	do.	125	18	Texas Eastern Transmission Corp. (Helen Gohlke Field, Victoria County, Tex.) (R.R. District No. 2).	283	12-18-67	² 2-5-68	7-5-68	¹⁴ 15.6233	³ 16.1233	RI65-611.
RI68-342...	Yucca Petroleum Co., Post Office Box 2685, Amarillo, Tex. 79105.	14	7	Transwestern Pipeline Co. (Upper Morrow Field, Ochiltree County, Tex.) (R.R. District No. 10).	7,500	12-11-67	² 1-11-68	6-11-68	¹⁵ 17.0	³ 19.5	
RI68-343...	David Crow (Operator) et al., 2000 Beck Bldg., Shreveport, La. 71101.	11	5	Texas Gas Transmission Corp. (Terryville Field, Lincoln Parish, La.).	6,450	12-11-67	² 1-11-68	6-11-68	¹⁵ 18.25	³ 19.75	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI68-344	Bodeaw Co., (Operator) et al., 1300 Mercantile Bldg., Dallas, Tex. 75201.	4	2	Texas Gas Transmission Corp. (Cotton Valley Field, Webster Parish, La.) (North Louisiana).	2,838	12-11-67	* 2-1-68	7-1-68	18 25	* 18 17 19.25	
RI68-345	Bodeaw Co., (Operator) et al., 539 S. Main St., Findlay, Ohio 45840.	2	1	Texas Gas Transmission Corp. (North Dubberly Area, Webster Parish, La.) (North Louisiana).	10,184	12-11-67	* 2-1-68	7-1-68	18 25	* 18 17 19.75	
RI68-346	Marathon Oil Co., (Operator) et al., 539 S. Main St., Findlay, Ohio 45840.	72	5	Texas Gas Transmission Corp. (North Dubberly Area, Webster Parish, La.) (North Louisiana).	1,911	12-13-67	* 1-13-68	6-13-68	18 25	* 18 17 19.75	
RI68-347	The Superior Oil Co., Box 1521, Houston, Tex.	126	1	Panhandle Eastern Pipe Line Co. (North Wayne Field, Woods County, Okla.) (Oklahoma "Other" Area).	1,904	12-12-67	* 1-12-68	6-12-68	15.87	* 17.986	
RI68-348	John Franks (Operator) et al., Post Office Box 1200, Shreveport, La. 71102.	10	4	Texas Gas Transmission Corp. (Terryville Field, Lincoln Parish, La.) (North Louisiana).	7,335	12-11-67	* 1-11-68	6-11-68	18 25	* 18 17 19.75	
	do	12	1	Texas Gas Transmission Corp. (Cotton Valley Field, Webster Parish, La.) (North Louisiana).	16,920	12-11-67	* 1-11-68	6-11-68	18 25	* 18 17 19.25	
	do	11	3	Texas Gas Transmission Corp. (Ruston Field, Lincoln Parish, La.) (North Louisiana).	2,400	12-11-67	* 1-11-68	6-11-68	18 75	* 18 17 20.25	
RI68-349	E. A. Obering et al., Post Office Box 706, Mt. Vernon, Ill. 62864.	2	1	Panhandle Eastern Pipe Line Co. (Woodward Area, Woodward County, Okla.) (Panhandle Area).	7,890	12-11-67	* 1-11-68	6-11-68	18.275	* 19.350	
RI68-350	Crystal Oil & Land Co. et al., 600 Beck Bldg., Shreveport, La. 71101.	12	4	Texas Gas Transmission Corp. (Sugar Creek Field, Claiborne Parish, La.) (North Louisiana).	600	12-11-67	* 1-11-68	6-11-68	18 25	* 18 17 19.75	
RI68-351	T. L. James & Co., Inc., Post Office Box 370, Ruston, La. 71270.	9	3	Texas Gas Transmission Corp. (Calhoun Field, Ouachita Parish, La.) (North Louisiana).	805	12-11-67	* 1-11-68	6-11-68	18 75	* 18 17 20.25	
RI68-352	Calvert Exploration Co. (Operator), et al., National Bank of Tulsa Bldg., Tulsa, Okla. 74103.	2	3	Michigan Wisconsin Pipe Line Co. (Woodward Area, Dewey County, Okla.).	89,880	12-11-67	* 1-11-68	6-11-68	15.0	* 22.0	
RI68-353	Helmerich & Payne, Inc. (Operator), et al., Utica at 21st St., Tulsa, Okla. 74114.	22	23 6 7	Colorado Interstate Gas Co. (Adams Ranch Field, Meade County, Kans.).	22,000	12-11-67	* 1-11-68	(Accepted) 6-11-68	16.8	* 17.9	RI63-445.
RI68-354	Sun Oil Co., Post Office Box 3383, Tulsa, Okla. 74101.	148	12	Michigan Wisconsin Pipe Line Co. (Woodward Area, Major County, Okla.) (Oklahoma "Other" Area), and Woodward County, Okla. (Panhandle Area).	30,273 887	12-11-67	* 2-1-68	7-1-68	15.91	* 19.925	
RI68-355	Harper Oil Co., 904 Hightower Bldg., Oklahoma City, Okla. 73102.	11	3	El Paso Natural Gas Co. (Beckham County, Okla.) (Oklahoma "Other" Area).	311	12-11-67	* 1-11-68	6-11-68	13.015	* 14.015	RI68-200.

* The stated effective date is the first day after expiration of the statutory notice.
 * Periodic rate increase.

* Pressure base is 14.65 p.s.i.a.

* The stated effective date is the effective date requested by Respondent.

* Footnote * not used.

* No sales presently being made.

* Includes 0.5 cents per Mcf service charge paid by Texas Eastern for delivery of dehydrated gas at central point by producer.

* Rate applies only to gas produced in South Karon, South Cebaza, and Hostetter Fields in Bee and Gollad Counties (R.R. District No. 2).

* For gas produced from North Hostetter Field and Hostetter Field, McMullen County, Tex. (R.R. District No. 1).

* Includes 0.1267 cent service charge paid by Texas Eastern for dehydrating and gathering performed by producer.

* Redetermined rate increase.

* Filing does not cover the properties dedicated to the contract agreements dated Feb. 20, 1960, and July 20, 1960, Supplement Nos. 5 and 6, respectively.

* Includes 1.25 cents service charge paid by Texas Eastern for compression and delivery of dehydrated gas at a central point by the producer.

* Subject to a downward B.t.u. adjustment.

* Includes 1.75-cent tax reimbursement.

* Pressure base is 15.025 p.s.i.a.

* Pressure base is 15.025 p.s.i.a.

* Settlement rate approved by Commission order issued Aug. 9, 1963, in Docket No. G-13532 et al.

* Filing from certificated rate to initial contract rate.

* Include base rate of 15 cents plus 0.87 cent upward B.t.u. adjustment (1,068 B.t.u. gas) before increase and base rate of 17 cents plus 0.986 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

* Includes base rate of 17 cents plus 1.275 cents upward B.t.u. adjustment before increase and base rate of 18 cents plus 1.35 cents upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.

* Filing from initial certificated rate to first periodic increase.

* Footnote * not used.

* Subject to upward and downward B.t.u. adjustment (B.t.u. content of gas not stated).

* Provides for 17-cent rate from Sept. 20, 1967 to Sept. 19, 1972. (Contract Amendment dated Nov. 21, 1967).

* Renegotiated rate increase.

* Includes base rate of 16 cents plus 1.8 cents upward B.t.u. adjustment (1,060 B.t.u. gas) before increase and base rate of 17 cents plus 1.9 cents upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.

* Filing from certificated rate to initial contract rate.

* Includes base rate of 19 cents plus 0.91 cent upward B.t.u. adjustment plus 0.015 cent tax reimbursement.

* Base rate subject to upward and downward B.t.u. adjustment.

* For Major County, Okla. "Other" Area production. Includes base rate of 15 cents plus 0.91 cent upward B.t.u. adjustment (1,091 B.t.u. gas).

* For Woodward County, Okla. (Panhandle Area) production. Includes base rate of 17 cents plus 0.91 cent upward B.t.u. adjustment (1,091 B.t.u. gas).

* Includes 0.015 cent tax reimbursement.

Marathon Oil Co., Marathon Oil Co. (Operator) et al., Pubco Petroleum Corp., Humble Oil & Refining Co., David Crow (Operator) et al., John Franks (Operator) et al., E. A. Obering et al., Crystal Oil and Land Co. et al., T. L. James & Co., and Harper Oil Co., all request an effective date of January 1, 1968, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the above producers' rate filings and such requests are denied.

The Superior Oil Co. requests an effective date of 1 day after issuance of its related permanent certificate in Docket No. C168-290 on November 22, 1967, or in no event later than 30 days after filing and a 1-day suspension period if suspended. Good cause has not been shown for granting The Superior Oil Co.'s request for an earlier effective date or for limiting to 1 day the suspension period with respect to its rate filing and such request is denied.

Concurrently with the filing of its rate increase, Helmerich & Payne, Inc. (Operator), et al., (Helmerich) submitted a contract amendment dated November 21, 1967, designated as Supplement No. 6 to Helmerich's FPC Gas Rate Schedule No. 22, which provides for its proposed rate increase under the rate schedule involved. We believe that it would be in the public interest to accept for filing Helmerich's proposed contract amendment to become effective as of January 11, 1968, the proposed effective date, but not the proposed rate contained therein which is suspended as herein-after ordered.

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

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

The Commission finds:

(1) Good cause has been shown for accepting for filing Helmerich's contract amendment dated November 21, 1967, designated as Supplement No. 6 to Helmerich's FPC Gas Rate Schedule No. 22, and for permitting such supplement to become effective on January 11, 1968, the proposed effective date.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated rate supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplement set forth in paragraph (1) above).

The Commission orders:

(A) Helmerich contract amendment dated November 21, 1967, designated as Supplement No. 6 to Helmerich's FPC Gas Rate Schedule No. 22, is accepted

for filing and permitted to become effective on January 11, 1968, the proposed effective date.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated rate supplements (except the supplement set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

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

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 26, 1968.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-659; Filed, Jan. 18, 1968;
8:45 a.m.]

[Docket No. CP67-307 etc.]

CONSOLIDATED GAS SUPPLY CORP. ET AL.

Order Permitting Intervention, Consolidating Applications, and Fixing Date of Prehearing Conference

JANUARY 12, 1968.

Consolidated Gas Supply Corp., Docket No. CP67-307; Texas Gas Transmission Corp., Docket No. CP67-308; United Gas Pipe Line Co., Docket No. CP68-14.

In its application filed April 24, 1967, in Docket No. CP67-307 Consolidated Gas Supply Corp. (Consolidated) seeks a certificate of public convenience and necessity authorizing it to construct and operate pipeline and compressor facilities at an estimated cost of approximately \$37,459,000 for the purpose of receiving up to 200,000 Mcf of natural gas per day from Texas Gas Transmission Corp. (Texas Gas) at a point near Lebanon, Ohio. In order to deliver the aforementioned 200,000 Mcf¹ per day to Consolidated, Texas Gas filed, on April 24, 1967, in Docket No. CP67-308, an interdependent application requesting a certificate of public convenience and

necessity authorizing it to sell gas to Consolidated and to construct and operate pipeline and compressor facilities at an estimated cost of about \$35,596,000. Both applicants plan to construct their proposed facilities in graduated steps over a 3-year period in order that gas can be delivered to Consolidated by Texas Gas in three increments: 112,500 Mcf per day beginning November 1, 1968; 225,000 Mcf per day beginning November 1, 1969; and 300,000 Mcf per day commencing November 1, 1970. Included in the aforementioned increments are graduated volumes of 37,500 Mcf, 75,000 Mcf, and 100,000 Mcf to provide for the consummation of Consolidated's and Texas Gas' proposal to convert an existing 100,000-Mcf-per-day transportation service, now performed by Texas Gas for Consolidated, into a sale by Texas Gas to Consolidated over the same 3-year period.

Texas Gas' proposed sale to Consolidated is, in turn, dependent upon an application, filed July 14, 1967, in Docket No. CP68-14, by United Gas Pipe Line Co. (United), seeking a certificate of public convenience and necessity authorizing United to sell up to 200,000 Mcf per day to Texas Gas and to construct pipeline and compressor facilities, at an estimated cost of approximately \$16,582,000, over the 3-year period during which Texas Gas and Consolidated expect to construct their proposed facilities.

Further details concerning Consolidated's and Texas Gas' applications have previously been given in separate notices issued May 1, 1967, in Docket Nos. CP67-307 and CP67-308 and published in the FEDERAL REGISTER on May 6, 1967 (32 F.R. 6993 and 6995, respectively). Details concerning United's application appeared in a notice issued July 20, 1967, and published in the FEDERAL REGISTER on July 28, 1967 (32 F.R. 11059).

Petitions seeking leave to intervene in this proceeding were filed as indicated in the following tabulation.

Names of petitioners and basis given for being permitted to intervene	Dates of filing
Appalachian Power Co. and Ohio Power Co. (Two joint petitions filed separately in Docket Nos. CP67-307 and CP67-308 alleging that Consolidated and petitioners are competitors in the same market areas).	May 29, 1967.
Consolidated Gas Supply Corp. (One petition filed in Docket No. CP67-308 alleging that Consolidated is the prospective purchaser of the gas Texas Gas proposes to sell).	Do.
Iroquois Gas Corp., Pennsylvania Gas Co., and United Natural Gas Co. (One joint petition filed 2 days late in Docket No. CP67-307 alleging that petitioners are customers of Consolidated).	May 31, 1967.
Louisville Gas & Electric Co. (One petition filed in Docket No. CP67-308 alleging that it is one of Texas Gas' largest customers).	May 26, 1967.

¹ All volumes stated at 15.025 p.s.i.a.

Names of petitioners and basis given for being permitted to intervene

Mississippi River Transmission Corp. (One petition filed in Docket No. CP68-14 alleging that it purchases about 65 percent of its annual gas supply from United).	<i>Dates of filing</i> Aug. 17, 1967.
Mississippi Valley Gas Co. (One petition filed in Docket No. CP67-308 alleging that it is an existing customer of Texas Gas).	May 29, 1967.
Niagara Mohawk Power Corp. (One petition filed in both Docket Nos. CP67-307 and CP67-308 alleging that it purchases its entire gas supply from Consolidated).	Do.
Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (One petition filed in both Docket Nos. CP67-307 and CP67-308 alleging that Consolidated is one of Tennessee's principal customers).	Do.
Texas Eastern Transmission Corp. (Three petitions filed separately in Docket Nos. CP67-307, CP67-308, and CP68-14 alleging that it is one of Consolidated's principal suppliers, purchases and sells gas to Texas Gas, and is United's largest jurisdictional purchaser).	May 29, 1967, and Aug. 17, 1967.
Texas Gas Transmission Corp. (One petition filed in Docket No. CP67-307 alleging that it is the prospective supplier of the gas Consolidated proposes to buy and transport).	May 29, 1967.
United Gas Pipe Line Co. (Two petitions filed separately in Docket Nos. CP67-307 and CP67-308 alleging that Texas Gas' proposed sales to Consolidated are dependent upon its proposed sale to Texas Gas).	Do.

All of the foregoing petitioners who are either customers of applicants or suppliers of gas to one or more of the applicants in this proceeding uniformly allege that their rates and service may be adversely affected by any action which the Commission may take on the applications and that their interests will not be represented by any other party and therefore their interests cannot be adequately represented unless they are permitted to intervene. All of them, except Texas Eastern Transmission Corp. (Texas Eastern), expressly aver that they are not requesting a formal hearing and seek to become interveners only in the event a formal hearing is held.

Texas Eastern specifically requests a formal hearing. It claims that it now transports for an additional distance the gas which is presently being transported by Texas Gas for Consolidated and that this service may be affected by Consolidated's proposal to substitute a purchase from Texas Gas for the existing transportation service. It also alleges that it is one of Consolidated's principal suppliers

and that any growth in Consolidated's service area for the next several years will be supplied by Texas Gas and that this arrangement will apparently preclude it from being able to share in the sale of gas to Consolidated for the purpose of meeting this additional growth. It also claims that the rates under which it buys from both Texas Gas and United may be adversely affected by the proposals in this proceeding. None of the applicants filed an answer either opposing Texas Eastern's request for a formal hearing or objecting to its being permitted to intervene.

Appalachian Power Co. and Ohio Power Co. (Power Companies) also request that a formal hearing be held. They allege that they market electric power in some of the service areas in which Consolidated sells natural gas and that they are competitors of Consolidated, especially in the category of space heating. They claim that Consolidated was permitted to become the sole supplier of gas for its affiliated customers by the Commission's order issued March 24, 1967, in Consolidated Gas Supply Corp., 37 FPC 593, but that Consolidated has not yet filed its restructured three-part rate for sale of gas to nonaffiliated customers pursuant to that order, and that the gas which Consolidated proposes to acquire and transport in Docket No. CP67-307 may not be sold under the existing rates presently on file for sales to nonaffiliated customers. The result of certification under such circumstances may be that Consolidated will thereafter argue that its three-part rates must be accepted by the Commission in order for Consolidated to sell the volumes of gas for which it and Texas Gas will already have been authorized to spend about \$70 million for construction of the facilities necessary to bring additional gas into Consolidated's service area. Power Companies also cast doubt upon Consolidated's estimated projection in its application—that it will attach approximately 182,000 new space heating customers—by pointing out that Power Companies expect to attach 43,000 new space heating customers during this same 3-year period and that the number of customers * * * which Consolidated projects for its system can only be achieved if Consolidated obtains gas heating consumers which (Power Companies) believe will, instead, "become electric heating customers" (Petition, p. 7).

On June 29, 1967, both Texas Gas and Consolidated filed answers to Power Companies' petitions to intervene requesting that the petitions either be denied or that Power Companies be restricted to showing the extent, if any, that their marketing of electric energy for house heating purposes may be adversely affected in the event a certificate of public convenience and necessity is granted to Consolidated in this proceeding. Consolidated argues that Power Companies are competitive with it in areas in which it would expect to sell only about 2 percent of the gas supply which it seeks to acquire in this proceeding. Consolidated contends that its

failure to file three-part rates for sales of gas to nonaffiliates is irrelevant to arguments of Power Companies because its nonaffiliated customers sell gas in Pennsylvania and New York where Power Companies do not distribute electric energy. Finally, Consolidated claims that a competitor must at the very least allege economic grievance and that Power Companies' bare assertion that they distribute electric energy in some of the same communities in which Consolidated sells gas is not a sufficient allegation of economic injury. In support of this contention Consolidated quotes from the Commission's opinion in United Fuel Gas Co., 31 FPC 1342, 1357, wherein the Commission indicated that persons claiming the right to intervene because of their competitive status should " * * * allege facts in their pleadings sufficient, if true, to indicate the nature of the injury."

It would appear that Power Companies have alleged economic injury in that they specifically claim that they expect to attach about 43,000 electric space heating customers over the next three years and that, if their expectations materialize, Consolidated will not be able to attach the 182,000 new gas space heating customers shown in its market estimates in its application. They thereafter state that their position in the space heating market will be adversely affected if Consolidated is permitted to build facilities on the basis of incorrect load projections because Consolidated would then have to file new rates, improperly prejudicial to Power Companies and different from the rates used to justify economic feasibility in this proceeding, in order to attach the space heating customers projected in Consolidated's application.

Consolidated is correct in contending that Power Companies have been somewhat vague in their allegations of economic injury, but it would appear that Power Companies' allegations constitute a sufficient basis to justify intervention in light of the rationale of the court in *City of Pittsburgh v. F.P.C.*, 237 F.2d 741 (CA-DC) where the court noted at page 747 that the Natural Gas Act makes no provision for the correction of administrative errors by anyone other than those "aggrieved" parties whose self-interest impels them to activity and that Congress chose the method of litigation by private parties as the means to test the validity of administrative action under the Natural Gas Act. Additionally, Consolidated's answer concedes that Power Companies will be competing with it in a portion of its service area. In *Virginia Petroleum Jobbers Association v. F.P.C.*, 265 F.2d 364, the court stated (at p. 368):

* * * (Jobbers' Association) will be directly competing for fuel revenues with both Blue Ridge and Atlantic, the latter being subject to the jurisdiction of the Power Commission. We hold, therefore, that their Association had a right to intervene in the proceeding before the Federal commission, under the principles elaborated in the city of Pittsburgh and National Coal Association cases, since the right to appeal from an order presupposes participation in the proceedings which led to it. * * *

It does not appear that Power Companies' participation in this proceeding can properly be restricted, as requested by Consolidated and Texas Gas, in light of the court's statement in *Juarez Gas Company v. F.P.C.*, 375 F.2d 595 (CA10, 1967) (p. 598):

"... And the fact that petitioner would be adversely affected only in its private interests by whatever action the Commission might take does not negative petitioner's standing to advance factors bearing upon the public convenience and necessity."

The Commission finds:

(1) Although the joint petition of Iroquois Gas Corp., Pennsylvania Gas Co., and United Natural Gas Co., was not filed within the time prescribed by section 1.8(d) of the Commission's rules of practice and procedure, good cause exists to permit the late filing.

(2) The applications of Consolidated, Texas Gas, and United in Docket Nos. CP67-307, CP67-308, and CP68-14, respectively, are interdependent and should be consolidated for purposes of hearing.

(3) It is desirable to allow the companies which have filed petitions to intervene to become interveners in this proceeding in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The above-named petitioners are hereby permitted to become interveners in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated presiding examiner shall commence at 10 a.m., e.s.t., on January 31, 1968, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, for the purpose of considering all matters at issue in the proceeding, determining the manner and time within which evidence shall be presented, fixing the date on which the hearing shall commence, and entertaining adoption of suggestions which may expedite the proceeding.

(C) The applications of Consolidated Gas Supply Corp., Texas Gas Transmission Corp., and United Gas Pipe Line Co. in Docket Nos. CP67-307, CP67-308, and CP68-14, respectively, are consolidated for purposes of hearing.

(D) Consolidated, Texas Gas, and United shall, within 5 days after issuance of this order, serve copies of their applications and supplements thereto, if any,

upon all parties to this consolidated proceeding, unless such service has heretofore been made.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-730; Filed, Jan. 18, 1968; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA BANKSHARES CORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)), by First Virginia Bankshares Corp., which is a bank holding company located in Arlington, Va., for the prior approval of the Board of the acquisition by Applicant of 51 percent or more of the voting shares of Monticello National Bank, Charlottesville, Va.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Public access to the application may be had at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

Dated at Washington, D.C., this 11th day of January 1968.

By order of the Board of Governors.

[SEAL]

ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-733; Filed, Jan. 18, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2830]

AMERICAN SAFETY EQUIPMENT CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 15, 1968.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

American Safety Equipment Corp., File No. 7-2830.

Upon receipt of a request, on or before January 30, 1968 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-750; Filed, Jan. 18, 1968; 8:47 a.m.]

[812-2248]

CHRYSLER OVERSEAS CAPITAL CORP.

Notice of Filing of Application for Order Exempting Company From All Provisions of the Act

JANUARY 15, 1968.

Notice is hereby given that Chrysler Overseas Capital Corp. ("Applicant"), 341 Massachusetts Avenue, Highland Park, Mich., has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with

the Commission for a statement of the representations therein, which are summarized below.

The Applicant was organized by Chrysler Corp. ("Chrysler") under the laws of the State of Delaware in February 1966. All of the initially issued stock of Applicant, consisting of 100,000 shares of capital stock, par value \$100 per share has been purchased by Chrysler for \$10 million and are held by Chrysler. Chrysler has informed Applicant that it may hereafter make further investments in the Applicant, in exchange for additional shares of the Applicant's capital stock or by contributions to the capital of the Applicant. Any additional securities, other than debt securities, which Applicant may issue in the future will be issued only to Chrysler or one or more of its wholly owned subsidiaries and Chrysler has informed Applicant that it or its wholly owned subsidiaries will continue to own all shares of the Applicant's capital stock and any additional securities, other than debt securities of the Applicant so acquired and will not dispose of them except to the Applicant itself or to Chrysler or to one or more of other wholly owned subsidiaries of Chrysler. Neither Chrysler nor any wholly owned subsidiary of Chrysler which may own the securities, other than debt securities, of the Applicant is or will be an investment company within the meaning of the Act.

Chrysler, a Delaware corporation, is primarily engaged, directly and through its subsidiaries in the manufacture, assembly and sale of passenger cars, trucks, and related automotive parts and accessories.

The primary activity of the Applicant is to finance the foreign operations (direct or indirect) of Chrysler through the sale of the Applicant's securities including borrowing outside the United States by Applicant, consistent with the President's program to improve the balance of payments position of the United States. Applicant intends to issue and sell an aggregate of \$50 million principal amount of its Guaranteed Sinking Fund Debentures Due 1988 ("Debentures"). Chrysler will guarantee the principal, premium, if any, Sinking Fund and interest payment on the Debentures. Any additional debt securities of Applicant which may be issued to or held by the public will be guaranteed by Chrysler substantially in the same manner as the Debentures. The Debentures will be convertible on or after August 15, 1968, into common stock of Chrysler. The Director of the Office of Foreign Direct Investments of the U.S. Department of Commerce, the Applicant and Chrysler have entered into a closing agreement dated January 10, 1968, which authorizes, among other things, the Applicant and Chrysler to pay the principal and premium on the Debentures and to deliver the common stock of Chrysler into which the Debentures are convertible.

It is intended that upon completion of the long-term investment of Applicant's assets, at least 80 percent of the assets of the Applicant, exclusive of U.S.

Government securities and cash items, will be invested in or loaned to foreign companies (or domestic companies, substantially all of the business of which is conducted outside of the United States) which are primarily engaged in a business or businesses other than investing, reinvesting, owning, holding, or trading in securities and which are, or upon the making of such investment will be (1) majority-owned subsidiaries of Chrysler within the meaning of section 2(a)(23) of the Act, or (2) companies under Chrysler's control within the meaning of section 2(a)(9) of the Act, or (3) companies which are engaged in the business of Chrysler or its subsidiaries, in which Chrysler or the Applicant owns an equity interest of 15 percent or more. Applicant will proceed as expeditiously as practicable with the investment of its assets in the manner described above. Pending such investment and from time to time thereafter in connection with changes in such investment, Applicant will make temporary investments in obligations of foreign governments, foreign financial institutions, other foreign persons, and foreign branches of U.S. financial institutions.

The Debentures are to be offered pursuant to underwriting or distribution agreements which will contain provisions intended to assure that the Debentures will not be sold to nationals or residents of the United States or its territories or possessions ("United States persons"). Any future debt securities of the Applicant to be sold to the public will be sold under similar conditions.

Counsel has advised the Applicant and Chrysler that at the time of issuance of the Debentures by the Applicant, Debentures purchased by U.S. persons will be subject to the Interest Equalization Tax, unless a specific statutory exemption is available. Thus, by financing its foreign operations through the Applicant rather than through sale of its own debt obligations, Chrysler will utilize an instrumentality the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to interest equalization tax, thereby tending to discourage them from purchasing such debt securities.

The Debentures will be listed on the New York Stock Exchange and registered under the Securities Exchange Act of 1934.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting Applicant from each and every provision of the Act for the following reasons: (1) The primary purpose of the Applicant is to provide a vehicle through which Chrysler may obtain funds in foreign countries to meet its foreign capital requirements while assisting in improving the balance of payments position of the United States; (2) to service fully all its obligations, the payment of the Debentures, which is guaranteed by Chrysler, and the value of the right to

convert the Debentures by exchanging them for shares of Chrysler common stock, do not depend solely on the operations or investment policy of the Applicant, for as a result of the guarantee, the Debenture holders may ultimately look to the business enterprise of Chrysler rather than solely to that of the Applicant. Accordingly, the public policy underlying the Act is not applicable to the Applicant nor do the security holders of the Applicant require the protection afforded by the Act; (3) none of the securities of the Applicant (other than debt securities) will be held by any person other than Chrysler or a wholly owned subsidiary of Chrysler; (4) Applicant will not permit any debt securities to be issued to or held by the public unless they are guaranteed by Chrysler; (5) Applicant will not deal or trade in securities; (6) Applicant's security holders will have the benefit of the disclosure and reporting provisions of the Securities Exchange Act of 1934 and of the New York Stock Exchange; Chrysler has undertaken to endeavor to effect any necessary registration under the Securities Act of 1933 of the common stock of Chrysler into which the Debentures will be convertible; (7) the Debentures will be offered and sold to foreign nationals in accordance with procedures designed to prevent the reoffering or resale of the Debentures to nationals or residents of the United States or its territories or possessions; (8) the burden of the interest equalization tax will discourage purchase of the Debentures by any U.S. person.

Notice is further given that any interested person may, not later than January 25, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or of law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 68-751; Filed, Jan. 18, 1968;
8:47 a.m.]

[70-4574]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Cash Capital Contributions to Subsidiary Companies

JANUARY 15, 1968.

Notice is hereby given that General Public Utilities Corp. ("GPU"), 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed with this Commission a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes to make cash capital contributions, from time to time during 1968, to its subsidiary companies named below in amounts not in excess of those shown:

Metropolitan Edison Co.	\$15,500,000
Jersey Central Power & Light Co.	23,800,000
New Jersey Power & Light Co.	4,200,000
Pennsylvania Electric Co.	31,000,000
Total	74,500,000

The cash capital contributions will be utilized by the respective companies to finance their business as public utility companies, including construction of new facilities and an increase of working capital.

The filings state that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. GPU estimates that the fees and expenses in connection with the proposed transactions will be approximately \$2,500.

Notice is further given that any interested person may, not later than February 12, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at

law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 68-752; Filed, Jan. 18, 1968;
8:47 a.m.]

NORTH AMERICAN RESEARCH & DEVELOPMENT CORP.

Order Suspending Trading

JANUARY 15, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of North American Research & Development Corp., 1935 South Main Street, Salt Lake City, Utah, and all other securities of North American Research & Development Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 16, 1968, through January 25, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 68-753; Filed, Jan. 18, 1968;
8:47 a.m.]

[File Nos. 7-2825-7-2829]

PACIFIC PETROLEUMS, LTD., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 15, 1968.

In the matter of applications of the Midwest 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 trad-

ing 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.
Pacific Petroleum, Ltd.	7-2825
Purex Corporation, Ltd.	7-2826
Tektronix, Inc.	7-2827
Texas Instruments, Inc.	7-2828
United States Smelting, Refining and Mining Co.	7-2829

Upon receipt of a request, on or before January 30, 1968, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 68-754; Filed, Jan. 18, 1968;
8:47 a.m.]

SANTA FE INTERNATIONAL, INC.

Order Suspending Trading

JANUARY 15, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Santa Fe International, Inc., Denver, Colo. (Formerly Santa Fe Uranium and Oil Co., Inc.), otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period commencing January 15, 1968, at 12:15 p.m. (e.s.t.), through January 24, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 68-755; Filed, Jan. 18, 1968;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 16, 1968.

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

LONG-AND-SHORT HAUL

FSA No. 41210—*Ferro Alloys to Bridgeville, Pa.* Filed by O. W. South, Jr., agent (No. A5075), for interested rail carriers. Rates on ferro-manganese, ferro-silicon, silico-manganese, in carloads, minimum 100,000 pounds, from Emco, Ala., Chattanooga and Rockwood, Tenn., to Bridgeville, Pa.

Grounds for relief—Market competition.

Tariff—Supplement 115 to Southern Freight Association, agent, tariff I.C.C. S-308.

FSA No. 41211—*Mine or Quarry Drilling Machines to Points in Colorado.* Filed by Western Trunk Line Committee, agent (No. A-2534), for interested rail carriers. Rates on mine or quarry drilling machines and/or parts, in carloads, from points in western trunkline territory, to specified points in Colorado.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 1 to Trans-Continental Freight Bureau, agent, tariff I.C.C. 1767.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-746; Filed, Jan. 18, 1968;
8:47 a.m.]

[Notice 74]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 16, 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-69943. By order of January 11, 1968, the Transfer Board, on reconsideration, approved the transfer to Charles P. Rutherford, Inc., Ambler, Pa., of the operating rights in Certificate No. MC-42390 issued September 7, 1940, to Joseph McNamee, Jr., Philadelphia, Pa., authorizing the transportation of household goods, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in New York and New Jersey. Joseph H. Savitz, 1332 Philadelphia National Bank Building, Philadelphia, Pa. 19107, attorney for applicants.

No. MC-FC-70073. By order of January 11, 1968, the Transfer Board approved the transfer to City Air Freight, Inc., Michigan City, Ind., of the operating rights set forth in certificate No. MC-128377 (Sub-No. 1) issued October 30, 1967, to Edith M. Kolodziejski, Michigan City, Ind., authorizing the transportation, over specified regular routes, of general commodities, except classes A and B explosives, commodities in bulk, and commodities requiring special equipment, between Michigan City, Ind., and Midway and O'Hare International Airports, Chicago, Ill., serving no intermediate points, restricted to traffic having an immediately prior or subsequent movement by air. Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614, practitioner for applicants.

No. MC-FC-70115. By order of January 11, 1968, the Transfer Board approved the transfer to Thibodeau Express, Ltd., a corporation, Windsor, Ontario, Canada, of the operating rights in certificate No. MC-64087 issued October 14, 1960, to Leo J. Thibodeau, doing business as Thibodeau International Transport, Windsor, Ontario, Canada, authorizing the transportation, over irregular routes, of general commodities, except those of unusual value, classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points within 8 miles of Detroit, Mich., including Detroit. Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226, attorney for applicants.

No. MC-FC-70171. By order of January 12, 1968, the Transfer Board approved the transfer to Nolin's Boston Express, Inc., Attleboro, Mass., of certificate of registration No. MC-97940 (Sub-No. 1) issued January 10, 1964 to Maurice R. Cameron, doing business as Nolin's Boston Express, Attleboro, Mass., evidencing a right to engage in interstate or foreign commerce in the transportation of commodities between points in Massachusetts. Herbert F. Patriquin, 190 Chauncy Street, Mansfield, Mass. 02048, attorney for applicants.

No. MC-FC-70178. By order of January 12, 1968, the Transfer Board approved the transfer to Dennis Fuchshuber, doing business as Equipment Transport Co., Fort Worth, Tex., of the cer-

tificate of registration in No. MC-125288 (Sub-No. 1) issued July 19, 1966, to Atlas Transportation Corp., 3007 McGowan, Post Office Box 5998, Dallas, Tex., evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in specialized motor carrier permanent certificate of public convenience and necessity No. 6035, Docket No. 7409, dated August 27, 1965, issued by the Railroad Commission of Texas, and authorizing the transportation of household goods and livestock feedstuffs, from New Castle, Tex., to all points in Texas, and various specified commodities between all points in Texas. James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224, attorney for transferee.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-747; Filed, Jan. 18, 1968;
8:47 a.m.]

[Notice 74A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 16, 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-69870. By order of January 4, 1968, the Transfer Board approved the transfer to P. Liedtka Trucking, Inc., Trenton, N.J., of that portion of the operating rights in Certificate No. MC-43046, issued December 7, 1951, to Beach Transportation Co., Inc., Trenton, N.J., authorizing the transportation, over regular routes, of general commodities, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, and commodities in bulk, over regular routes, from New York, N.Y., to Washington, D.C. Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

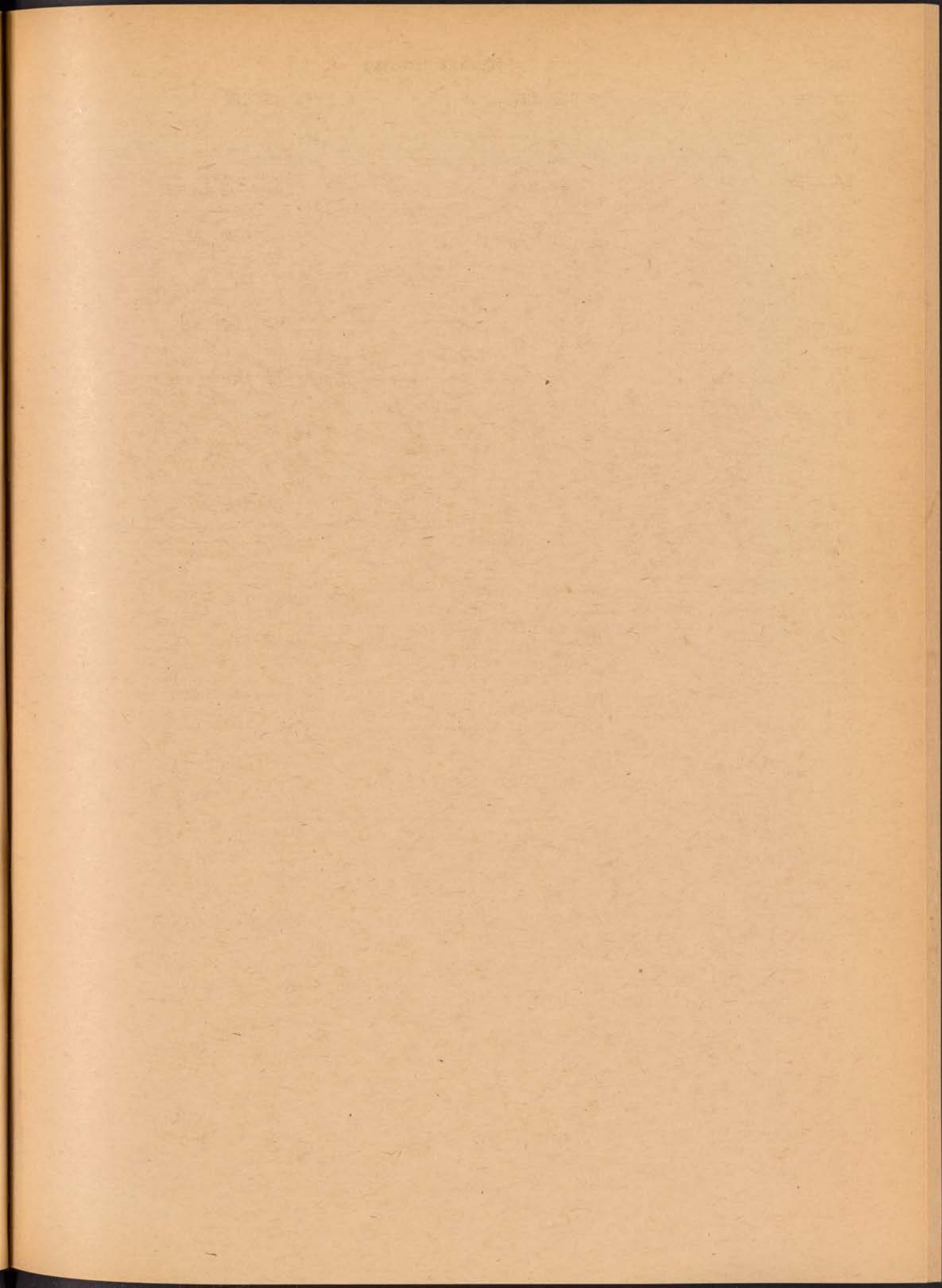
[F.R. Doc. 68-748; Filed, Jan. 18, 1968;
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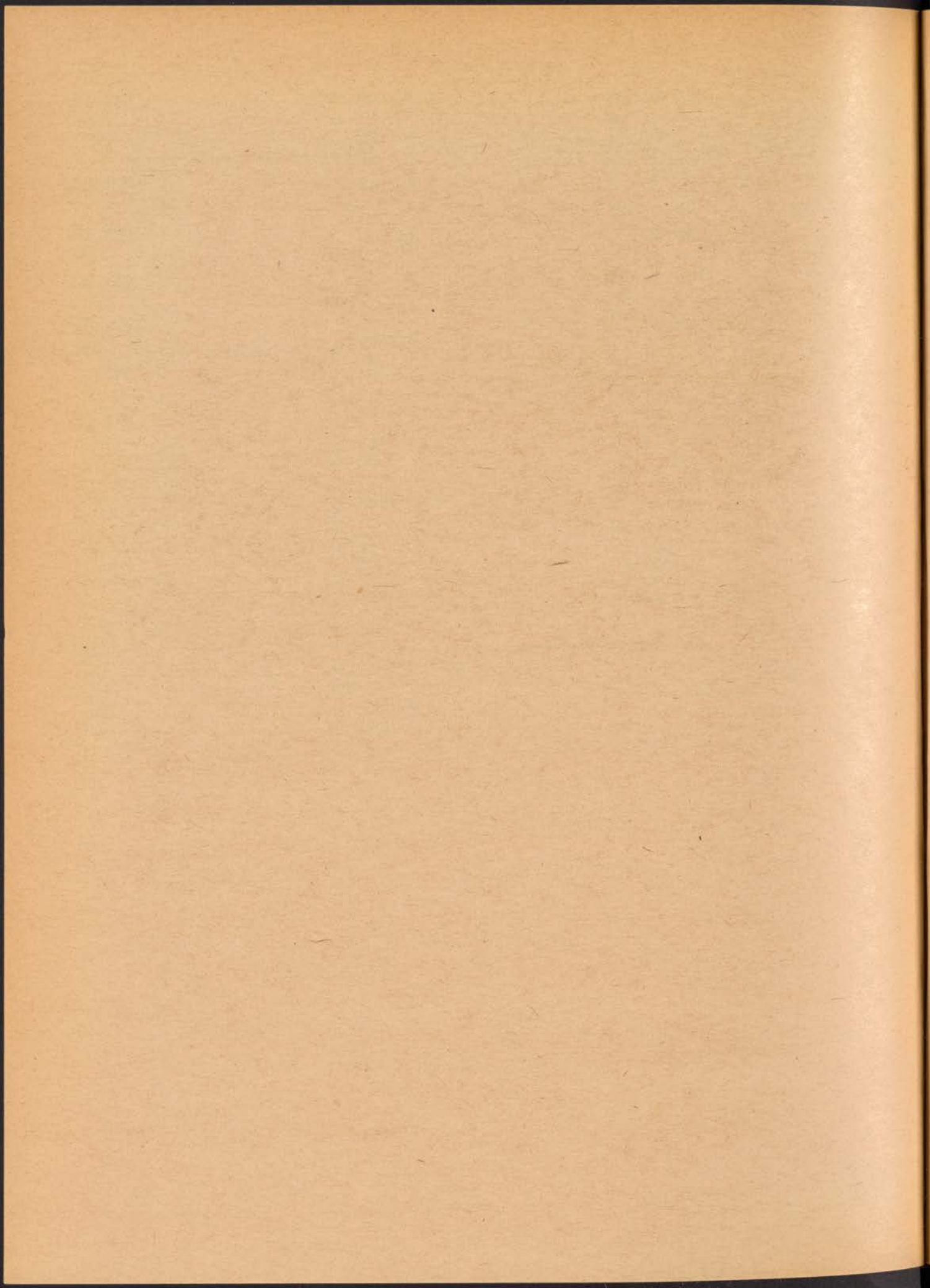
CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

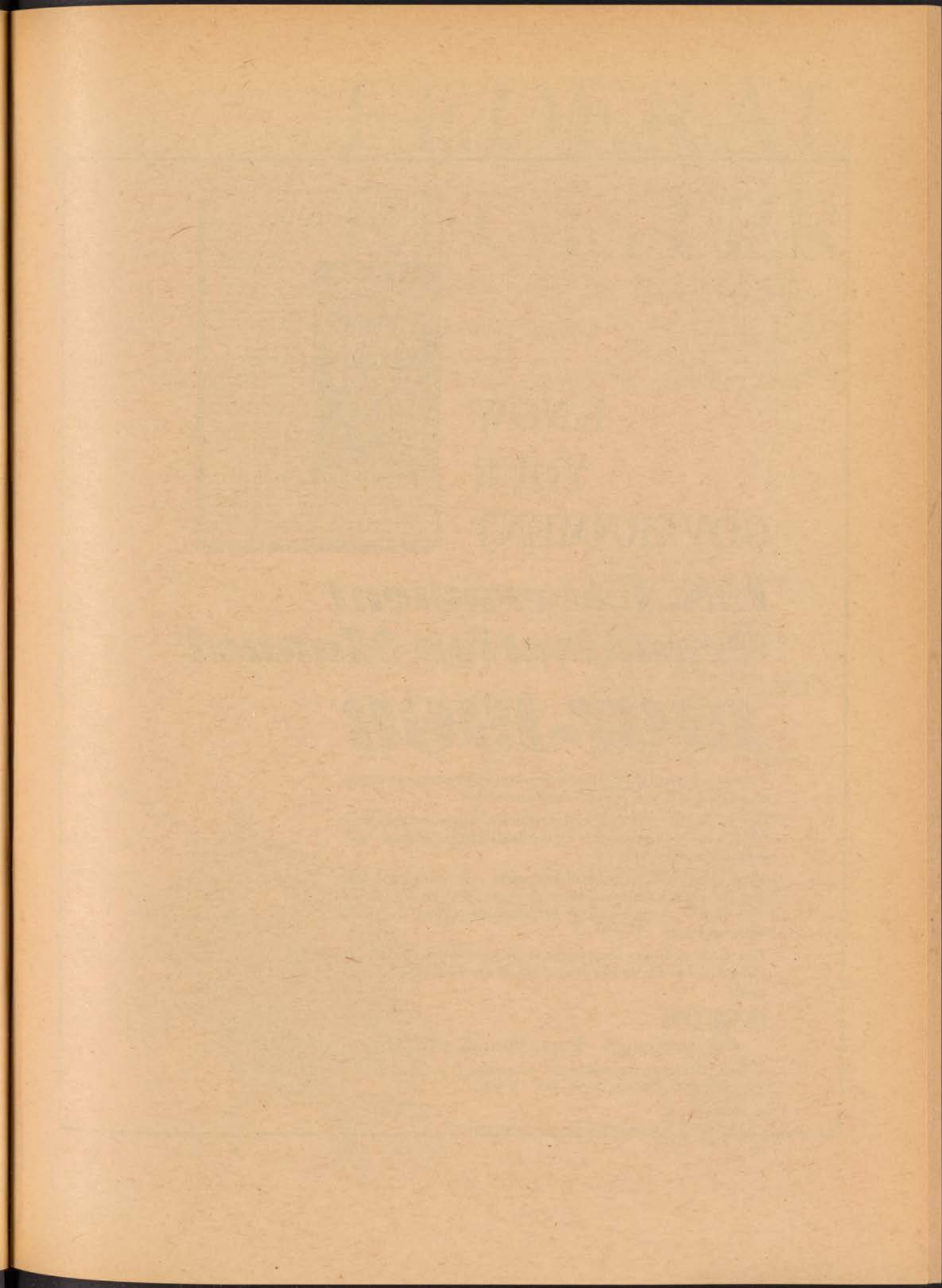
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