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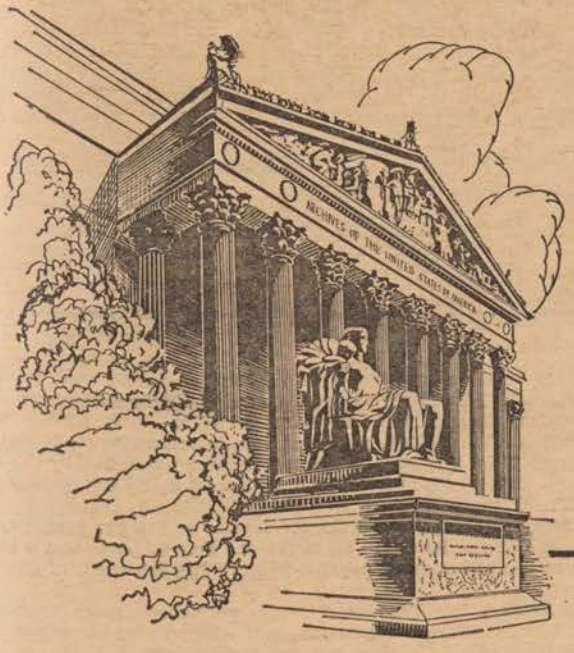
Agencies in this issue—

Detailed list of Contents appears inside.



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Contents

(*Continued on next page*)

List of CFR Parts Affected

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.

3 CFR

EXECUTIVE ORDERS:
- 11322 (see EO 11419) 10837
- 11419 10837

5 CFR

- 179 10839
- 213 10839

7 CFR

- 51 10840
- 201 10840
- 601 10841
- 1050 10841

PROPOSED RULES:
- 907 10867
- 908 10873
- 913 10879
- 944 10880
- 946 10880
- 958 10881
- 1136 10881

9 CFR

- 97 10839

14 CFR

- 77 10842
- 121 10843

PROPOSED RULES:
- 151 10882

21 CFR

- 8 10844
- 121 10844

22 CFR

- 11 10845

25 CFR

- 221 (2 documents) 10846, 10847

38 CFR

- 2 10847
- 21 10847

41 CFR

- 8-3 10847
- 8-16 10849
- 8-75 10849

42 CFR

PROPOSED RULES:
- 81 10822

46 CFR

- 355 10849

47 CFR

- 0 10849
- 2 10849
- 81 (2 documents) 10849, 10863
- 83 10849
- 87 10863

PROPOSED RULES:
- 97 10883

49 CFR

- 1033 10864

50 CFR

- 10 10865
- 32 (4 documents) 10866

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11419

RELATING TO TRADE AND OTHER TRANSACTIONS INVOLVING SOUTHERN RHODESIA

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 5 of the United Nations Participation Act of 1945 (59 Stat. 620), as amended (22 U.S.C. 287c), and section 301 of Title 3 of the United States Code, and as President of the United States, and considering the measures which the Security Council of the United Nations by Security Council Resolution No. 253 adopted May 29, 1968, has decided upon pursuant to article 41 of the Charter of the United Nations, and which it has called upon all members of the United Nations, including the United States, to apply, it is hereby ordered:

SECTION 1. In addition to the prohibitions of section 1 of Executive Order No. 11322 of January 5, 1967, the following are prohibited effective immediately, notwithstanding any contracts entered into or licenses granted before the date of this Order:

(a) Importation into the United States of any commodities or products originating in Southern Rhodesia and exported therefrom after May 29, 1968.

(b) Any activities by any person subject to the jurisdiction of the United States which promote or are calculated to promote the export from Southern Rhodesia after May 29, 1968, of any commodities or products originating in Southern Rhodesia, and any dealings by any such person in any such commodities or products, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings; *Provided*, however, that the prohibition against the dealing in commodities or products exported from Southern Rhodesia shall not apply to any such commodities or products which, prior to the date of this Order, had been lawfully imported into the United States.

(c) Carriage in vessels or aircraft of United States registration or under charter to any person subject to the jurisdiction of the United States of any commodities or products originating in Southern Rhodesia and exported therefrom after May 29, 1968.

(d) Sale or supply by any person subject to the jurisdiction of the United States, or any other activities by any such person which promote or are calculated to promote the sale or supply, to any person or body in Southern Rhodesia or to any person or body for the purposes of any business carried on in or operated from Southern Rhodesia of any commodities or products. Such activities, including carriage in vessels or aircraft, may be authorized with respect to supplies intended strictly for medical purposes, educational equipment and material for use in schools and other educational institutions, publications, news material, and foodstuffs required by special humanitarian circumstances.

(e) Carriage in vessels or aircraft of United States registration or under charter to any person subject to the jurisdiction of the United States of any commodities or products consigned to any person or body in Southern Rhodesia, or to any person or body for the purposes of any business carried on in or operated from Southern Rhodesia.

(f) Transfer by any person subject to the jurisdiction of the United States directly or indirectly to any person or body in Southern Rhodesia of any funds or other financial or economic resources. Payments exclusively for pensions, for strictly medical, humanitarian or educational purposes, for the provision of news material or for foodstuffs required by special humanitarian circumstances may be authorized.

(g) Operation of any United States air carrier or aircraft owned or chartered by any person subject to the jurisdiction of the United States or of United States registration (i) to or from Southern Rhodesia or (ii) in coordination with any airline company constituted or aircraft registered in Southern Rhodesia.

SEC. 2. The functions and responsibilities for the enforcement of the foregoing prohibitions, and of those prohibitions of Executive Order No. 11322 of January 5, 1967 specified below, are delegated as follows:

(a) To the Secretary of Commerce, the function and responsibility of enforcement relating to—

(i) the exportation from the United States of commodities and products other than those articles referred to in section 2(a) of Executive Order No. 11322 of January 5, 1967; and

(ii) the carriage in vessels of any commodities or products the carriage of which is prohibited by section 1 of this Order or by section 1 of Executive Order No. 11322 of January 5, 1967.

(b) To the Secretary of Transportation, the function and responsibility of enforcement relating to the operation of air carriers and aircraft and the carriage in aircraft of any commodities or products the carriage of which is prohibited by section 1 of this Order or by section 1 of Executive Order No. 11322 of January 5, 1967.

(c) To the Secretary of the Treasury, the function and responsibility of enforcement to the extent not previously delegated in section 2 of Executive Order No. 11322 of January 5, 1967, and not delegated under subsections (a) and (b) of this section.

SEC. 3. The Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Transportation shall exercise any authority which such officer may have apart from the United Nations Participation Act of 1945 or this Order so as to give full effect to this Order and Security Council Resolution No. 253.

SEC. 4. (a) In carrying out their respective functions and responsibilities under this Order, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Transportation shall consult with the Secretary of State. Each such Secretary shall consult, as appropriate, with other government agencies and private persons.

(b) Each such Secretary shall issue such regulations, licenses or other authorizations as he considers necessary to carry out the purposes of this Order and Security Council Resolution No. 253.

SEC. 5. (a) The term "United States," as used in this Order in a geographical sense, means all territory subject to the jurisdiction of the United States.

(b) The term "person" means an individual, partnership, association or other unincorporated body of individuals, or corporation.

SEC. 6. Executive Order No. 11322 of January 5, 1967, implementing United Nations Security Council Resolution No. 232 of December 16, 1966, shall continue in effect as modified by sections 2, 3, and 4 of this Order.

Lyndon B. Johnson

THE WHITE HOUSE,
July 29, 1968.

[F.R. Doc. 68-9212; Filed, July 29, 1968; 4:07 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 179—CLAIMS COLLECTION STANDARDS

Pursuant to section 3 of the Federal Claims Collection Act of 1966 (P.L. 89-508, 80 Stat. 309, 31 U.S.C. 952), authorizing regulations in conformity with the Joint Regulations of the Attorney General and the Comptroller General (4 CFR Part 101 et seq.) 5 CFR is amended by adding a new Part 179 in Chapter I, relative to civil claims by the United States for money or property. This new Part 179 is set forth below.

Sec.
179.101 General collection standards.
179.102 Delegation of authority.

AUTHORITY: The provisions of this Part 179 issued under section 3, 80 Stat. 309, 31 U.S.C. 952.

§ 179.101 General collection standards.

The general standards and procedures governing the collection, compromise, termination, and referral to the Department of Justice of claims for money and property that are prescribed in the regulations issued jointly by the General Accounting Office and the Department of Justice pursuant to the Federal Claims Collection Act of 1966 (4 CFR Part 101 et seq.), apply to the administrative claim collection activities of the Commission.

§ 179.102 Delegation of authority.

The Director of the Bureau of Retirement and Insurance shall act on claims that arise under Subchapter III of Chapter 83, Chapter 87 and Chapter 89 of title 5, United States Code, the Retired Federal Employees Health Benefits Act (74 Stat. 849), the Panama Canal Construction Annuity Act (58 Stat. 257), and the Lighthouse Service Widow's Annuity Act (64 Stat. 465). The General Counsel shall act on all other claims.

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

[F.R. Doc. 68-9135; Filed, July 30, 1968; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102(w) is amended to remove the 1040-hour service limitation on the part-time employment of students appointed in furtherance of the President's Youth Opportunity Stay-In-School Campaign.

§ 213.3102 Entire executive civil service.

* * * * *

(w) Part-time or intermittent positions the duties of which involve work of a routine nature when filled by students appointed in furtherance of the President's Youth Opportunity Stay-in-School Campaign and when the following conditions are met: (1) Appointees are enrolled in or accepted for enrollment in a resident secondary school or institution of higher learning, accredited by a recognized accrediting body; (2) employment does not exceed 16 hours in any calendar week (40 hours in any calendar week which falls within a vacation period); (3) while employed, appointees continue to maintain an acceptable school standing, although they need not attend school during the summer; (4) appointees need the earnings from the employment to continue in school; and (5) salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance. Appointments under this authority may not extend beyond 1 year: Provided, That such appointments may be extended for additional periods of not to exceed 1 year each if the conditions for initial appointment are still met. A person may not be appointed under this authority unless he has reached his 16th but not his 22nd birthday. No new appointments may be made under this authority between May 1 and August 31, inclusive.

* * * * *

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

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

[F.R. Doc. 68-9172; Filed, July 30, 1968; 8:51 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 1, 1966 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), November 1, 1966 (31 F.R. 13939), November 23, 1966 (31 F.R. 14826), February 14, 1967 (32 F.R. 2843), April 15, 1967 (32 F.R. 6021), August 26, 1967 (32 F.R. 12441), September 29, 1967 (32 F.R. 13650), February 9, 1968 (33 F.R. 2758), and March 7, 1968 (33 F.R. 4248), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein, as follows:

OUTSIDE METROPOLITAN AREA

TWO HOURS

Add: Cincinnati Airport (served from Fairfield, Ohio).

This commuted travel time period has been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good because that notice and public procedure on this instruction is impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this instruction effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 26th day of July 1968.

G. H. WISE,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 68-9148; Filed, July 30, 1968; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspection, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Shelled Walnuts (Juglans regia)[1]

Subpart—U.S. Standards for Grades of Walnuts (Juglans regia) in the Shell [1]

COLOR CHART

Statement of considerations leading to the amendment of these grade standards. The current supply of USDA Walnut Color Charts referenced in the U.S. Standards for Grades of Walnuts (Juglans regia) in the Shell and in the U.S. Standards for Shelled Walnuts is exhausted.

A new Walnut Color Chart of high quality, replacing the existing chart has been developed by the Munsell Color Co., with the collaboration of and approval by the U.S. Department of Agriculture. This new and improved color chart illustrates the various intensities of kernel skin color referenced in these standards.

The Administrator has designated this USDA Walnut Color Chart as an official color standard and has authorized its manufacture and sale by the Munsell Color Co.

As amended, § 51.2276 in the U.S. Standards for Shelled Walnuts (Juglans regia) is changed to read as follows:

§ 51.2276 Color chart.

The color chart (USDA Walnut Color Chart) to which reference is made in §§ 51.2281 and 51.2282 illustrates the four shades of walnut skin color listed as color classifications.

(a) *Availability of color chart.* The USDA Walnut Color Chart cited in this subpart has been filed with the original document and is available for inspection in the Office of the Federal Register. The color chart is also available for inspection in the Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250, in any field office of the Fresh Fruit and Vegetable Inspection Service of the Fruit and Vegetable Division, or upon request of any authorized inspector of such Service. Copies of the color chart may be purchased from Munsell Color Co., Inc., 2441 North Calvert Street, Baltimore, Md. 21218.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

As amended, § 51.2946 in the U.S. Standards for Grades of Walnuts (Juglans regia) in the Shell, is changed to read as follows:

§ 51.2946 Color chart.

The color chart (USDA Walnut Color Chart) to which reference is made in §§ 51.2948, 51.2949, 51.2950, 51.2954, and 51.2963 illustrates four shades of color used to describe skin color of walnut kernels.

(a) *Availability of color chart.* The USDA Walnut Color Chart cited in this subpart has been filed with the original document and is available for inspection in the Office of the Federal Register. The color chart is also available for inspection in the Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250, in any field office of the Fresh Fruit and Vegetable Inspection Service of the Fruit and Vegetable Division, or upon request of any authorized inspector of such Service. Copies of the color chart may be purchased from Munsell Color Co., Inc., 2441 North Calvert Street, Baltimore, Md. 21218.

Notice of proposed rule making, public procedure thereon is impractical, unnecessary, and contrary to the public interest in that:

(1) The supply of existing walnut color charts is exhausted; and,

(2) These amendments are necessary to reference in these standards a new, improved color chart illustrating the various color classifications.

These amendments shall become effective September 1, 1968.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: July 26, 1968.

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

[F.R. Doc. 68-9150; Filed, July 30, 1968; 8:50 a.m.]

SUBCHAPTER I—FEDERAL SEED ACT

PART 201—FEDERAL SEED ACT REGULATIONS

Miscellaneous Amendments

On March 21, 1968, there was published in the FEDERAL REGISTER (33 F.R. 4807) a notice of rule making and hearing with respect to proposed amendments to the regulations (7 CFR Part 201, as amended) under the Federal Seed Act, as amended (7 U.S.C. 1551 et seq.). After consideration of all relevant matters presented at the hearing and in writing, pursuant to said notice, and under authority of section 402 of the Federal Seed Act, the proposed amendments to the regulations are adopted as so published except as indicated below:

1. The part of the proposed amendment of § 201.2(y) that would establish the minimum level at 90 percent for labeling agricultural seed as "hybrid" is not adopted. The minimum level is changed in the amendment to 75 percent. This will be consistent with the requirement for labeling hybrid vegetable seed.

2. The proposed amendment of § 201.10 omitted the last sentence in that section of the regulations as then in effect. That sentence is included in the amendment of § 201.10 made hereby.

3. In the amendment of § 201.11a the reference in the proposal to "90 percent" is changed to "95 percent" each time it appears; and the wording of the section is changed to conform to the wording of section 201(a)(1) of the Act. The proposed amendment of § 201.11a to prohibit association of the term "hybrid" with kind or variety names in one class of hybrid is not adopted. This will be consistent with the requirement for labeling hybrid vegetable seed.

4. The parts of proposed amendments of §§ 201.11a and 201.26 to require a warning statement on the label for seed containing pure seed with over 5 percent but less than 75 percent first generation seed of a cross are not adopted for either agricultural or vegetable seed.

The amendments as adopted are as follows:

1. Section 201.2(y) is revised to read as follows:

§ 201.2 Terms defined.

* * * * *

(y) *Hybrid.* The term "hybrid" applied to kinds of varieties of seed means the first generation seed of a cross produced by controlling the pollination and by combining (1) two or more inbred lines; (2) one inbred or a single cross with an open pollinated variety; or (3) two selected clones, seed lines, varieties, or species. "Controlling the pollination" means to use a method of hybridization which will produce pure seed which is at least 75 percent hybrid seed. Hybrid designations shall be treated as variety names.

* * * * *

2. Section 201.10(b) is amended to read as follows:

§ 201.10 Variety.

* * * * *

(b) If the name of the variety is given, the name may be associated with the name of the kind with or without the words "kind and variety." The percentage in such case, which may be shown as "pure seed," shall apply only to seed of the variety named, except for the labeling of hybrids as provided in § 201.11a. If separate percentages for the kind and the variety or hybrid are shown, the name of the kind and the name of the variety or the term "hybrid" shall be clearly associated with the respective percentages. When two or more varieties are present in excess of 5 percent and are named on the label, the name of each variety shall be accompanied by the percentage of each.

3. Section 201.11a is revised to read as follows:

§ 201.11a Hybrid.

If any one kind or kind and variety of seed present in excess of 5 percent is "hybrid" seed, it shall be designated "hybrid" on the label. The percentage that is hybrid shall be at least 95 percent

of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds or varieties are present in excess of 5 percent and are named on the label, each that is hybrid shall be designated as hybrid on the label. Any one kind or kind and variety that has pure seed which is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show (a) the percentage of pure seed that is hybrid seed or (b) a statement such as "Contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed shall be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed.

§ 201.18 [Amended]

4. Section 201.18 is amended by deleting "hybrid," and "hybrids," in this section.

5. Section 201.26 is revised to read as follows:

§ 201.26 Kind, variety, and hybrid.

The label shall bear the name of each kind and variety present as determined in accordance with § 201.34. The name shall not have affixed thereto words or terms that create a misleading impression as to the history or characteristics of kind or variety. If two or more kinds or varieties are present, the percentage of each shall be shown. If any one kind or variety named on the label is "hybrid" seed, it shall be so designated on the label. If two or more kinds or varieties are named on the label, each that is hybrid shall be shown as "hybrid" on the label. Any kind or variety that is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination is a cross shall be labeled to show (a) the percentage that is hybrid seed or (b) a statement such as "Contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed shall be labeled as hybrid if it contains less than 75 percent hybrid seed.

6. Section 201.34(c) is revised to read as follows:

§ 201.34 Kind, variety, and type; treatment substances; designation as hybrid.

* * * * *

(c) *Hybrid designation.* Seed shall not be designated in labeling as "hybrid" seed unless it comes within the definition of "hybrid" in § 201.2(y).

* * * * *

7. In § 201.62 the wording preceding Table 4 is amended to read at follows:

§ 201.62 Growing tests for determination of percentages of kind, variety, type, hybrid, or offtype.

Tolerances for growing tests for determination of percentages of kind, variety, type, hybrid, or offtype shall be those set forth in the following table, added to one-half the required pure seed tolerances determined in accordance with § 201.60, except that one-half the pure seed tolerance will not be applied in determining tolerances for hybrids labeled on the basis of the percentage of pure seed which is hybrid.

* * * * *

The amendments set forth above differ in various respects from the proposals of the American Seed Trade Association set forth in the notice of rule-making. The differences are due to changes made pursuant to comments received concerning the proposals, or for clarity or conformity to the Federal Seed Act, and it does not appear that further public rule-making proceedings would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such further proceedings are unnecessary.

Effective date. The amendments shall become effective on September 1, 1968.

G. R. GRANGE,
Acting Deputy Administrator, Regulatory Programs, Consumer and Marketing Service.

JULY 26, 1968.

[F.R. Doc. 68-9149; Filed, July 30, 1968; 8:50 a.m.]

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 601—GREAT PLAINS CONSERVATION PROGRAM

Subpart—General Program Provisions

ELIGIBLE CONSERVATION PRACTICES

The regulations governing the Great Plains Conservation Program, 22 F.R. 6851, as amended, are further amended as provided herein.

Paragraph (a) (1), (5), (6), and (24) of § 601.11, *Eligible conservation practices,* is amended as follows:

§ 601.11 Eligible conservation practices.

(a) * * *

(1) *GP–1: Initial establishment of a permanent vegetative cover as a part of an improved cropping system or as a needed land-use adjustment.* This conservation practice is applicable only to land which should be established in permanent vegetative cover for protection against wind or water erosion, and to cropland which, as a part of a needed land-use adjustment, is being shifted to permanent protective vegetative cover as a part of establishing improved cropping system rather than as a part of a regular cropping system.

* * * * *

(5) *GP–5: Improvement of vegetative cover on rangeland by artificial reseeding for soil protection.* The area seeded must not be grazed before the stand is established.

(6) *GP–6: Initial establishment of a stand of trees or shrubs on farm or ranch lands for windbreaks, shelterbelts, erosion control, or other purposes to protect farm or ranch land from wind or water erosion.* This conservation practice will usually involve the use of adapted shrubs and trees in combinations that produce agricultural benefits such as protecting soil from wind and water erosion, protecting farm buildings and feed lots, stabilizing gullies and other critical silt and runoff source areas, building soil or improving wildlife habitat. No Federal cost sharing will be allowed for planting orchard trees, or for plantings for ornamental purposes. If shrubs are used, those that benefit wildlife should be given preference whenever practicable. Plantings must be protected from fire and grazing.

* * * * *

(24) *GP–24: Constructing permanent fences as a means of protecting vegetative cover and structures.* This practice shall be used for all protective fencing needed in connection with any approved GP practice. It shall also be used when fencing is required for better distribution of livestock and for seasonal use of forage. Federal cost sharing for fences shall be limited to permanent fences, excluding boundary and road fences.

* * * * *

(Sec. 4, 49 Stat. 164, as amended, 16 U.S.C., 590d)

Done at Washington, D.C., this 26th day of July 1968.

[SEAL] JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 68-9159; Filed, July 30, 1968; 8:51 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 50]

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Southern Illinois marketing area (7 CFR Part 1050), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for the month of July 1968.

(1) In § 1050.14(b)(2) the phrase "during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer."

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) A notice of proposed suspension of the aforesaid provision was issued

July 10, 1968 (33 F.R. 10108). All cooperatives and handlers who submitted views on the proposed suspension favored that it be made effective.

(4) This suspension action has been requested by cooperative associations representing a majority of producers on the market for the purpose of providing for efficient handling of reserve milk of the market.

(5) This suspension action is necessary to provide for the efficient handling of reserve milk of the market during the month of July 1968. The volume of milk needed to be moved to milk manufacturing plants exceeds the quantity which could be moved under the limitations of the diversion provision in the order. The most efficient method of handling is movement direct from producers' farms to milk manufacturing plants. This suspension order would allow such handling while the dairy farmers involved retain producer status.

Therefore, good cause exists for making this order effective July 1, 1968.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of July 1968.

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

Effective date: July 1, 1968.

Signed at Washington, D.C., on July 26, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68-9151; Filed, July 30, 1968; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8600; Amdt. 77–6]

PART 77—OBJECTS AFFECTING NAVIGABLE AIRSPACE

Objects Interfering With Air Navigation Facilities

The purpose of this amendment to Part 77 of the Federal Aviation Regulations is to permit the Administrator to consider the effect a proposed construction or alteration would have upon the operation of an air navigation facility.

The substance of this amendment was published as a notice of proposed rule making in the FEDERAL REGISTER on December 21, 1967 (32 F.R. 20658), as NPRM 67–54. Many comments were received in response to the notice. Generally, the comments were favorable and recommended adoption of the amendment as proposed.

Part 77 of the Federal Aviation Regulations establishes standards for determining obstructions in navigable airspace, sets forth the notice requirements of certain proposed construction or alteration, provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace and provides for public hearings on the hazardous effect of proposed construction or alteration. In accordance with previous interpretations and practice, this part applies to the physical effect of an obstruction on the flight of aircraft through the navigable airspace.

The Federal Aviation Administration is encountering with increasing frequency, situations where construction or alteration has a deleterious effect on the operation of air navigation facilities without being a physical hazard in the flight path of aircraft. These situations have ranged from construction which partially blocked the view from an airport air traffic control tower of runways, taxi, and parking areas, to obstructions which blocked or reflected electromagnetic radiation in the vicinity of navigational aids like radio or radar installations. In some instances, the navigational aid could be moved to an interference-free location. In other situations, however, no interference-free locations were available, or the cost of razing and relocating facilities, because of their size or number, was exorbitant.

It appears desirable that when an aeronautical study is made, the Administrator should include in that study the effect that construction or alteration may have on the operation of air navigation facilities. It would be an unreasonable burden on the public to require a proponent to consider this effect because the public may not be aware of the existence or operational characteristics of an air navigation facility, and any effect thereon may not easily be ascertained by the proponent. Accordingly, the Administrator should have the authority of including in an aeronautical study the physical or electromagnetic effect of proposed construction on air navigation facilities. The study may enable the Administrator to recommend changes in the design, location, or construction material that would eliminate or reduce interference with the operation of the air navigation facility. A reduction or elimination of interference may permit the retention of existing approach minimums, use of existing runways or facility structures or avoid costly relocation expenses to the airport or the FAA.

All of the parties that submitted comments concurred in or endorsed the proposed amendment, except the Airport Operators Council International, the Department of Aviation, City of Atlanta, Ga., and the Air Transport Association of America.

The Airport Operators Council International stated that it strongly opposed the proposed amendment primarily for the following reasons:

(1) The FAA already has sufficient authority to minimize critical encroachment upon airport control tower sight lines through its ability to NOTAM and therefore needs no additional authority.

(2) It is undesirable to use the proposed amendment to protect off-airport navaids from the deleterious effect on their operation by construction proposals over which the airport operation has no control.

Regarding the first comment, the FAA's present authority allows it to issue a Notice to Airmen to advise them concerning areas on an airport in which ground control of traffic cannot be maintained due to blocking of line-of-sight from the airport control tower. When such a condition exists, the derogation of air traffic control has already taken place and a NOTAM merely advises of that condition. The purpose of this rule is to prevent the condition from arising in the first place.

As far as the second comment is concerned, this amendment intends to include consideration of the physical or electromagnetic effect on the operation of air navigation facilities of any construction proposal for which a notice is required under § 77.13(a), and would exceed any standard of Subpart C, regardless of whether the facilities are located on or off an airport.

The Department of Aviation, City of Atlanta, Georgia, opposed the proposed amendment primarily on the ground that it felt that this amendment would allow the location and functioning of an FAA air navigation facility to control all other airport development prospects. The Department also stated that it felt that the present Federal Aviation Regulations were adequate to handle obstructions to airport control towers and air navigation facilities.

The aeronautical study may enable the FAA to recommend changes in the design, location, or construction material that may eliminate or reduce interference with the operation of the air navigation facility. These recommendations would be made to the construction sponsor and not to the airport operator unless the construction proposal was one over which the airport operator exercised control. Proposed construction or alteration subject to an aeronautical study under the proposed amendment would be limited to those proposals for which notice to the Administrator is now required under § 77.13(a) of Part 77, FAR, and the proposal would exceed any standard of Subpart C. Proposed construction or alteration off airports that would not require notice under § 77.13(a) would not come within the scope of the proposed amendment even though there may be a possibility that the proposed construction or alteration might adversely affect the operation of a nearby air navigation facility.

It is not the purpose of the proposed amendment to institute control over any aspect of airport development but (1) to consider the physical and electromagnetic effects of any proposed construction or alteration on air navigation facilities, during an aeronautical study; (2) to inform the construction sponsor, if necessary, of possible interference and how to avoid it; and (3) where the construction proposal would have a substantial adverse effect upon the operation of any air navigation facility to issue a determination of hazard. Current Federal Aviation Regulations do not provide the FAA with

authority to study proposed construction or alteration for the purpose of determining their physical and electromagnetic effect on the operation of air navigation facilities.

The Air Transport Association (ATA) did not oppose the proposed amendment, but made several suggestions. Among them ATA commented that FAA has published few guidelines for constructing facilities on or near airports and such guidelines should be published by FAA prior to amending Part 77 as proposed.

In addition, ATA felt it should be made clear that airport control towers are not air navigation facilities in the sense of the proposed rule. ATA comments are under careful consideration and the FAA at the present time is engaged in a project to develop new criteria to determine whether proposed construction would affect the operation of air navigation facilities. The intent of the amendment to Part 77, however, is not to revise or develop criteria but to provide the authority to consider possible interference with the operation of air navigation facilities during the aeronautical study of construction proposals. At such time as new criteria have been developed a determination will be made as to their adequacy and whether they should be incorporated in the regulation.

In consideration of the foregoing, Part 77 of the Federal Aviation Regulations is amended as follows, effective August 31, 1968:

1. In § 77.31, paragraph (a) is revised to read:

§ 77.31 Scope.

(a) This subpart applies to the conduct of aeronautical studies of the effect of proposed construction or alteration on the use of air navigation facilities or navigable airspace by aircraft. In the aeronautical studies, present and future IFR and VFR aeronautical operations and procedures are reviewed and any possible changes in those operations and procedures and in the construction proposal that would eliminate or alleviate the conflicting demands are ascertained.

* * * * *

2. In § 77.35, paragraph (a) is revised to read:

§ 77.35 Aeronautical studies.

(a) The Regional Director of the region in which the proposed construction or alteration would be located, or his designee, conducts the aeronautical study of the effect of the proposal upon the operation of air navigation facilities and the safe and efficient utilization of the navigable airspace. This study may include the physical and electromagnetic radiation effect the proposal may have on the operation of an air navigation facility.

* * * * *

(Secs. 307, 313, 1101, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1501)

Issued in Washington, D.C., on July 25, 1968.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 68-9146; Filed, July 30, 1968; 8:50 a.m.]

[Docket No. 7594; Amdt. 121-43]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Pilot in Command Experience Requirements for IFR Landings

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to permit a reduction in the 100 hours of pilot in command experience required by §§ 121.651(e) and 121.653(d), based on the substitution of one landing in Part 121 operations for 1 hour of pilot in command experience up to 50 percent of the 100-hour requirement.

This amendment is based on a notice of proposed rule making (Notice 67-34), issued July 24, 1967, and published in the FEDERAL REGISTER on August 1, 1967 (32 F.R. 11169). The basis for this amendment is discussed in that notice.

The comments received in response to Notice 67-34 generally concurred with the proposal to reduce the 100-hour requirement by substituting landings for hours, inasmuch as pilots in command of aircraft operating over short routes acquire the desired level of experience sooner than pilots operating over long routes. However, several comments objected to the proposal insofar as it would allow the reduction in total hours to apply to pilots with less than 100 hours in command of any airplane in Part 121 operations and recommended that pilots qualifying for the first time under Part 121 should be required to have 100 hours as pilot in command, regardless of the number of landings, in order to become familiar not only with a new type airplane but also with the duties and responsibilities of a pilot in command. The FAA agrees that a pilot qualifying for the first time under Part 121 should have a minimum of 100 hours as pilot in command and the proposed rule is being changed to permit the reduction in hours only for pilots who have 100 or more hours as pilot in command of another type airplane under Part 121.

Several comments suggested that qualifications for landings at the lowest minimums should be based on a number of instrument approaches rather than hours or landings. The problems associated with promulgation of a qualification requirement based on number and kind of landings are beyond the scope of Notice 67-34, which is intended only to reduce the present 100-hour requirement.

The FAA agrees with a comment by the Air Line Pilots Association that the regulation as proposed in Notice 67-34 should be changed to make it clear that until a pilot has qualified under subsection (a), his lowest MDA or DH and visibility landing minimum are 300 and 1, and Category II minimums do not apply.

At the time Notice 67-34 was issued, the Category II amendments had not been incorporated in the regulations and the lowest minimums contemplated in the notice were 300 and 1. The proposed amendment has been changed to make it clear that Category II minimums as well as the sliding scale minimums do not apply and the lowest minimums are 300 and 1 until the experience requirement is met.

The proposed regulation has also been changed in consideration of comments received to include RVR equivalents to landing visibility minimums.

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended effective July 31, 1968, as follows:

§ 121.651 [Amended]

1. By deleting paragraph (e) of § 121.651.

2. By adding the following new section immediately following § 121.651:

§ 121.652 Landing weather minimums: IFR: all certificate holders.

(a) If the pilot in command of an airplane has not served 100 hours as pilot in command in operations under this part in the type of airplane he is operating, the MDA or DH and visibility landing minimums in the certificate holder's operations specification for regular, provisional, or refueling airports are increased by 100 feet and one-half mile (or the RVR equivalent). The MDA or DH and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport, but in no event may the landing minimums be less than 300 and 1.

(b) The 100 hours of pilot in command experience required by paragraph (a) of this section may be reduced (not to exceed 50 percent) by substituting one landing in operations under this part in the type of airplane for 1 required hour of pilot in command experience, if the pilot has at least 100 hours as pilot in command of another type airplane in operations under this part.

(c) Category II minimums and the sliding scale when authorized in the certificate holder's operations specifications do not apply until the pilot in command subject to paragraph (a) of this section meets the requirements of that paragraph in the type of airplane he is operating.

§ 121.653 [Amended]

3. By deleting paragraph (d) of § 121.653.

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

Issued in Washington, D.C., on July 24, 1968.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 68-9111; Filed, July 30, 1968; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

POSTPONEMENT OF CLOSING DATES OF PROVISIONAL LISTING

The color additive amendments of 1960 (Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note) authorize the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing of a color additive on his own initiative or upon application of an interested person. Requests have been received to postpone the closing dates of provisional listings of a number of color additives because scientific investigations necessary for listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed.

The Commissioner of Food and Drugs finds that postponement of the closing dates of the provisionally listed color additives in this order is consistent with the protection of the public health. These extensions are granted on condition that, where applicable, progress reports be supplied on or before December 31, 1968.

Scientific investigations of the safety of iron oxide in mink feed have been completed. The Commissioner concludes that the data available to him do not presently permit the establishment of a safe level of ingested use in mink feed of this color additives. Accordingly, the closing date of the provisional listing for iron oxide in mink feed is not postponed and its provisional listing for this use is terminated as of June 30, 1968. To permit an orderly change in mink feed formulations containing iron oxide, a grace period of 6 months is allowed for continued use.

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note), delegated to the Commissioner (21 CFR 2.120), § 8.501 *Provisional lists of color additives* is amended as follows:

1. In paragraph (a) *Color additives previously and presently subject to certification and provisionally listed for food, drug, and cosmetic use*, the closing dates under "Drug and cosmetic use" for FD&C Green No. 3, FD&C Yellow No. 6, FD&C Red No. 2, FD&C Red No. 4, FD&C Blue No. 2, and FD&C Violet No. 1 are changed to "December 31, 1968."

2. In paragraph (b) *Color additives previously and presently subject to certification and previsionally listed for drug and cosmetic use*, the closing dates of D&C Green No. 8, D&C Yellow No. 7, D&C Yellow No. 8, D&C Red No. 17, D&C Red No. 34, D&C Orange No. 4, D&C Blue No. 9, and D&C Violet No. 2 are changed to "December 31, 1968."

3. In paragraph (c) *Color additives previously and presently subject to certification and provisionally listed for use in externally applied drugs and cosmetics*, the closing date of Ext. D&C Yellow No. 7 is changed to "December 31, 1968."

4. In paragraph (e) *Color additives provisionally listed for food use on the basis of prior commercial sale but which have not been nor are now subject to certification*, the closing date of iron oxide is changed to "December 31, 1968" and the statement under "Restrictions" for iron oxide is changed to read "For dog and cat foods only."

5. In paragraph (f) *Color additives provisionally listed for drug use on the basis of prior commercial sale but which have not been nor are now subject to certification*, the closing dates for chromium-cobalt-aluminum oxide, ferric ammonium citrate, and pyrogallol are changed to "December 31, 1968" and the closing dates for fustic and logwood are changed to "June 30, 1970."

6. Paragraph (g) is revised to read as follows to change the closing dates for certain color additives:

(g) *Color additives provisionally listed for cosmetic use on the basis of prior commercial sale but which have not been nor are now subject to certification.* The color additives provisionally listed in this paragraph are so listed only for the uses and purposes commercially employed prior to July 12, 1960. Thus, a color additive previously used for coloring cosmetics to be applied to portions of the body other than the eye area (as defined in § 8.1(s)) is not provisionally listed for eye-area use.

Color additive	*Closing date*
Aluminum hydroxide	Dec. 31, 1968
Aluminum powder	Do.
Aluminum silicate (including hydrated aluminum silicate)	Do.
Aluminum stearate	Do.
Annato	Do.
Azulene	Do.
Barium sulfate (blanc fixe)	Do.
Bentonite	Do.
Bismuth oxychloride	Do.
Bronze powder	Do.
Calcium carbonate	Do.
Calcium silicate	Do.
Calcium stearate	Do.
Calcium sulfate	Do.
Caramel	Do.
Carbon black (prepared by the "impingement" or "channel" process)	Sept. 30, 1968
Carmine	Dec. 31, 1968
Carotene	Do.
Chlorophyll copper complex and chlorophyllin copper complex	Sept. 30, 1968
Chromium hydroxide green	Dec. 31, 1968
Chromium oxide greens	Do.
Copper, metallic powder	Do.
Copper versenate	Do.
Cornstarch	Do.
Dihydroxyacetone	Do.
Ferric ferrocyanide (iron blue)	Do.
Gold	Do.
Graphite	Do.
Guanine (pearl essence)	Do.
Iron oxides (including hydrated iron oxides)	Do.
Kaolin	Do.
Lithium stearate	Do.
Magnesium aluminum silicate	Dec. 31, 1968
Magnesium carbonate	Do.
Magnesium oxide	Do.
Magnesium stearate	Do.
Magnesium trisilicate	Do.
Manganese violet (probably $2(NH_4)_2Mn_2(P_2O_7)_2$)	Do.
Mica	Do.
Silicic acid	Do.
Silicon dioxide (silica)	Do.
Silk, powdered	Do.
Talc	Do.
Tin oxide	Do.
Titanium dioxide	Do.
Ultramarine blue	Do.
Ultramarine green	Do.
Ultramarine pink	Do.
Ultramarine red	Do.
Ultramarine violet	Do.
Zinc carbonate	Do.
Zinc oxide	Do.
Zinc stearate	Do.

In order to allow orderly withdrawal from the market of iron oxide for use in mink feed and in the absence of information that the continued use of this color additive for a short time at the level customarily used will adversely affect the health of minks, the Food and Drug Administration will not institute regulatory action against iron oxide, or the mink feed in which it has been permitted to be used, solely for the reason that it is not provisionally or permanently listed as a color additive for the period ending December 31, 1968.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since section 203(a)(2) of Public Law 86–618 provides for this issuance.

Effective date. This order is effective as of June 30, 1968.

(Sec. 203(a)(2), Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note)

Dated: July 22, 1968.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 68-9142; Filed, July 30, 1968; 8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

POLYETHYLENE GLYCOL (400) MONO- AND DI-OLEATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 6C1882) filed by The C. P. Hall Co. of Illinois, 7300 South Central Avenue, Chicago, Ill. 60638, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of polyethylene glycol (400) mono- and di-oleate as a processing aid in the manufacture of animal feeds. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409

(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart C the following new section:

§ 121.320 Polyethylene glycol (400) mono- and di-oleate.

(a) The food additive polyethylene glycol (400) mono- and di-oleate meets the following specifications: Saponification number, 80–88; acid number, 5.0 maximum; and average molecular weight range, 640–680.

(b) It is used as a processing aid in the production of animal feeds when present as a result of its addition to molasses in an amount not to exceed 250 parts per million of the molasses.

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

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

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

Dated: July 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9143; Filed, July 30, 1968; 8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER B—PERSONNEL

[Dept. Reg. 108.592]

PART 11—APPOINTMENT OF FOREIGN SERVICE OFFICERS

Lateral Entry Appointment of Foreign Service Officers to Classes 1 Through 6

Section 11.11 is revised to read as follows:

§ 11.11 Lateral entry appointment of Foreign Service Officers to Classes 1 through 6.

Appointments of Foreign Service officers, under the provisions of section 517 of the Foreign Service Act of 1946, as amended, are governed by the regulations in this section.

(a) *Purpose of lateral entry appointment.* (1) The lateral entry program is a means by which the intake of Foreign Service officers through the junior Foreign Service officer examination can be supplemented to meet total requirements for Foreign Service officers. Lateral entry appointments are made only to Classes 1 through 6, insuring retention of the career principle of entry primarily at Classes 7 and 8 through competitive examination. Additional officers will be added to the Foreign Service Officer Corps through lateral entry on the basis of established service need for each class by functional specialty or general manpower requirements.

(2) The great majority of lateral entrants will be drawn from officers of the Department and the Foreign Service of proven ability who possess high potential for advancement, or similar personnel of other foreign affairs agencies who may be appointed based on agreements between the Department and those agencies.

(3) The need for other lateral entrants in Classes 1 through 6 is met by appointing applicants who are officers or former officers of other Federal Government agencies. Principally, these will be persons possessing skills and abilities in short supply in the Foreign Service appointed to meet rapidly changing requirements. On a limited and highly selective basis, however, other persons may be appointed who have demonstrated outstanding qualities of leadership and who possess capabilities, insights, techniques, experiences, and differences of outlook which would serve to enrich and stimulate the Foreign Service and enable them to perform effectively in assignments both abroad and in the Department.

(b) *Magnitude.* (1) The Department places no numerical limitation on the lateral appointment of FSR, FSSO, and Civil Service officers on its rolls who apply, are certified on the basis of service need by personnel management authorities for examination, and are found qualified by the Board of Examiners.

(2) Lateral entry from other sources is limited and based on intake levels established in accordance with total Foreign Service officer manpower and functional requirements upon certification of service needs.

(c) *Eligibility requirements.* The religion, race, sex, and political affiliations of a candidate will not be considered in designations, examinations, or certifications.

(1) *Citizenship.* Each applicant must have been a citizen of the United States for at least 10 years and, if married, shall be married to a citizen of the United States.

(2) *Service.* On the date of application, each applicant must have completed at least 3 years of service (4 years if under age 31) in a position of responsibility in a Federal Government agency or agencies. For this purpose, a position of responsibility is defined as service as a Foreign Service Reserve officer at Class 7, a Foreign Service Staff officer at Class 6, in the Departmental service as GS–9, and in the Armed Forces of the United States at the grade of First Lieutenant or Lieutenant Junior Grade, or higher. The duties and responsibilities of the position occupied by the applicant must have been similar or closely related to that of a Foreign Service officer in terms of knowledge, skills, and abilities. To be eligible, an applicant must have been in or currently be in a grade or class comparable to FSO–6 or be receiving a base salary at least equal to the first salary step of that class.

(3) *Other.* On the date of application, each applicant for lateral entry appointment should be under age 54. Candidates will not normally be certified who are more than 55 years of age since Foreign Service officers are expected to serve 5 years or more before reaching mandatory retirement age.

(d) *Recruitment.* (1) It is the Department's policy to encourage eligible personnel on its rolls to apply for lateral entry into the Foreign Service Officer Corps, including, in particular, the following categories:

(i) Foreign Service Reserve officers, who, in competition with Foreign Service officers, are either recommended for promotion or ranked in the upper percentage groups of their class;

(ii) Foreign Service Staff officers who are recommended for consideration for lateral entry by a Staff Officer Selection Board, whose performance has been consistently of a high caliber, and whose background, experience, and general qualifications indicate they can contribute to the Foreign Service Officer Corps and compete favorably with Foreign Service officers;

(iii) Civil Service officers in the Department and domestic Foreign Service Reserve officers who are serving in positions to which Foreign Service officers are normally assigned, who have superior records, and who can be expected to make substantial contributions to Foreign Service work and compete favorably with Foreign Service officers.

(2) The Department also considers highly qualified applicants from other agencies of the Government and from outside the Federal service who meet the statutory and other eligibility requirements and for whom there has been a certification of need as an additional Foreign Service officer. Appointments from these sources for the limited vacancies available are made on a competitive basis to fill specific Service needs after assuring that the vacancies cannot be filled by Foreign Service officers already in the Foreign Service Officer Corps.

(e) *Method of application.* Applicants for lateral entry must complete Standard Form 171, Personal Qualifications Statement, and Form DSP–34, Supplement to Application for Federal Employment, and forward them to the Board of Examiners for the Foreign Service, Department of State. Application is made

for a Foreign Service officer appointment under the lateral entry provisions of section 517 of the Foreign Service Act, but not for a class. The Board establishes a file for each applicant, placing therein all available documentation of value in evaluating the applicant's potential for appointment as a Foreign Service officer. The file is reviewed initially to determine if the applicant meets the statutory and other eligibility requirements and to assess his skills relative to the needs of the Service. The examination of candidates is based on the needs of the Service for specific skills and experience.

(f) *Examination for lateral entry*—(1) *General.* The filing of an application with the Board of Examiners for the Foreign Service does not in itself entitle an applicant to examination. The decision whether to proceed with an oral examination, as well as with a detailed background investigation, is made by the Board of Examiners after determining eligibility for appointment, medical qualifications, and a thorough review of the applicant's qualifications. Each applicant's background, experience, performance, and other related documentation are carefully studied and evaluated. Careful consideration is given to the functional needs of the Service in making this assessment. A certification of need to the Board of Examiners by the Department's personnel management authorities is required before proceeding further with the examination. An oral examination is granted only in those cases where the applicant is found to possess superior qualifications, proven ability, and, at the middle levels, high potential for advancement.

(2) *Class of appointment.* In determining the class at which candidates are considered for appointment, the initial presumption is that the candidate is eligible for examination for the Foreign Service officer class which equates with his salary level at the time of examination. In evaluating qualifications, and in conducting oral examinations, panels carefully assess candidates to determine whether their total qualifications compare favorably with officers at their current class level. However, the Board of Examiners, at its discretion, may certify a candidate for appointment as a Foreign Service officer at a class other than that equating to his salary in those instances where the Board determines that the candidate's qualifications clearly warrant such action. A candidate's total qualifications, as evaluated by the examining panels and the Board, will have an important bearing on the decision to certify a candidate for appointment at a class other than that which equates to his current salary.

(3) *Application validity and termination.* If an applicant is not called for examination within 2 years from the date of his application, or, if based on the qualifications review, it is decided not to proceed further with his candidacy, or if he is not certified as a successful candidate following examination, his candidacy will be terminated. He may, however, reapply after 12 months by submitting a new application.

(4) *Purpose of examination.* The purpose of the examination is to determine an applicant's competence to perform the function or functions for which he is being considered and his fitness for a Foreign Service career.

(5) *Nature of examination*—(i) *Medical.* A medical examination is required for the applicant and his dependents who will reside with him on tours abroad. Each applicant and his dependents shall meet the physical requirements for full Foreign Service duty. Normally, failure to meet the medical requirements will preclude appointment as a Foreign Service officer. In exceptional cases, the Director General may grant a waiver of the physical requirements in the interest of the Service.

(ii) *Security.* Each applicant shall have demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution. A background investigation shall be conducted or appropriate security clearance shall be assured.

(iii) *Qualifications evaluation.* An evaluation is made of the education, training, experience, and work performance of the applicant based on his application forms, records of performance, interviews, background investigative reports, and other available information. A record of successful performance overseas is not a lateral entry prerequisite, but is considered an additional favorable factor in evaluating an applicant.

(iv) *Oral examination.* (*a*) Candidates recommended for further consideration after completion of the qualifications review and evaluation outlined in subparagraph (1) of this paragraph and subdivision (iii) of this subparagraph are given oral examinations by a panel of deputy examiners appointed by the Board of Examiners from a roster of Foreign Service officers, Civil Service officers of the Department, officers of other Federal agencies, and from members of the public. The panel shall include at least one officer from the same professional specialty as that for which the applicant is being examined.

(*b*) The oral examination is normally given in Washington, but may, in exceptional circumstances, be given at Foreign Service posts selected by the Board of Examiners, but not at the candidate's post of assignment.

(v) *Findings of examining panels.* Determinations of duly constituted panels of examiners and deputy examiners are final, unless modified by specific action of the Board of Examiners for the Foreign Service.

(g) *Certification for appointment.* After completion of all aspects of the examination, the Board of Examiners certifies for appointment successful candidates specifying the class and salary for which they are found qualified.

(Secs. 212, 302, 303, 516, 517, 60 Stat. 1001, as amended; 1002, 1008, as amended; 22 U.S.C. 827, 842, 843, 911, 912)

Dated: July 24, 1968.

For the Secretary of State.

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

[F.R. Doc. 68-9141; Filed, July 30, 1968; 8:49 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

San Carlos Indian Irrigation Project, Ariz.

On page 9089 of the FEDERAL REGISTER of June 20, 1968, there was published a notice of intention to amend § 221.63 of Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against the irrigable lands of the San Carlos Irrigation Project, Ariz. The purpose of the amendment is to establish the assessment rate for the joint works in the San Carlos Indian Irrigation Project, Ariz.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

Section 221.63 is amended to read as follows:

§ 221.63 Assessments, joint works.

(a) Pursuant to the Act of Congress approved June 7, 1924 (43 Stat. 476), and supplementary acts, the repayment contracts of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with applicable provisions of the order of the Secretary of the Interior of June 15, 1938 (§§ 221.69a-221.69m), the cost of the operation and maintenance of the Joint Works of the San Carlos Indian Irrigation Project for the fiscal year 1970 is estimated to be $210,000 and the rate of assessment for the said fiscal year and subsequent fiscal years until further order, is hereby fixed at $2.10 for each acre of land.

W. WADE HEAD,
Area Director.

[F.R. Doc. 68-9109; Filed, July 30, 1968; 8:47 a.m.]

PART 221—OPERATION AND MAINTENANCE CHARGES

Wapato Indian Irrigation Project, Wash.

On June 18, 1968, there was published in the daily issue of the FEDERAL REGISTER, Volume 33, Number 118, page 8820, notice of intention to amend § 221.86, Subchapter T, Chapter I of the Code of Federal Regulations, Title 25. This section deals with the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Wash. Interested persons were thereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Dale M. Baldwin, Area Director, within 30 days from the date of publication of the notice. No comments, suggestions, or objections have been received during this period. McKinley Grange Resolution No. 596, dated February 8, 1968, was received and given due consideration. It was determined that sufficient justification exists for the proposed rate increase and, accordingly, § 221.86 of Title 25, Code of Federal Regulations, Chapter I, Subchapter T, is amended as follows:

§ 221.86 Charges.

The operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Wash., are hereby fixed as follows:

(a) Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the basic operation and maintenance assessment rates for the calendar year 1969 and subsequent years until further notice are:

(1) Minimum charges for all tracts in noncontiguous single ownership	$8.65
(2) Flat rate upon all farm units or tracts for each assessable acre	8.65
(3) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre	.50

(b) Pursuant to the provisions of the Act of September 26, 1961 (75 Stat. 680), there shall be assessed and collected, beginning with the calendar year 1967 and until further notice but not to exceed a period of 10 years, an annual per acre charge of $0.20 to defray the cost of replacing a wooden pipeline.

DALE M. BALDWIN,
Area Director.

[F.R. Doc. 68-9126; Filed, July 30, 1968; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Chief Benefits Director and Director, Compensation, Pension and Education Service

In Part 2, § 2.79 is amended to read as follows:

§ 2.79 Chief Benefits Director and the Director, Compensation, Pension and Education Service are delegated authority to enter into agreements for reimbursement of State approving agencies under § 21.4153 of this chapter.

This delegation of authority is identical to § 21.4001(b) of this chapter.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 68-9119; Filed, July 30, 1968; 8:48 a.m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

REIMBURSEMENT OF EXPENSES

1. In § 21.4001, paragraph (b) is amended to read as follows:

§ 21.4001 Delegations of authority.

* * * * *

(b) Authority is delegated to the Chief Benefits Director and the Director, Compensation, Pension, and Education Service to enter into agreements for reimbursement of State approving agencies under § 21.4153.

* * * * *

2. In § 21.4153, paragraph (b) is amended to read as follows:

§ 21.4153 Reimbursement of expenses.

* * * * *

(b) *Reimbursement.* The Chief Benefits Director and the Director, Compensation, Pension, and Education Service are authorized to enter into agreements for reimbursement to the extent necessary to fulfill the purpose of paragraph (a) of this section. See § 21.4001(b).

* * * * *

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

This VA regulation is effective date of approval.

Approved: July 24, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 68-9118; Filed, July 30, 1968; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8–3—PROCUREMENT BY NEGOTIATION

1. Sections 8–3.204, 8–3.207, and 8–3.209 are revised to read as follows:

§ 8–3.204 Personal or professional services.

(a) Architect-engineer services required by the Veterans Administration in conjunction with construction (see Subparts 8–4.50 and 8–7.50 of this chapter) will be procured under the special authority set forth in Title 38, United States Code (FPR 1–3.215; 38 U.S.C. 5002). See § 8–3.215(c).

(b) After determination has been made that an appointment cannot be appropriately accomplished in accordance with the requirements of the Federal Personnel Manual and Veterans Administration Personnel Policy Manual MP–5, the following contracts for personal and professional services may be negotiated under the authority contained in FPR 1–3.204:

(1) Contracts with medical schools and clinics to provide scarce medical specialist services at Veterans Administration facilities, including, but not limited to, radiologists, pathologists, and psychiatrists, as authorized by 38 U.S.C. 4117.

(2) Contracts with consultants and experts.

(c) Personal service contracts having an employer-employee relationship, except as provided in paragraph (b)(1) of this section, shall not be negotiated under this authority (see MP–5, Parts I and II—available at any Veterans Administration station). The determination as to whether a contract is of this nature (employer-employee relationship) is primarily the responsibility of the appointing official; however, contracting officers should be alert to the following conditions or other circumstances, which, if present, could result in an invalid contract if with:

(1) *An individual.* (i) The contract does not call for an end product which is adequately described in the contract.

(ii) The contract price or fee is based on the time actually worked rather than the results to be accomplished.

(iii) The services are to be of a continuing rather than a temporary or intermittent nature.

(2) *A concern.* (i) Office space, equipment, and supplies necessary for contract performance are to be furnished by the Veterans Administration.

(ii) Contractor-furnished personnel are to be integrated with the Veterans Administration organizational structure.

(iii) Contractor-furnished personnel are to be used interchangeably with Veterans Administration personnel to perform the same functions.

(iv) The Veterans Administration retains the right to control and direct the means and methods by which contractor-furnished personnel accomplish the work.

(d) If in the opinion of the contracting officer any of the conditions or circumstances in paragraph (c) of this section are present, he will, in consultation with the requester, resolve all such doubts seeking, if necessary, legal advice from the appropriate Veterans Administration Chief Attorney.

(e) Requirements for scarce medical specialist services to be obtained under contracts with medical schools or clinics will be processed by the station contracting officer.

(1) Prior to consummating or renewing a contract of this kind, the approval of the Chief Medical Director will be secured. A request for such approval will be submitted through the appropriate Regional Medical Director.

(2) Requests to enter into or renew contracts for professional services, other than those in subparagraph (1) of this paragraph, will be submitted to the department or staff head concerned, or his designee, for approval.

§ 8–3.207 Medicines or medical supplies.

(a) *General.* Except as provided in this § 8–3.207 or when prior approval has been granted by the Chief Medical Director, no Veterans Administration contracting officer shall enter into contracts by negotiation under authority of FPR 1–3.207 when the cost of such item(s), singly or collectively, is expected to exceed $2,500 for a single transaction.

(b) *Drugs and chemicals.* The following contracting officers are authorized to negotiate contracts for the purchase of drugs and chemicals:

(1) Director, Supply Service.

(2) Chief, Purchase and Contract Division.

(3) Assistant Director, Supply Service for Marketing.

(4) Chief, Marketing Division for Drugs and Chemicals.

(5) One senior contracting officer, Marketing Division for Drugs and Chemicals when so designated by the marketing division chief.

(c) *Wheel chairs and hearing aids.* The following contracting officers are authorized to negotiate contracts for the purchase of wheel chairs and hearing aids:

(1) Director, Supply Service.

(2) Chief, Purchase and Contract Division.

(3) Assistant Director, Supply Service for Marketing.

(4) Chief, Marketing Division for Administrative Medical Supplies and Equipment.

(5) One senior contracting officer, Marketing Division for Administrative Medical Supplies and Equipment when so designated by the marketing division chief.

(d) *Medical equipment.* (1) The following contracting officers are authorized to negotiate contracts for the purchase of equipment of this nature:

(i) Director, Supply Service.

(ii) Chief, Purchase and Contract Division.

(2) The following contracting officers are authorized to negotiate contracts for the purchase of equipment of this nature, provided the dollar value of the item(s) to be purchased, singly or collectively, does not exceed $25,000:

(i) Assistant Director, Supply Service for Marketing.

(ii) Chief, Marketing Division for Medical Equipment.

(iii) One senior contracting officer, Marketing Division for Medical Equipment when so designated by the marketing division chief.

(e) *Radiological and nuclear equipment and supplies.* (1) The following contracting officers are authorized to negotiate contracts for the purchase of equipment and supplies of this nature:

(i) Director, Supply Service.

(ii) Chief, Purchase and Contract Division.

(2) The following contracting officers are authorized to negotiate contracts for the purchase of equipment and supplies of this nature, provided the dollar value of the item(s) to be purchased, singly or collectively, does not exceed $25,000:

(i) Assistant Director, Supply Service for Marketing.

(ii) Chief, Marketing Division for Radiological and Nuclear Equipment and Supplies.

(iii) One senior contracting officer, Marketing Division for Radiological and Nuclear Equipment and Supplies when so designated by the marketing division chief.

§ 8–3.209 Subsistence supplies.

(a) Except as provided in this § 8–3.209 or when prior approval has been granted by the Chief Medical Director, no Veterans Administration contracting officer shall enter into contracts by negotiation under the authority of FPR 1–3.209 when the cost of such item(s), singly or collectively, is expected to exceeed $2,500 for a single transaction.

(b) The following contracting officers are authorized to negotiate contracts for the purchase of subsistence supplies:

(1) Director, Supply Service.

(2) Chief, Purchase and Contract Division.

(3) Assistant Director, Supply Service for Marketing.

(4) Chief, Marketing Division for Subsistence.

(5) One senior contracting officer, Marketing Division for Subsistence when so designated by the marketing division chief.

2. In § 8–3.215, paragraphs (g), (h), and (i) are added to read as follows:

§ 8–3.215 Otherwise authorized by law.

* * * * *

(g) *Operation of parking facilities.* Contracts or leases for the operation of parking facilities established under the authority of 38 U.S.C. 5004(b)(1) may be negotiated under the authority of FPR 1–3.215 (38 U.S.C. 5004(b)(3)), provided:

(1) The establishment, operation, and maintenance of such parking facilities have been authorized by the Administrator, or his designee.

(2) The station head determines in writing that operation by contract or lease is both desirable and warranted, and

(3) A copy of the proposed contract or lease is submitted to the Chief Medical Director (134), through the appropriate Regional Medical Director, for approval. The submission will include information as to the advantages of such an agreement.

(h) *Laundry and other common services.* When specifically approved by the Administrator or his designee, contracts for laundry and other common services, such as the purchase of steam, may be negotiated with nonprofit, tax-exempt educational, medical, or community institutions, whenever such services are not reasonably available from private commercial sources. Such contracts will cite as their authority FPR 1–3.215 (38 U.S.C. 5012) and will include the clause in FPR–1–7.101–10 on the examination of records. They are also subject to the provisions of FPR 1–1.5 and Subpart 8–1.5 of this chapter, Contingent fees; FPR 1–3.401, Types of contracts; and FPR 1–3.405–5 and § 8–3.405–5, Cost-plus-a-fixed-fee contract. Requests to enter into such contracts will be processed through channels to the Director, Supply Service for submission to the Administrator or his designee.

(i) *Sharing of medical facilities and equipment.* (1) A contract or other form of agreement may be negotiated with medical schools and other medical installations having hospital facilities or with a Federal, State, or local hospital, public or private, in the medical community, for:

(i) The exchange of use of specialized medical resources (equipment, space or personnel) when such an arrangement will obviate the need to provide a similar resource in a Veterans Administration hospital or outpatient activity; or

(ii) The mutual use or exchange of use of specialized medical resources available in a Veterans Administration hospital or outpatient clinic, which have been justified on the basis of veterans' care, but which are not utilized to their maximum effective capacity.

(2) FPR 1–3.215 (38 U.S.C. 5053) will be cited as the authority to negotiate the contract or agreement.

(3) Each proposed contract or agreement will be forwarded to the Chief Medical Director through the appropriate Regional Medical Director for approval prior to consummation. A recommendation by the station head as to the geographical limits to be applied to the medical community will accompany each proposed contract or agreement.

PART 8–16—PROCUREMENT FORMS

3. Section 8–16.402–2 is added to read as follows:

§ 8–16.402–2 Contracts estimated to exceed $2,000 but not to exceed $10,000.

Standard Form 22, Instructions to Bidders, will be used in all advertised construction contracts, other than those specified in § 8–16.401–50, which are estimated to cost in excess of $2,000 but not more than $10,000.

4. Section 8–16.804 is added to read as follows:

§ 8–16.804 Report on procurement by civilian executive agencies.

(a) All organizational elements of the Veterans Administration that procure supplies, equipment, and services including construction from non-Federal sources are required to make a semiannual report of such procurement. The report, prepared on Standard Form 37, Report on Procurement by Civilian Executive Agencies, will be prepared in accordance with the instructions contained in FPR 1–16.804. Each report will be submitted in sufficient time to reach the VA Controller (042B21) not later than the 10th workday following the close of the report period specified in FPR 1–16.804 (e). The dollar amount of purchases made under Central Office awarded contracts, Veterans Administration decentralized contracts, and receipts on Veterans Administration drop shipment contracts, will be reported on line 3, 5 or 6 as applicable. The dollar amount of purchases made under contracts entered into by other agencies, including indefinite quantity contracts, and those Federal Supply Schedules established by the Veterans Administration (e.g., dry cereals, drugs, and pharmaceutical products) will be reported on line 7.

(b) The Chief Medical Director will consolidate the data submitted and prepare the agency report on SF 37 for submission to General Services Administration as required by FPR 1–16.804(e).

(c) Reports Control Symbol ME–6 has been assigned to these reports.

PART 8–75—DELEGATIONS OF AUTHORITY

5. In § 8–75.201–13, paragraph (d) is amended to read as follows:

§ 8–75.201–13 Vocational rehabilitation and education programs.

* * * * *

(d) The Chief Benefits Director and the Director, Compensation, Pension and Education Service are delegated authority to execute contracts, agreements, or supplements thereto with State Approving Agencies for services relating to approving courses offered by educational institutions and training establishments.

* * * * *

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: July 24, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 68–9120; Filed, July 30, 1968; 8:48 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 89, Amdt. 3]

PART 355—REQUIREMENTS FOR ESTABLISHING U.S. CITIZENSHIP

Changes in Citizenship Data

Effective upon the date of publication hereof in the FEDERAL REGISTER, the following new section is hereby added to this part:

§ 355.4 Changes in citizenship data.

It shall be incumbent upon the parties filing affidavits under this part to apprise the Maritime Administration promptly in writing and submit appropriate evidence of U.S. citizenship relative to changes in data previously furnished with respect to officers, directors, and stockholders as set forth below:

(a) Changes in the president or other chief executive officer, vice presidents or other individuals who are authorized to act in the absence of disability of the president or other chief executive officer, chairman of the board of directors, and directors; and

(b) Changes in the owners of 5 percent or more of the shares of stock of each class (if more than one), including any changes in the owners named (direct stockholders) upon whom reliance is placed to show U.S. citizen ownership in the required percentage.

By order of the Acting Maritime Administrator.

Dated: July 26, 1968.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68–9114; Filed, July 30, 1968 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68–753]

PART 0—COMMISSION ORGANIZATION

Delegation of Additional Authority to Chief, Safety and Special Radio Services Bureau

1. During the past few years, the Commission has considered a number of applications, and related requests for waiver of our rules, for authorizations to operate low-power mobile radio stations on frequencies in the 216–220 Mc/s band for telemetering purposes. This band is allocated to the Federal Government for telemetering land and mobile stations. Such applications and the associated rule waiver requests were granted on showing of need to operate telemetering stations in this band, that interference would not be caused to government radio operations, and upon concurrence by the Interdepartment Radio Advisory Committee (IRAC).

2. Applications of this type continue to be filed from time to time and, since specific policy guidelines in this area have been established by the Commission, it is appropriate and desirable to delegate authority to the staff to act on such applications and related requests for rule waiver.

3. This action relates to the internal organization of the Commission and, therefore, the prior notice and the effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

4. *Accordingly, it is ordered,* Pursuant to authority contained in sections 4 (i) and (j), 5, and 303(r) of the Communications Act of 1934, as amended, that effective August 2, 1968, § 0.331(b) of the Commission's rules is amended by adding a new subparagraph (20) to read:

§ 0.331 Authority delegated.

* * * * *

(b) * * *

(20) With the concurrence of the Chief Engineer, to act on applications for the use of frequencies in the 216–220 Mc/s band for telemetering purposes and to waive appropriate rules as may be necessary to grant such applications.

* * * * *

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

Adopted: July 24, 1968.

Released: July 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–9137; Filed, July 30, 1968; 8:49 a.m.]

[Docket No. 17295; FCC 68–740]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Report and order. In the matter of amendment of Parts 2, 81, and 83—Reduction of channel spacing to 25 kc/s, allotment of channels, establishment of

[1] Chairman Hyde absent; Commissioner Johnson concurring in the result.

revised technical criteria, and categories of communication in the maritime mobile service band 156–162 Mc/s for VHF radiotelephony, Docket No. 17295.

1. A notice of proposed rule making in the above-captioned matter was released on March 20, 1967, and was published in the FEDERAL REGISTER on March 24, 1967 (FCC 67–320, 32 F.R. 4501). By its order, released April 25, 1967, the Commission granted an extension of time in which to file comments. In the notice, the Commission proposed to amend its rules governing stations in the Maritime Services to provide, in the band 156–162 Mc/s, for the transition from a channel spacing of 50 kc/s to 25 kc/s, including changes in technical standards, allotment of available channels, modification of existing or establishment of new definitions of types of communication, establishment of dates for effecting the changeover and for availability of the new channels.

2. Comments were filed by: American Merchant Marine Institute, Inc. (AMMI), American Telephone and Telegraph Co. (AT&T), Bendix Marine Division (Bendix), F. Ritter Shumway, Harbor Carriers of the Port of New York (Harbor Carriers), International Communications Co. (International), Kaar Electronics Corp. (Kaar), Konigsberg Electronics, Inc. (Konel), Lake Carriers Association (LCA), Lorain Electronics Corp. (Lorain), Moran Towing and Transportation Co., Inc. (Moran), National Party Boat Owners Alliance, Inc. (NPBOA), Norman Senf, North Pacific Marine Radio Council, Inc. (NPMRC), Owen S. Lashlee, Jr., Pacific American Steamship Association (PASA), Port of Los Angeles, Puget Sound Steamship Operators' Association, Inc. (PSSOA), Radio Corporation of America (RCA), Raytheon Co. (Raytheon), Southern California Marine Radio Council (SCMRC), The American Waterways Operators (AWO) Inc., The Interclub Association of Washington (Interclub), The New York Tow Boat Exchange (NYTBE), The Ohio River Co. (Ohio River), Tug Communications, Inc. (Tug Com), United States Power Squadrons (USPS), and Vessels Operators, Inc. No reply comments were filed.

3. In the notice the Commission set forth the objectives of its two-part program to effect improvement in radiotelephony and safety communications in the maritime mobile service. This two-part program involves substantial changes in the rules in regard to, as the first part, the band 156–162 Mc/s to which this report and order relates; and, as the second part, the band 2000–2850 kc/s. The nature of the maritime mobile service communication problem and the method of use of the frequencies in the two bands makes it necessary to jointly consider the two bands. This is briefly amplified in paragraph 5, below.

4. Changes in the rules relating to use of VHF are set forth in the following paragraphs and appendix; the proposals applicable to the band 2000–2850 kc/s will be treated in a separate proceeding.

5. In brief, the number of frequencies at 2 Mc/s, even after conversion to single sideband, are and will be insufficient to handle the quantity of communication generated by vessels presently equipped with radio. Further deterioration of this situation is inevitable due to the rapid growth in number of recreational vessels; the number of licensed vessels is increasing at the rate of 1,000 per month. Many of these vessels confine their operations to within VHF range of shore and do not require communications over distances as great as that obtainable from 2 Mc/s, under conditions where interference and congestion are not controlling. With respect to the useful communication range of VHF as compared to 2 Mc/s, it has been shown[1] that the normal communications range of 2 Mc/s, in the absence of congestion and interference, is substantially greater than that of VHF. There relative wave propagation characteristics in no way detract from satisfaction of the communication needs of recreational vessels. To the contrary, these characteristics can and should be employed to provide relief to the current congestion and interference on 2 Mc/s frequencies. The Commission is, therefore, specifying the following order of priority in availability of VHF and 2 Mc/s: shorter distance communication may be satisfied through use of VHF; and longer distance communication, beyond the useful range of VHF, may be satisfied through use of 2 Mc/s. In the view of the Commission, considering the complex nature of the problem here involved, the application of this order of priority is essential to improvement and future development of maritime mobile service communications and the radio safety system of that service.

6. Two of the comments, one filed by Mr. F. Ritter Shumway, who represented himself as the operator of a 55-foot motor sailer operating entirely in the Great Lakes, and the second filed by the River Operations Committee, composed of operating personnel from the major common carriers on the Mississippi River system and tributaries, expressed objections to the Commission's proposals. Mr. Shumway presented as his primary objection the date of January 1, 1971, when the new regulations would be mandatory for all VHF–FM transmitters in the maritime mobile service. He stated as an opinion that it would seem advisable to require all equipment sold after 1970 to be capable of conversion to narrow band operation but that conversion should not be required until a date "well in the future" such as 1977. Mr. Shumway also had reservations concerning the ability of the pleasure boatman to keep highly sophisticated equipment in operation. Thirdly he was concerned that the United States should adopt a system that was not compatible with the international system.

7. The rationale followed by the Commission in developing the technical specifications for the VHF–FM 25 kc/s channeling system, including the dates for implementation, are developed elsewhere in this report. One additional objection presented by Mr. Shumway, however, has been treated implicitly i.e., channel spacing of 30 kc/s should be adopted rather than 25 kc/s. Mr. Shumway stated from the viewpoint of cost it is essential to use land mobile equipment which has the 30 kc/s channel spacing. He stated further his understanding that reduction of spacing from 30 kc/s to 25 kc/s involves substantial technical problems including circuits and components which in his language "will defeat a part of the very stated purpose of the FCC * * *." The possibility of using 30 kc/s channeling was considered, and a 30 kc/s channeling system would work. The loss of new channels at 30 kc/s would not alone have caused the Commission to decide in favor of 25 kc/s channels; however, international agreement has been reached on 25 kc/s channeling. In addition, the transitional period with 50 kc/s and 30 kc/s operation in the band would have posed very serious operational problems which are avoided by the program adopted. Our understanding of the position presented by the manufacturers also does not indicate unreasonable problems in developing and marketing 25 kc/s transmitting equipment. With respect to Mr. Shumway's concern about the more sophisticated equipment necessary for 25 kc/s channels, we note that satisfactory narrow band equipment has been available on the market for some time and that the industry is generally considered to be capable of producing satisfactory marine equipment.

8. The River Operations Committee feels that river operations on the Mississippi are extended in such a way that in their opinion additional channels are not needed. They have suggested that three simplex channels be taken from the present 50 kc/s channels for use by pleasure boats. To this they would add use of calling Channel 16, Channel 6 for safety communications and Channels 12 and 14 for communications between pleasure boats and the USCG and with locks and as many of the five public correspondence channels as needed. In conclusion the Commission is requested to withhold action on the 25 kc/s channeling until further technical developments or until the channels are split by international agreement. There is nothing in the record to support setting aside frequencies from the existing 50 kc/s channels for use of pleasure boats. In addition, it should be noted that the channels are being split, numbered, and assigned in accordance with international agreement.

9. It is recognized that all operational requirements are not identical. The needs in the rivers are not the same as in New York Harbor; however, in developing a system and to allow for orderly administration it is necessary to consider all interests. The results may not be what anyone particular interest may consider

[1] "Comparison of the theoretical range of 2182-kc/s and 156 MHz voice communication over sea water and fresh water," by George W. Haydon, ESSA.

best from their standpoint but to do otherwise would result in a number of slightly different patchwork type operations with no order and no system. In sum, if the comments of Mr. Shumway or the River Committee were followed they would preclude the application of urgently needed reform to effect improvements in the maritime mobile radio safety system.

10. Several of the comments (AMMI, AT&T, International, LCA, Lorain, NPMRC, Ohio River, PASA, and Tug Com) were directed to the international aspects of usage of frequencies in the 156–162 Mc/s band and to the need for coordination with other administrations. These parties recommended, in varying degrees, noting that the ITU World Administrative Radio Conference on marine matters (WARC) was scheduled to be convened in mid-September 1967, that international coordination be effected prior to adoption of the proposals set forth in the notice of proposed rule making. This recommendation has been complied with. Extensive and comprehensive proposals were prepared and submitted by the United States to the WARC in regard to usage of frequencies in the 156–162 Mc/s band. These proposals, and those of other administrations, were given long and deliberate consideration by the WARC. The WARC amended the International Radio Regulations to include a mandatory program for reducing the channel spacing from 50 kc/s to 25 kc/s, which includes provision for early implementation. In view of the pressing need to exand the communication capability in the band 156–162 Mc/s, rule amendments have been adopted which make some of the 25 kc/s channels available in the United States at an early date.

11. The NPBOA requested the Commission to amend the rules to facilitate use of VHF by a category of vessels which carry passengers for hire; the area of operation of which is restricted by the U.S. Coast Guard to within twenty (20) miles from a harbor or refuge; and whose communications come under Part III of Title III of the Communications Act of 1934, as amended. No opposing views were filed. These vessels currently employ double sideband (DSB) radiotelephony on frequencies at 2 Mc/s. Their communication requirement could be satisfied through use of VHF and, at such time as conversion of 2 Mc/s to single sideband (SSB) becomes mandatory would prefer to employ VHF. In this comment it was pointed out that the shift of these vessels to VHF, when conversion to SSB becomes mandatory, would contribute to the reduction of congestion on 2 Mc/s frequencies. Additionally, it was pointed out that by converting from DSB to VHF, on or about January 1, 1971, this category of vessel could eliminate many of the complications arising from the conversion from DSB to SSB.

12. The Commission concurs that the shift of these vessels to VHF, instead of to SSB, would have the stated effect of reducing congestion and would reduce the complications of the vessel operators during the period of conversion. In addition, the communications service obtained by the vessel operators on VHF would probably be improved over that obtained with DSB at 2 Mc/s. Such vessels, when carrying passengers for hire, would meet the criteria contained in the definition on "Commercial Communications" and would, therefore, employ the frequencies allotted for "Commerical Communications." The use of VHF by these vessels is currently permitted by § 83.514(a) of the rules, where they are never more than 20 miles from a public coast station. This limitation in the current rules was adopted prior to implementation by the U.S. Coast Guard of its nationwide system of VHF. Inasmuch as the intent of § 83.514(a) can be equally fulfilled by communication capability with these U.S. Coast Guard stations, the Commission has adopted the amendment of § 83.514(a) as set forth in the appendix.

13. In connection with establishing 156.80 Mc/s as the VHF distress, safety and calling channel, the NPMRC recommended that the rules be amended to:

(a) Require that all VHF limited coast stations, other than Marine Utility stations, maintain transmit and receive capability on 156.80 Mc/s; and

(b) Prohibit calling on any frequency available for intership working unless it is known that the called ship maintains a simultaneous watch on such intership working frequency and on 156.80 Mc/s.

In the view of the Commission, such action is in accord with the objective of establishing 156.80 Mc/s as a national distress frequency. This comment is, thus, directly responsive to the notice. No opposing comments were filed. The consequence of amendment of the rules as proposed, relative to vessels which use VHF, will be to minimize the number which do not guard 156.80 Mc/s, increase the guard on 156.80 Mc/s, reduce the probability that calls will go unheard, and thus, improve the effectiveness of 156.80 Mc/s as the national VHF distress frequency. Further, amendment of the rules as recommended will be in accord with the Commission's decision (Docket No. 16082) to support the ITU principles of a compatible system and the "calling-working" frequency concept of communications in the VHF maritime mobile service band. The recommendation, when implemented, will provide needed improvement in the maritime radio safety system.

14. It is apparent that the first recommended rule change will have impact upon those VHF limited coast station licensees currently authorized to operate on VHF frequencies, but which do not now provide transmit and receive capability on 156.80 Mc/s. The second recommended rule change is procedural insofar as it applies to vessels equipped with multichannel VHF transmitters and receivers, since it is believed all multichannel VHF equipment includes the frequency 156.80 Mc/s.

15. For the above reasons, the Commission is adopting these two recommendations and has amended the rules as set forth in the appendix to impose these requirements effective March 1, 1969.

Channel designators. 16. In the notice the Commission proposed that the channel designators for the new interspaced channels (intermediate between existing 50 kc/s channels) be composed of (a) the number of the next lower channel, followed by (b) the letter "A" or "B". Thus, the interspaced channel between Channels 5 and 6 was designated Channel "5A"; the interspaced channel between Channels 6 and 7 was designated "6A"; etc.

17. The WARC, on the other hand, agreed to a different system of channel designators in which the interspaced channels start, at the low frequency end of the band, with the channel designator 60 and stop, at the high frequency end of the band, with channel designator 88. The two new channels at 156.75 and 156.85 Mc/s, derived from reduction of the guard bands on either side of 156.80 Mc/s, were designated as Channels 15 and 17, respectively. The reduced guard bands on either side of 156.80 Mc/s were designated as 75 and 76.

18. From the point of view of U.S. users, the purpose of channel designators would be defeated if the United States used a system of channel designators different from that used by the rest of the world. Accordingly, the Commission is adopting the WARC system of channel designators.

Frequency tolerance. 19. In regard to the frequency tolerance, in the band 156–162 Mc/s, to be applied to ship station VHF transmitters for operation with a channel spacing of 25 kc/s, the Commission proposed in its notice a tolerance of 0.001 percent (10 parts per million), or one-half of the tolerance currently applicable for a channel spacing of 50 kc/s. Of the 28 comments filed, only seven parties[2] directed comments to the value of tolerance to be applied. Of the seven commenting, five[3] supported the Commission's proposal. Two[4] expressed the view that a tolerance of 0.0005 percent (5 parts per million) should be applicable, paralleling the tolerance of 0.0005 percent which is currently applicable to the land mobile service.

20. As between a tolerance of 0.001 percent and that of 0.0005 percent, the requirement in the VHF maritime services is for an equipment that has multichannel capability. In the land mobile service, the majority of current equipment is single frequency. While it is technically possible and within the state of the art to produce a multichannel equipment which will maintain a tolerance which is equal to, or which is substantially "tighter" than 0.0005 percent, no information is available to indicate this is economically feasible for practical equipments in the maritime mobile service. On the basis of information available to the Commission, there would

[2] AT&T, AWO, Konel, Kaar, Lorain, RCA, Tug Com.

[3] AWO, Kaar, Konel, Lorain, RCA.

[4] AT&T, Tug Com.

be economic hardship from the requirement that multichannel ship station equipment in the VHF maritime mobile service conform to the same frequency stability as single frequency equipment in the land mobile service. Since a major objective of this rule making is to facilitate increased usage of VHF by both commercial and noncommercial vessels, the Commission is amending its rules to provide for ship stations operating in this band a frequency stability of 0.001 percent (10 parts per million).

21. In regard to the frequency tolerance, in the band 156–162 Mc/s, to be applied to coast station VHF transmitters for operation with a channel spacing of 25 kc/s, the Commission proposed in its NPRM a tolerance of 0.00025 percent (2.5 parts per million). Of the 28 comments filed, only five [5] parties directed comments to the value of tolerance to be applied to coast station transmitters. Of the five parties commenting one [6] supported 0.00025 percent, two suggested [7] 0.0005 percent, and two [8] suggested 0.001 percent. Of these five companies, two [9] were operating licensees (one favored 0.0005 percent, and the other 0.00025 percent) and three [10] were manufacturers (two favored 0.001 percent and the other 0.0005 percent).

22. With increased usage of VHF, a large number of current and future short-distance communication requirements can and should be fulfilled with a coast station transmitter output power of 3 watts or less. Since the interference creating capability at this power level is low, a tolerance of 0.001 percent is adopted. On the other hand, the interference creating capability will be maximum at output power levels above 100 watts. The Commission is, therefore, adopting a tolerance of 0.00025 percent for coast station transmitter output powers above 100 watts. For the remaining transmitters, operating with output powers between 3 and 100 watts, inclusive, the Commission is adopting a tolerance of 0.0005 percent. The adopted frequency tolerance versus output power are set forth in the following table.

Transmitter output power (watts)	Frequency tolerance	
	Percent (%)	Parts per million (10^6)
Below 3	0.001	10
3 to 100	.0005	5
Above 100	.00025	2.5

23. In regard to the dates on which the above ship and coast station frequency tolerances become effective, the Commission proposed in the notice that the new tolerances be brought into force, applicable to all VHF ship and coast station transmitters, on January 1, 1971. In the comments filed, it was argued that a longer period should be provided. Accordingly, the requested adjustment has been made, as follows:

VHF ship stations. the tolerance of 0.001 percent is applicable to types of transmitters type accepted after March 1, 1969, and to all ship station VHF transmitters after January 1, 1974. A tolerance of 0.002 percent is applicable until January 1, 1974, to types of VHF ship station transmitters type accepted prior to March 1, 1969. The Commission intends to withdraw type acceptance for all VHF ship station transmitters which are not type accepted for a tolerance of 0.001 percent on January 1, 1974.

VHF coast stations. the tolerances set forth in the above table are applicable to types of transmitters type accepted after March 1, 1969, and to all VHF coast station transmitters after January 1, 1974. A tolerance of 0.002 percent is applicable until January 1, 1974, to types of VHF coast station transmitters type accepted prior to March 1, 1969. The Commission intends to withdraw type acceptance for all VHF coast station transmitters which do not conform to the tolerance set forth in the above table on January 1, 1974.

Frequency deviation. 24. The Commission proposed that on January 1, 1968, all VHF radiotelephony transmitters, operated in the band 156–162 Mc/s in the maritime mobile service, reduce the (modulation) frequency deviation from ±15 kc/s to ±5 kc/s. A substantial number of the comments filed urged that a decision be postponed until the results of consideration at the WARC were available. In view of the reasonable nature of the request, no action was taken to implement this proposed requirement and the date of January 1, 1968, has passed.

25. The results of the WARC in regard to the integral steps for transition from a channel spacing of 50 kc/s to 25 kc/s are now available. These integral steps include:

(a) Increase ("tightening") of frequency tolerance from 20 parts to 10 parts per million;

(b) Improved receiver selectivity for operation with a channel spacing of 25 kc/s; and

(c) Reduction of (modulation) frequency deviation from ±15 kc/s to ±5 kc/s.

26. The matter of "tightening" of frequency tolerance is treated separately in other paragraphs in this report and order.

27. Many of the comments filed discussed various difficulties with VHF receiving equipment during the transition period. In that regard, the situation existing nationally closely parallels the international situation. The WARC discussed in detail the various conditions which will arise during the transition in frequency deviation from ±15 kc/s to ±5 kc/s. The WARC recognized that the wide latitude of different operational conditions could not be adequately satisfied by a single solution. It, therefore, did not develop a specific procedure for effecting the reduction of frequency deviation; it left open the matter of whether the reduction would be effected in a single step or in multiple steps; it recognized that administrations having a pressing need for an increased number of channels may effect the transition to a channel spacing of 25 kc/s in advance of the dates adopted. In consequence, the WARC decided to provide a period of 1 year in which to complete the transition to ±5 kc/s. The WARC accepted that there would be an intermixture of ±15 kc/s and ±5 kc/s frequency deviation during the transition period.

28. In paragraph 44 of the notice the statement was included that a receiver, the detector of which was adjusted for a frequency deviation of ±5 kc/s will not satisfactorily demodulate a frequency deviation of ±15 kc/s. Since that time, one manufacturer [11] of marine VHF equipment conducted comparative tests regarding reception of "wide-band" frequency deviation transmissions, first, on a "wide-band" receiver and, second, on a "narrow-band" receiver to ascertain the relative intelligibility, tape recorded the results, and (informally) supplied a copy of the tape to the Commission. No other operating agency or manufacturer has submitted test information bearing on this subject. Based on available information, it is concluded that a "narrow-band" receiver will acceptably receive a frequency deviation of ±15 kc/s. Inasmuch as (1) we are only concerned with this technical point for the duration of the transition period, where an intermixture of ±5 kc/s and ±15 kc/s frequency deviation would exist; and (2) the duration of the intermixture period for most vessels, in regard to stations with which they routinely communicate, will vary from location to location; no further or exhaustive study of this point is considered necessary.

29. In regard to VHF receiving equipment, paragraphs 39 through 44 were included in the notice to assure that appropriate consideration was given to the impact of the proposed rule amendments upon VHF receiving equipment. The attitude of the Commission relative to modification of existing VHF receiving equipment was expressed in paragraph 42 of the notice, as follows:

> 42. In the view of the Commission, it will be desirable for the licensees to modify their VHF receiving equipment for "narrow-band" operation. The decision to modify receiving equipment is at the option of the licensee. However, it must be recognized that failure to modify could result in the reception of unwanted signals on the adjacent 25 kc/s channels, when implemented in the area of concern.

30. This continues to be the view of the Commission. Solution to the difficulties with VHF receiving equipment can best be overcome by the licensee, since he is in a position to determine the nature of the problem and the corrective action which introduces the least adverse impact upon his system. However, Appendix 19 to the ITU Radio Regulations sets forth general requirements for VHF receiving equipment.

[5] Kaar, Konel, Lorain, RCA, Tug Com.
[6] Lorain.
[7] Kaar, Tug Com.
[8] Konel, RCA.
[9] Lorain, Tug Com.
[10] Kaar, Konel, RCA.
[11] Konel.

31. The comments filed indicated no particular difficulty in regard to modifying ship and coast station transmitters to reduce the (modulation) frequency deviation from ±15 kc/s to ±5 k/cs. In reference to the conversion to ±5 kc/s frequency deviation of transmitters aboard U.S. vessels in advance of other administrations, one of the comments called attention to the circumstance that: (a) For intership communications, U.S. vessels would employ ±5 kc/s and foreign registry vessels would employ ±15 kc/s and (b) for ship to coast communications, U.S. vessels would transmit to foreign coast stations with ±5 kc/s, while foreign registry vessels would transmit to the same coast station(s) with ±15 kc/s.

32. In view of the foregoing and based on the need to increase the number of VHF channels available in the United States at the earliest practicable date, the Commission has adopted rule amendments as set forth below. As adopted, a period ending March 1, 1969, is provided in which to complete adjustment of transmitters used aboard ship and at coast stations to reduce the frequency deviation from ±15 kc/s to ±5 kc/s. Further, in regard to intership communications, the Commission does not foresee the development of a mandatory requirement, during the transition period, that U. S. vessels provide a frequency deviation of ±15 kc/s when communicating with foreign registry vessels. Such need is deemed probable, however, in the case of coast stations of other administrations. Accordingly, the rules as amended permit U.S. registry vessels when communicating with coast stations of other administrations to employ, where required to do so, a frequency deviation of ±15 kc/s during the period ending January 1, 1972.

VHF transmitter power—ship stations. 33. Bendix suggested that a maximum output power limit of 35 watts be established for VHF transmitters to be operated in the band 156–162 Mc/s. No opposing views were expressed. In that regard, the WARC adopted a common worldwide maximum carrier power limit of 25 watts, which is applicable to equipment to be brought into service after January 1, 1970. Since a maximum power limit is an essential element to the design and development of new transmitters, the Commission is adopting 25 watts as set forth below.

34. To minimize harmful interference in areas of high density shipping, such as in harbors, ports, canals, and rivers, or inland waters, the WARC adopted the additional mandatory provision that ship station VHF transmitters have the capability to reduce, readily, the effective radiated power (ERP) to one (1) watt or less. The inclusion of this capability in new equipment has been recommended by the Intergovernmental Maritime Consultative Organization. The Canadian and other administrations have urged early provision of this capability in their respective waters. Since the term "effective radiated power" includes system elements which are in addition to the power of the transmitter, a more readily usable designation of power is required for type acceptance purposes. Inasmuch as the intent of the WARC is fulfilled by use of an output power of 1 watt (or an input power of 2 watts), that value is adopted and set forth below.

35. The benefits of the lower power include reduction of intermodulation interference, receiver detuning and receiver desensitization arising from excessive RF input levels. By limiting the requirement that this capability be included in all future ship station transmitting equipment, type accepted after September 3, 1968, no adverse impact is imposed on existing licensees. On the other hand, as a technical characteristic applicable to new equipment, manufacturers should be apprised, at the earliest practicable date, of the requirement that such capability is to be incorporated into future equipment. Since this report and order sets forth other technical characteristics applicable to new VHF equipments, it is appropriate and timely to include the foregoing technical requirement. Accordingly, rule amendments appropriate thereto are adopted and are set forth below.

Coast stations. 36. The rules presently permit public coast stations to use up to 250 watts input in the band 156.765 to 161.625 Mc/s and up to 1,000 watts input in the band 161.775 to 162.025 Mc/s. In other bands, VHF limited coast stations are permitted up to 100 watts input. Several of the comments filed expressed concern in regard to the increase in intermodulation interference which will accompany the reduction in channel spacing from 50 kc/s to 25 kc/s. The severity and scope of this type interference is made worse by use of higher power. As outlined under "ship stations", above, this matter was deemed to be of sufficient importance by the IMCO and WARC to require that new ship station transmitters have a maximum output power limit of 25 watts, and include the capability to reduce this power to an effective radiated power of 1 watt or less.

37. The use of higher power is desirable, necessary, and can be justified where it is intended that communication be provided over the maximum possible distance, for example, in the case where the tropospheric propagation mode is to be employed. While the Commission will consider and where justified will grant authorization to use tropospheric techniques in the VHF maritime mobile band, it is not the intent of these rules to provide for use of such techniques on a routine basis. As between the two terminals, the coast station and the ship station, the coast station is in the advantageous position in regard to height and gain of transmitting and receiving antennas, use of specialized receiving equipment, selection of site to minimize local noise, use of receivers at multiple locations, and availability and regulation of primary power. In regard to recreational boats and smaller commercial transport vessels, the choices regarding antenna location, height and directivity are limited, use of separate receiving and transmitting antennas and specialized receiving equipment is not practicable, the level of local noise is higher, primary power regulation is less than optimum, and use of multiple receivers is unlikely to be feasible. In regard to larger commercial transport vessels, the situation will be improved, but will be less advantageous than can be provided at coast stations.

38. As between the coast station and ship station, for equal power at the transmitter output terminals, the coast station can place a higher signal level at the ship station; and, for the above reasons, the coast station can satisfactorily receive a signal below the level which can be satisfactorily received aboard ship. Because of the lesser receiving capability at the ship station terminal, the signal provided to the ship station from the coast station must be higher than that in the opposite direction. While higher transmitter power at the coast station provides a simple solution, the situation in regard to intermodulation interference in and to receivers in the vicinity of the coast station is worsened. The proper solution for coast station transmitter power lies in the use of the minimum power necessary to provide the required service, after the other factors have been applied, that is, the area to be covered has been determined, selection of site, height and gain of receiving and transmitting antennas, and type of receiving equipment.

39. Turning now to the provisions of § 81.134(d) and the transmitter power permitted public coast stations, it will be noted that, in the band 156.675–161.625 Mc/s, a maximum input power of 250 watts is permitted and, in the band 161.775–162.025 Mc/s, a maximum input power of 1,000 watts is permitted. With the output power of ship stations limited to 25 watts (50 watts input power), a ratio of public coast station to ship station power of 5 to 1 and 20 to 1, respectively, is permitted. As outlined in paragraphs 37 and 38, above, it is possible for the coast station to employ techniques and equipment not readily applicable to ship stations. The Commission is of the view that the practical requirements are adequately fulfilled by a ratio of coast station to ship station power of 2 to 1. This ratio is subject to the conditions that the power used by coast stations shall be the minimum necessary for the service to be provided; and, further, that higher power may be authorized to coast stations where a satisfactory showing of need has been made.

40. For the foregoing reasons, the Commission is amending § 81.134 of the rules to limit the output power of coast stations to 50 watts or less as set forth below. All licenses granted after the effective date of this report and order will be issued with a power limitation of 50 watts or less, unless a satisfactory showing of need for power in excess of 50 watts has been made.

Post-limiter audio roll-off filter. 41. The Commission proposed in this docket

that, in the band 156–162 Mc/s, all radiotelephony transmitters in the maritime mobile service be provided with a post-limiter audio roll-off filter. Of the 28 comments filed, only five [12] parties directed comments to the matter of including the post-limiter audio roll-off filter in VHF radiotelephony transmitters. Three [13] of the five comments supported inclusion of the filter; however, one of the comments,[14] additionally, recommended the value of attenuation be the same as that applied to other services; and one of the comments,[15] additionally, recommended that the filter be required in new equipment only. Two of the five comments [16] offered no objection to including the filter, but recommended that the Commission indicate the desire technical specifications rather than a specific electronic circuit.

42. As concerns the comment [14] that the value of attenuation called for by the post-limiter audio roll-off filter should be the same for all services, it is correct that the value proposed for Parts 81 and 83 is higher than the value currently appearing elsewhere in the rules. The Commission concurs that where the channel spacing and method of deployment of channels is the same, the value of attenuation should be the same for all parts of the rules. In the land mobile services in the bands at 150 Mc/s, the channel spacing is 30 kc/s whereas, in the marine services, the channel spacing will be 25 kc/s.

43. With respect to the comment [14] that the addition of the post-limiter audio roll-off filter should be limited to new equipment, the Commission is unable to agree that current equipment should be exempt from inclusion of this filter. The Commission believes, however, that a transition period should be provided and, accordingly, is specifying a date by which this filter must be included in current equipment. The requirement that a post-limiter audio roll-off filter be included in radiotelephone transmitters operating in the band 156–162 Mc/s was based on tests conducted in the land mobile service, where it was shown that noise spectra (splatter) of FM transmitters was substantially reduced by the addition of the proposed filter. The filter minimizes unauthorized radiations beyond the authorized channel and into both adjacent channels. Reduction of these radiations makes the adjacent channels more usable, practically, by permitting reception of "weaker" signals, which is interpreted in terms of increased communications range. The benefit from inclusion of this filter is to the users of the adjacent 25 kc/s channels; no benefit accrues to the same channel user. In the view of the Commission, the minimization of extra-channel radiation is an essential element in its program to reduce the channel spacing in the band 156–162 Mc/s from 50 kc/s to 25 kc/s. Accordingly, the rules as adopted provide a transition period of 5 years for ship stations and 2 years for coast stations during which current equipment may be modified.

44. The recommendation [17] that the Commission indicate the desired technical specification, rather than a specific electronic circuit, is based on two points:

A. The Commission does not have requisite authority under the Communications Act of 1934, as amended, citing section 303(e); and

B. The effect of the proposed amendment "* * * could well be to prevent improvement in such equipment in keeping with advancement in the art."

45. With respect to A in the preceding paragraph, RCA maintains that the Commission's authority is limited to the regulation of the kind of apparatus to be used with respect to its external effects and the purity and sharpness of the emissions. Accordingly, the commentator concludes that the requirement with respect to the post-limiter audio roll-off filter is beyond the statutory authority of the Commission. The main thrust of this rule making is to implement those portions of WARC applicable to the maritime mobile service band 156–162 Mc/s. For the reasons stated below the filter requirement is considered necessary to carry out the provisions of WARC. The statutory authority for this requirement, therefore, in section 303(r). In addition, we feel that the proposed amendment does not require a "specific electronic circuit." The amendment specifies (1) the characteristics of a filter; and (2) where in the transmitter the filter shall be placed.

46. In regard to (1), RCA offered no objection to the values which the Commission has specified for the filter and it, therefore, is concluded that these values are acceptable, and that the specification of values for a filter is not outside of Commission authority.

47. In regard to (2), RCA and Raytheon do not state: (i) The filter should or could be located at another point in the transmitter; (ii) if located elsewhere, the filter would be equally effective; and (iii) if set forth as a technical specification, the manufacturer would place the filter at some other point in the transmitter. Further to (2), attention is called to the following rule sections: §§ 21.508 (f), 21.605(e), 21.704(b), 81.111(h), 87.-73(g), 89.109(d), 91.105(g), and 93.105 (g). These sections specify the point in the transmitter at which a filter shall be placed.

48. In regard to the phenomenon here involved, the Commission has no information which supports a technical view that the required attenuation may be obtained by locating the post-limiter filter elsewhere in the transmitter. The comments submitted are silent in that regard. While it is possible to include in the rules a technical specification applicable to the spectrum radiated at the transmitter output, there are practical reasons which indicate the "technical specification" approach is less desirable than that proposed by the Commission. Such technical specification would go far beyond the simple preventative measure proposed by the Commission; it would involve the whole of the radiated signal; the cost of associated measurements would exceed the cost of the post-limiter filter; and it is difficult to see how such a technical specification could, as a practical matter, be applied to current equipment—short of re-type acceptance of that equipment. The increased cost would not be limited to higher priced VHF equipment, it would also apply to the lower cost VHF equipment. This increased cost would not encourage the use of VHF, which is a stated Commission objective.

49. In view of the foregoing, the Commission finds that it is necessary to specify where the filter shall be placed if the required attenuation is to be obtained. The statutory authority for making such a requirement may be found in section 303(r) of the Communications Act of 1934, as amended.

50. Returning now to point B, and the potential of the proposed amendment to prevent improvement in equipment in keeping with advancement in the art. The development or evolution of a new technique, such that the proposed filter would not be required or would be located at another point in the transmitter, would be applicable to many radio services. To facilitate the application of that new technique, when available, to the concerned radio services, it will be necessary to amend the above listed sections of the rules. In that regard, the Commission foresees no difficulty in amending the rules to provide for technical improvements or advances in the state of the art, where a showing of need has been made. It was not claimed, however, that the inclusion of the post-limiter filter would affect application of a known new technique.

51. Taking into account that the new technique is not available and that the Commission must base its actions on information available to it, noting that the benefits accruing from inclusion of this filter are substantial and that the techniques are available and well known, it is the view of the Commission that the requirements for inclusion of the filter must be overriding. Accordingly, the rules are amended to include the post-limiter audio roll-off filter, as set forth below. The Commission will withdraw type acceptance of transmitters not having the specified audio roll-off filter effective January 1, 1974.

Allotment of channels. 52. In regard to the definition of "Non-Commercial Communications", one comment [18] called attention to the phrase, included therein, "* * * limited to those pertaining to the purposes for which the ship is used * * *" and has pointed out that this could be misinterpreted on the basis that if the purpose of a vessel is recreation or pleasure, the communications on the allotted frequencies would be for that purpose. It was recommended that this

[12] AWO, Ohio River, RCA, Raytheon, AMMI.
[13] AWO, RCA, AMMI.
[14] AMMI.
[15] AWO.
[16] RCA, Raytheon.
[17] RCA.
[18] NPMRC.

phrase be amended to "* * * limited to the needs of the vessel, * * *". No opposing views were filed. The argument presented is sound and is in full accord with the Commission's intent. Accordingly, the definition of "Non-Commercial Communications" is amended as set forth below.

53. In this proceeding the Commission is establishing 156.80 Mc/s as the national VHF distress frequency. As stated in the notice, there will be many vessels with only VHF aboard. These vessels will be able to communicate on VHF, but which will be unable to employ 500 kc/s or 2182 kc/s, the radiotelegraph and radiotelephone distress frequencies, respectively. No VHF frequency in the band 156–162 Mc/s is currently designated by the rules for distress purposes, although provision is included, on a permissive basis, for the use of 156.80 Mc/s for the handling of distress messages. The large number of VHF facilities which have been, and are continuing to be, installed by the U.S. Coast Guard, the U.S. Army Corps of Engineers, and by others, all of which guard 156.80 Mc/s, permits the designation of 156.80 Mc/s for this purpose. Accordingly, 156.80 Mc/s is designated, as set forth below, for "Distress, Safety and Calling".

54. As proposed in the notice, 156.65 Mc/s is available only for "Navigational Communication", except on the Great Lakes. On the Great Lakes, 156.65 Mc/s will be available for "Commercial Communication" and will not be available for "Navigational Communication". The current rules provide for use of 156.65 Mc/s for navigational communications in all areas, except on the Great Lakes. On the Great Lakes this frequency may be used for "Business" or "Operational" communication.

55. The basic requirement to establish navigational communications, that is, to provide the capability for near instantaneous communication from the bridge of one ship to the bridge of another ship(s), has been considered in detail by various groups, including the Radio Technical Commission for Marine Services (RTCM), the Intergovernmental Maritime Consultative Organization (IMCO), the International Telecommunication Union (ITU), numerous U.S. groups in preparation for various international conferences and Commission Docket No. 15035. As discussed at the WARC, there is near worldwide agreement that such capability is desirable and will substantially enhance the safety of life and property at sea. There is divergence as to the frequency which should be used. In consequence of the discussions at the WARC, it was decided that in the international system, the frequency 156.80 Mc/s should be used to establish communications, followed by a shift to a working frequency, such as 156.30 Mc/s. This decision was taken notwithstanding the argument that application of the "calling-working" frequency concept could inject serious and possibly dangerous delays in the bridge-to-bridge communication, particularly in high density areas where there is a concentration of vessels.

56. Further, on the basis of the anticipated future high usage of VHF in U.S. waters, it is probable that serious delays could be encountered were 156.80 Mc/s to be used for bridge-to-bridge communication; and, conversely, that bridge-to-bridge communication, if placed on 156.80 Mc/s could occupy that channel for extended periods. This latter effect could have adverse impact upon the effectiveness of 156.80 Mc/s as the national VHF distress channel. By logical extension, delays could exist on any frequency, where the use is shared by bridge-to-bridge and one or more other functions. Thus, in view of the high priority nature of bridge-to-bridge communication, shared use of 156.65 Mc/s is not provided.

57. In regard to the frequency to be used for bridge-to-bridge communication on the Great Lakes, LCA urged the retention of the arrangement contained in the present rules, as described above. In support of such retention, the comments call attention to the presence on the Great Lakes of large numbers of foreign registry vessels who, in operating elsewhere in the world, will be using the international system, that is, 156.80 Mc/s and associated working channel, and should be permitted to continue that system when entering U.S. waters in the Great Lakes area. This comment is silent with respect to the needs of noncommercial vessels. The Commission is, for the time being, continuing the arrangement on the Great Lakes where the channel 156.65 Mc/s is available for "Commercial Communications", but is not available for bridge-to-bridge. In the Great Lakes area, as in other U.S. waters, the channel 156.80 Mc/s is designated for "Distress, Safety and Calling". Rule amendments appropriate thereto are set forth below.

58. In regard to the definition of Port Operations Service, the WARC adopted an amendment which expands the communications which may be handled on frequencies allotted for port operations. In addition, in consequence of the exchange of views at the WARC, the intent and scope of No. 287, a footnote to the Table of Frequency Allocations (see § 2.106) applicable to the band 156–162 Mc/s, was clarified. The general effect of this clarification is to increase the uniformity of application by administrations of the provisions of Appendix 18 to the ITU Radio Regulations. Thus, the impact of these WARC actions upon the Port Operations Service is such that various frequency shifts proposed in the NPRM are no longer necessary. Accordingly, the definition of Port Operation Service and No. 287 of the rules are amended to conform to the WARC agreement and are adopted as set forth in the appendix.

59. The Commission proposed in the notice, footnotes 10 through 13, inclusive, page 4 of Appendix 1, that the current operations on frequencies 156.35, 156.45, 156.50, and 156.55 Mc/s be shifted to replacement frequencies (156.275, 156.325, 156.675, and 156.725 Mc/s, respectively) in order to more closely align national usage with the international allotment plan appearing in Appendix 18 to the ITU Radio Regulations. It now develops, in consequence of actions by the WARC, that there no longer is need to shift these existing operations to the replacement frequencies proposed. Accordingly, the proposed shifts set forth in footnotes 10 through 13, inclusive, are not adopted.

60. With retention of current usage on 156.35, 156.45, 156.50, and 156.55 Mc/s, there remains the matter of allotment of the proposed replacements, as follows, 156.275, 156.325, 156.675, and 156.725 Mc/s. In respect to the notice of proposed rule making, it is noted that the balance in number of channels allotted for the various types of communication can be maintained by a simple exchange of allotments between these two groups of frequencies. Accordingly, that procedure is being followed and the consequential changes in allotments, as set forth below are adopted.

61. The Commission also proposed in this docket that the frequency 156.875 Mc/s be allotted for ship and coast use for noncommercial communications; and that the frequency 156.925 Mc/s be allotted for Intership use for commercial communications. The WARC, on the other hand, allotted 156.875 Mc/s for Intership and 156.925 Mc/s for Port Operations. Since neither 156.875 Mc/s nor 156.925 Mc/s is in current use, the exchange of these two allotments would impose no hardship on existing licensees. Further, where use of this Intership frequency is required, the exchange in allotments would reduce the number of frequencies which had to be carried by foreign ships in U.S. waters and U.S. ships in foreign waters. Accordingly, the exchange in allotments of 156.875 and 156.925 Mc/s is adopted.

Assignment of channels. 62. Parts 81 and 83 are amended to permit assignment of channels in accordance with the following:

(a) The frequencies 156.75 and 156.85 Mc/s (channel designators 15 and 17) are available for assignment on the effective date of this report and order. Usage of the respective frequencies is set forth below. The (modulation) frequency deviation is limited to ±5kc/s.

(b) The channels adjacent to 156.300 Mc/s (channel designators 65 and 66) will not be available for assignment prior to January 1, 1971, and will be available on a restricted basis during the period from January 1, 1971 to January 1, 1973.

(c) In regard to VHF channels for public coast stations, the 50 kc/s frequencies (channel designators 24–28, inclusive) will be assigned in advance of the 25 kc/s frequencies (channel designators 84–87, inclusive). Except for Channel 28, the order of assignment of both 50 kc/s and 25 kc/s frequencies will be in accord with the priority numbering adopted by the WARC. Channel 28 will be assigned interchangeably with Channel 26 as the first priority number.

(d) In regard to the 25 kc/s frequencies (channel designators 67–74, 77–80, and 88, inclusive):

(i) During the period prior to March 1, 1969, these channels will not be available for assignment to either ship or coast stations;

(ii) During the period March 1, 1969, to January 1, 1971, these channels will be available for assignment to coast stations in areas where harmful interference will not result to assignments on 50 kc/s frequencies (channel designators 07–20, inclusive): *Provided, however,* That the Commission will process reports of harmful interference by licensees on 50 kc/s channels on the basis of the facts then existing, with particular attention to the technical measures applied by the respective licensees in cooperation with the Commission's program to reduce the channel spacing from 50 kc/s to 25 kc/s; and

(iii) Effective January 1, 1971, these channels will be available for assignment on the same basis as the 50 kc/s frequencies (channel designators 07–20, inclusive).

63. Consistent with the amendments being made to Parts 81 and 83, § 2.106 of Part 2, the Table of Frequency Allocations in regard to the maritime mobile service in the band 156–162 Mc/s is being amended to include therein: The new 25 kc/s channels and the deletion of footnote NG34 from this band; redesignation of the frequency 156.8 Mc/s as the national distress, safety and calling frequency and the addition of the related new footnote, US107; the modification of Geneva footnote (287) and US footnote US77; and the addition of new footnote US106 regarding the availability and use of 156.75 Mc/s. As an editorial change, footnotes US9 and US12 are being deleted and the Table of Frequency Allocations is being modified accordingly to indicate the band 157.0375–157.1875 Mc/s as an exclusive Government band, 173.2–173.4 Mc/s as an exclusive non-Government band and to change the band-edge between Government and non-Government bands from 162.0 to 162.0125 Mc/s. Section 2.1 of Part 2 is also being modified to amend the definition of "Port Operations" and to add the definition of "Environmental Communications."

64. In addition to the comments which are treated in detail in this report and order, there are other matters which were raised outside the scope of this rule making or were considered as not germane to any issue in the proceeding. For example, a request was received which asked that the Channels 1 through 5 (156.025–156.275 Mc/s) be made available to public coast stations. These channels are presently allocated to the land mobile service. To make them available to public coast stations would require a reallocation, and the scope of this rule making does not extend to a reallocation of frequencies.

65. In view of the foregoing: *It is ordered,* That, pursuant to the authority contained in sections 4(i) and 303 (a), (b), (c), (e), (f), (g), and (r) of the Communications Act of 1934, as amended, Parts 2, 81, and 83 of the Commission's rules are amended effective September 3, 1968, as set forth below.

66. *It is further ordered,* That the proceeding in Docket No. 17295 is terminated.

Adopted: July 17, 1968.

Released: July 25, 1968.

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

FEDERAL COMMUNICATIONS COMMISSION,[19]
[SEAL] BEN F. WAPLE,
Secretary.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

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

1. In § 2.1, the definition of "Port Operations" is amended and a new definition of "Environmental Communications" is added in appropriate alphabetical sequence to read as follows:

§ 2.1 Definitions.

* * * * *

Environmental communications. Communications in the maritime mobile service for the broadcast of information pertaining to the environmental conditions in which vessels operate, i.e., weather, sea conditions, time signals of a grade adequate for practical navigation, notices to mariners and hazards to navigation.

* * * * *

Port operations. Communications in or near a port, or in locks or waterways, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the operational handling, the movement and the safety of ships and, in emergency, to the safety of persons. Messages which are of a public correspondence nature shall be excluded.

* * * * *

§ 2.106 [Amended]

2. In § 2.106, the Table of Frequency Allocations is amended to read as follows in columns 5 through 11 with respect to the bands 150.8–162 Mc/s and 162–174 Mc/s and in the footnotes by deletion of footnotes US9 and US12, addition of new footnotes US106 and US107, and amendment of footnote US77 and Geneva footnote (287).

United States		Federal Communications Commission				
Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services (of stations)
5	6	7	8	9	10	11
150.8–157.0375	NG.	150.8–150.98	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG51)
		156.250–157.0375	MARITIME MOBILE. (NG5)	Coast. Ship.		MARITIME MOBILE.
	(US77)				156.275	Do.
					156.300	Do.
					156.325	Do.
					156.350	MARITIME MOBILE. (NG24)
					156.375	MARITIME MOBILE.
					156.400	Do.
					156.425	Do.
					156.450	MARITIME MOBILE. (NG24)
					156.475	MARITIME MOBILE.
					156.500	Do.
					156.525	Do.
					156.550	MARITIME MOBILE. (NG24)
					156.575	MARITIME MOBILE.
					156.600	Do.
					156.625	Do.
					156.650	Do.
					156.675	Do.
					156.700	Do.
					156.725	Do.
					156.750	Do.
	(US106) (US107)				156.800	MARITIME MOBILE (distress, safety, and calling).
					156.850	MARITIME MOBILE.
					156.875	Do.
					156.900	Do.
					156.925	Do.
					156.950	Do.
					156.975	Do.
					157.000	Do.
					157.025	Do.
157.0375–157.1875	G.					

[19] Commissioner Johnson concurring and issuing a statement filed as part of the original document.

United States		Federal Communications Commission				
Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of stations (OF SERVICES)
5	6	7	8	9	10	11
157.1875–162.0125	NG. (US77)	157.1875–157.450	MARITIME MOBILE. (NG5)	Ship.	157.200	MARITIME MOBILE.
					157.225	Do.
					157.250	Do.
					157.275	Do.
					157.300	Do.
					157.325	Do.
					157.350	Do.
					157.375	Do.
					157.400	Do.
					157.425	Do.
		161.775–162.0125	MARITIME MOBILE. (NG5)	Coast.		Coast (NG26)
					161.800	Do.
					161.825	Do.
					161.850	Do.
					161.875	Do.
					161.900	Coast.
					161.925	Do.
					161.950	Do.
					161.975	Do.
					162.000	Do.
162.0125–173.2	G. (US8) (US11) (US13)				166.25	PUBLIC SAFETY; Remote pickup.
					170.15	Do.
					170.425	PUBLIC SAFETY.
					170.475	Do.
					170.575	Do.
					171.425	Do.
					171.475	Do.
					171.575	Do.
					172.225	Do.
					172.275	Do.
					172.375	Do.
173.2–173.4	NG.	173.2–173.4	FIXED. LAND MOBILE.	BASE. Fixed. Land mobile.		INDUSTRIAL.
173.4–174.0	G.					

GENEVA FOOTNOTES

* * * * *

(287) The frequency 156.8 Mc/s is the international safety and calling frequency for the maritime mobile VHF radiotelephone service. Administrations shall ensure that a guard-band on each side of the frequency 156.8 Mc/s is provided. The conditions for use of this frequency are contained in Article 35.

In the bands 156.025–157.425 Mc/s, 160.625–160.975 Mc/s, and 161.475–162.025 Mc/s, each administration shall give priority to the maritime mobile service on only such frequencies as are assigned to stations of the maritime mobile service by that administration (see Article 35).

Any use of frequencies in these bands by stations of other services to which they are allocated should be avoided in areas where such use might cause harmful interference to the maritime mobile VHF radiotelephone service.

However, the frequency bands in which priority is given to the maritime mobile service may be used for radiotelephone communications on inland waterways, subject to agreements between interested and affected administrations and taking into account current frequency usage and existing agreements.

* * * * *

U.S. FOOTNOTES

US77 U.S. Government stations may also be authorized:

(a) Port operations use on a simplex basis by coast and ship stations of the frequencies 156.6 and 156.7 Mc/s;

(b) Duplex port operations use of the frequency 157.0 Mc/s for ship stations and 161.6 Mc/s for coast stations;

(c) Intership use of 156.3 Mc/s on a simplex basis.

* * * * *

US106 The frequency 156.75 Mc/s is available for assignment to non-Government and Government stations for environmental communications in accordance with an agreed plan.

US107 The frequency 156.8 Mc/s is the national distress, safety and calling frequency for the maritime mobile VHF radiotelephone service for use by Government and non-Government ship and coast stations. Guard bands of 156.7625–156.7875 and 156.8125–156.8375 Mc/s are maintained.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

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

1. Paragraphs (o), (p), and (q) are deleted from and new paragraphs (o), (p), (q), (r), (s), (t), and a note at the end of the section are added to § 81.7 as follows:

§ 81.7 Operational.

* * * * *

(o) *Port operations.* Communications in or near a port, or in locks or waterways, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the operational handling, the movement and the safety of ships and, in emergency, to the safety of persons. Messages which are of a public correspondence nature shall be excluded.

(p) *Navigational.* Safety communications in the maritime mobile service pertaining to the maneuvering of vessels or the directing of vessel movements. Such communications are primarily for the exchange of information between ship stations and secondarily between ship stations and coast stations.

(q) *Environmental.* Communications in the maritime mobile service for the broadcast of information pertaining to the environmental conditions in which vessels operate, i.e., weather, sea conditions, time signals of a grade adequate for practical navigation, notices to mariners, and hazards to navigation.

(r) *State control.* Communications, other than Port Operations, in the maritime mobile service on very high frequencies (VHF) between coast stations, operated by a government, other than Federal, boating administration and ship stations in which messages are restricted to those of immediate concern and are related directly to the regulation and control, or rendering of assistance.

(s) *Commercial.* Radiocommunication, other than Port Operations, on very high frequencies (VHF) between coast stations and ship stations aboard commercial transport vessels, or between ship stations aboard commercial transport vesels, in which messages are limited to those pertaining to commercial, operational, or economic matters related directly to the purposes for which the ship is used, including the piloting of vessels, movements of vessels, and to meet immediate needs, for obtaining vessel supplies and scheduling of repairs, or modification of vessels of immediate need.

(t) *Noncommercial.* Radiocommunication, other than Port Operations, on very high frequencies (VHF) between coast stations and ship stations aboard vessels other than commercial transport vessels, or between ship stations aboard vessels other than commercial transport vessels, in which messages are limited to those pertaining to the needs of the vessel, for example, during rendezvous, maneuvers, during cruise, piloting of vessels, movements of vessels, obtaining of vessel supplies to meet immediate needs, scheduling of repairs, berthing, and accommodations.

NOTE: In regard to § 81.365(a), the following definitions are being continued, pending consideration of matters applicable to frequencies in the band 2000–2850 kc/s:

Operational communication. Radiocommunication concerning the navigation, movement, or management of a ship or ships.

Business communication. Radiocommunication pertaining to economic, commercial, or governmental matters related directly to the purposes for which a ship is being used.

2. In paragraph (c) of § 81.104, subparagraph (2) is amended and subparagraph (4) is deleted to read as follows:

§ 81.104 Facilities required for coast stations.

* * * * *

(c) * * *

(2) Each coast station equipped with radiotelephony to work in the authorized bands between 156 and 162 Mc/s shall:

(i) Be able to transmit and receive Class F3 emission on the Distress, Safety, and Calling frequency 156.800 Mc/s and on one or more working frequencies; and

(ii) During its hours of service, maintain a watch on 156.800 Mc/s, in addition to the watch on one or more working frequencies.

* * * * *

(4) [Deleted]

3. In § 81.106, subparagraph (2) of paragraph (g) is amended to read as follows:

§ 81.106 Operating controls.

* * * * *

(g) * * *

(2) A period of three seconds, when changing from the calling frequency to a working frequency and vice versa within the band 156 to 162 Mc/s.

* * * * *

4. Section 81.111 is redesignated § 81.142, paragraph (b) thereof is amended; and a new paragraph (i) is added as follows:

§ 81.142 Modulation requirements.

* * * * *

(b) Transmitters using F3 emission in the band 156–162 Mc/s shall be capable of proper technical operation with a frequency deviation of ±5 kc/s,[1] which is defined as 100 percent modulation. In general, transmitters shall be adjusted so that transmission of speech normally produces peak modulation percentages between 75 and 100 percent.

* * * * *

(i) Each transmitter[2] operated in the band 156–162 Mc/s shall be equipped with an audio low-pass filter installed between the modulation limiter and the modulated (radio frequency) stage and, at audio frequencies between 3 kc/s and 20 kc/s, shall have an attenuation greater than the attenuation at 1 kc/s by at least 60 $\log_{10}$ (f/3) decibels, where "f" is the audio frequency in kc/s. At audio frequencies above 20 kc/s the attenuation shall be at least 50 decibels greater than the attenuation at 1 kc/s.

[1] A frequency deviation of ±15 kc/s may be employed until Mar. 1, 1969.

[2] Transmitters type accepted after Mar. 1, 1969; transmitters type accepted prior to Mar. 1, 1969, shall be equipped by Jan. 1, 1974.

5. Subparagraph (2) of paragraph (c) and subparagraph (3) of paragraph (d) of § 81.131 are amended as follows:

§ 81.131 Authorized frequency tolerance.

* * * * *

(c) * * *

(2) From 100 to 200 Mc/s:

For stations licensed to operate with a carrier power:

below 3 watts	[1] 10
3 to 100 watts	[1] 5
above 100 watts	[1] 2.5

[1] The tolerance shown in the table is applicable to stations using types of transmitters type accepted after Mar. 1, 1969, and to all stations after Jan. 1, 1974. A tolerance of 20 parts in 10^6 is applicable until Jan. 1, 1974, to stations using types of transmitters which were type accepted before Mar. 1, 1969.

(d) * * *

(3) 100–200 Mc/s: Marine receiver-test stations:

For stations licensed to operate with a carrier power:

below 3 watts	[1] 10
3 to 100 watts	[1] 5
above 100 watts	[1] 2.5

[1] The tolerance shown in the table is applicable to stations using types of transmitters type accepted after Mar. 1, 1969, and to all stations after Jan. 1, 1974. A tolerance of 20 parts in 10^6 is applicable until Jan. 1, 1974, to stations using types of transmitters which were type accepted before Mar. 1, 1969.

* * * * *

6. Subparagraph (3) of paragraph (c) of § 81.133 is amended as follows:

§ 81.133 Authorized bandwidth and frequency deviation.

* * * * *

(c) * * *

(3) For stations operating in the frequency band 156–162 Mc/s, a frequency deviation of 15 kc/s may be employed until March 1, 1969; after March 1, 1969, a deviation of 5 kc/s shall be employed.

7. In § 81.134, paragraphs (a), (d), and (e) are amended to read as follows:

§ 81.134 Transmitter power.

(a) Transmitter power is the power of a particular transmitter as designated in the respective station license or construction permit. Unless specifically expressed otherwise, this power is peak envelope power (see § 81.8) for A3A, A3B, A3H, and A3J emissions, carrier power for F3 emission in the band 156–162 Mc/s and total plate input power to the final radio stage of the transmitter (without modulation present in the case of A3 emission) for other emissions.

* * * * *

(d) Transmitter power for coast and marine utility stations using F3 emission on any frequency within the 156–162 Mc/s band shall be the minimum necessary for the service to be provided and shall not exceed the indicated values:

Frequency band (Mc/s)	Carrier power (watts)[1]	
	Coast stations	Marine utility stations
156.2625 to 157.4375	50	10
161.575 to 162.0125	50	

[1] Higher power may be authorized where a satisfactory showing of need has been made. Transmitters with a carrier power in excess of 50 watts which were in service at coast stations under an outstanding authorization on Sept. 3, 1968, may continue to be used until Jan. 1, 1974.

(e) For marine fixed and marine receiver-test stations, transmitter power shall not exceed 150 watts for A3, A3A, A3H, and A3J emissions and a carrier power of 50 watts for F3 emission: *Provided, however,* That VHF transmitters with carrier power in excess of 50 watts which were in service at receiver-test stations under outstanding authorizations on September 3, 1968, may continue to be used until January 1, 1974.

* * * * *

8. In § 81.191, paragraphs (b), (c)(2) and (d) are amended to read as follows:

§ 81.191 Radiotelephone watch by coast stations.

* * * * *

(b) As an alternative to keeping watch on (or monitoring) a working frequency in the band 1605–3500 kc/s as prescribed by paragraph (a) of this section, a public coast station may, in the discretion of the station licensee, keep watch on 2182 kc/s.

(c) * * *

(2) Each public coast station licensed to transmit by telephony on one or more frequencies within the band 156–162 Mc/s shall, during its hours of service for telephony, maintain an efficient watch for the reception of Class F3 emission on the frequency 156.800 Mc/s whenever such station is not being used for transmission on that frequency: *Provided,* That the Commission may exempt any coast station from compliance with this requirement if it considers that circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph.

(d) Each limited coast station licensed to transmit by telephony on one or more working frequencies in the band 156–162 Mc/s shall, during its hours of service, maintain an efficient watch for Class F3 emission on 156.800 Mc/s, whenever such station is not being used for transmission on that frequency. In the event 156.800 Mc/s is being used for distress, urgency, or safety, such station shall keep an additional watch on each assigned working frequency except in the case of duplex operation, where watch shall be kept on the associated ship frequency.

* * * * *

9. In § 81.304, the introductory text of paragraph (a) is amended and a new subparagraph (4) is added; paragraph (b) is deleted; paragraph (d) is redesignated paragraph (b) and the introductory text amended and new subparagraphs (9)–(26) added; paragraphs (e) and (f) are redesignated (d) and (e), respectively, to read as follows:

§ 81.304 Frequencies available.

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

* * * * *

(4)

Carrier frequency (Mc/s)	*Conditions of use*
156.800	20, 25
156.750	19, 26
161.800	20, 22, 24
161.825	19, 21, 22, 24
161.850	20, 22, 24
161.875	19, 21, 22, 24
161.900	20, 22
161.925	19, 21, 22
161.950	20, 22
161.975	19, 21, 22
162.000	20, 22

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

* * * * *

(9) through (18) [Reserved]

(19) The frequency deviation is limited to ± kc/s.

(20) A frequency deviation of ±15 kc/s may be employed until March 1, 1969; after March 1, 1969, a deviation of ± 5 kc/s shall be employed.

(21) Not available for assignment prior to March 1, 1969. During the period March 1, 1969, to January 1, 1971, available for assignment in areas where harmful interference will not result to assignments on Channels Nos. 07 through 20, inclusive.

(22) To the extent practicable, the order of assignment of public correspondence channels will be in accord with the U.S. priority numbering system, as follows:

Priority No.		Transmit (Mc/s)	Receive (Mc/s)	Channel designator
U.S.	I.T.U.			
1	1	161.900	157.300	26
2	2	161.950	157.350	27
3	3	161.850	157.250	25
4	4	161.800	157.200	24
[1]1	6	162.000	157.400	28
5	13	161.825	157.225	84
6	14	161.975	157.375	87
7	15	161.925	157.325	86
8	17	161.875	157.275	85

[1] Channel 28 will be assigned interchangeably with Channel 26 as the first priority number.

(23) [Reserved]

(24) Not available in Puerto Rico and the Virgin Islands.

(25) In the band 156–162 Mc/s, the frequency 156.800 Mc/s is the national distress, safety and calling frequency for the maritime mobile service. It may be used for distress messages and messages preceded by the urgency and safety signals. It may be used to announce transmission on another frequency of traffic lists and, pending implementation of the environmental communication channel 156.750 Mc/s, important maritime information. It may also be used for call and reply; however, where the ship station is known to maintain a watch on both 156.800 Mc/s and a public coast working frequency, calling and replying by a public coast station should be conducted on a frequency authorized primarily for working.

(26) Available for assignment to coast stations, for use in accordance with an agreed program, for the broadcast of information to ship stations concerning the environmental conditions in which vessels operate, i.e., weather; sea conditions; time signals; notices to mariners; and hazards to navigation.

* * * * *

10. In § 81.305, the introductory text of paragraph (a) is amended; paragraph (b) is deleted; paragraph (c) is redesignated paragraph (b) and amended to read as follows:

§ 81.305 Frequencies for calling and distress.

(a) In the band 1605–4000 kc/s, the frequency 2182 kc/s is the international radiotelephone distress and general calling frequency for the maritime mobile service. In the band 156–162 Mc/s, the frequency 156.800 Mc/s is the national distress, safety and calling frequency for the maritime mobile service. 2182 kc/s and 156.800 Mc/s may be used by public coast stations solely for transmission of:

* * * * *

(b) Where the ship station is known to maintain a watch on both 156.800 Mc/s and a public coast working frequency, calling and replying by a public coast station should be conducted on a frequency authorized primarily for working. Prior to initiating the call, the coast station shall determine that the channel is not in use and that interference will not be caused to any communication in progress.

§ 81.307 [Deleted]

11. Section 81.307 is deleted.

§ 81.309 [Deleted]

12. Section 81.309 is deleted.

13. In § 81.351, paragraph (b) is amended to read as follows:

§ 81.351 Supplemental eligibility requirements.

* * * * *

(b) An authorization for a limited coast station may be granted to a person controlling public moorage facilities, to a person performing the function of service and supply to vessels other than commercial transport vessels, to an organized yacht club having moorage facilities, or to a nonprofit corporation or association organized for the purpose of furnishing noncommercial communications solely to persons who are engaged in the operation of one or more vessels other than commercial transport vessels.

* * * * *

14. In § 81.354, paragraphs (a) and (b) are amended to read as follows:

§ 81.354 Points of communication.

(a) Limited coast stations and marine-utility stations are authorized to communicate:

(1) With any mobile station in the maritime mobile service for the transmission or reception of safety communication;

(2) With any land station for the purpose of facilitating the transmission or reception of safety communication;

(3) With authorized ship stations.

(b) Upon application and satisfactory showing of a need therefor, two or more limited coast stations of the same station licensee may be specifically authorized to communicate on a secondary basis between themselves: *Provided,*

(1) The communication carried on is confined exclusively to those for which authority has been granted the coast station, and concerns ships with which one or both of the coast stations are authorized to communicate; and

(2) Other point-to-point communication facilities between the particular coast station locations are inadequate, inoperative, economically impracticable, or unavailable; and

(3) Any two coast stations of this category which communicate with each other are separated by not more than 100 miles; and

(4) Neither harmful interference nor intolerable delay is caused to communication with or between mobile stations; and

(5) Such communication shall be on frequencies for which the particular coast station(s) is eligible.

15. In § 81.355, the introductory text and subparagraphs (4) and (5) of paragraph (a), and paragraph (b) are amended to read as follows:

§ 81.355 Nature of service.

(a) Except as may be specifically provided in the station authorization, a limited coast station or marine utility station using telephony shall:

* * * * *

(4) Not be used for the transmission of press material or news items which are not required to serve the needs of ships as defined in § 81.7 (r), (s), and (t);

(5) Be used exclusively to serve the needs of ships as defined in § 81.7 (r), (s), and (t), including the transmission of safety communication.

(b) In areas where environmental communications are provided, in accordance with an agreed program, by U.S. Government stations or by public coast stations, limited coast stations, and marine utility stations on shore shall not duplicate that service. In other areas, limited coast stations and marine utility stations on shore may transmit weather and hydrographic information required for the commercial or noncommercial communication needs of the ships with which they normally communicate. Limited coast stations, in accordance with an agreed program, may be authorized to provide environmental communication service in areas where adequate service is not available.

* * * * *

16. Section 81.356 is revised to read as follows:

§ 81.356 Assignable frequencies in the band 156–162 Mc/s.

(a) The frequencies listed in the following table are available for assignment to limited coast stations for communication with ship stations as indicated. These frequencies are not authorized for communication with stations on board aircraft. The limitations applicable to the respective frequencies are set forth in paragraph (b) of this section. The types of communication are defined in § 81.7.

Channel designator	Frequency (Mc/s) Coast	Ship	Points of communication	Conditions of use
Distress, Safety and Calling				
16	156.800	156.800	Coast to ship	2, 11
Port Operations				
65	156.275	156.275	Coast to ship	1, 13
66	156.325	156.325	do	1, 13
12	156.600	156.600	do	2, 5
73	156.675	156.675	do	1, 3, 5
14	156.700	156.700	do	2, 5
74	156.725	156.725	do	1, 3, 5
20	161.600	157.000	do	2, 5, 12
Navigational				
13	156.650	156.650	Coast to ship	2, 5, 10
Environmental				
15	156.750	----------	Coast to ship	1, 4, 5, 8
State Control				
17	156.850	156.850	Coast to ship	1, 4, 5, 9
Commercial				
07	156.350	156.350	Coast to ship	2
10	156.500	156.500	do	2, 5
11	156.550	156.550	do	2, 5
18	156.900	156.900	do	2, 5
19	156.950	156.950	do	2, 5
79	156.975	156.975	do	1, 3, 5
80	157.025	157.025	do	1, 3, 5
Noncommercial				
68	156.425	156.425	Coast to ship	1, 3, 5, 7
09	156.450	156.450	do	2, 5,
69	156.475	156.475	do	1, 3, 5, 6
71	156.575	156.575	do	1, 3, 5, 6
78	156.925	156.925	do	1, 3, 5, 6

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

(1) The frequency deviation is limited to ±5 kc/s.

(2) A frequency deviation of ±15 kc/s may be employed until March 1, 1969; after March 1, 1969, a deviation of ±5 kc/s shall be employed.

(3) Not available for assignment prior to March 1, 1969. During the period March 1, 1969, to January 1, 1971, available for assignment in areas where harmful interference will not result to assignments on adjacent 50 kc/s frequencies (channel designators 07–20, inclusive): *Provided,* That assignments will not be made where the geographic separation is less than 20 statute miles between (i) a coast station or proposed coast station applying for these frequencies and (ii) a coast station authorized to operate on the adjacent 50 kc/s frequencies (channel designators 07–20, inclusive).

(4) Available for assignment on September 3, 1968.

(5) [Reserved]

(6) As an interim measure, until trends in communication needs of recreational boats are more definitive, this frequency is available to ship stations and to associated coast stations at marinas, organized yacht clubs and to persons or organizations performing the function of service and supply to vessels, other than commercial transport vessels.

(7) Available for Noncommercial communications, to fulfill the wide scope of needs of smaller type boats, where, for practical reasons the number of channels, output power and investment in radio equipment would be at a minimum and battery power could or would be employed. While available to all vessels, other than commercial transport vessels, this frequency does not replace, nor may it be used in lieu of frequencies allotted for Distress Safety and Calling, Intership Safety, Navigational, Port Operations, or Public Correspondence.

(8) Available for assignment to coast stations, the use of which is in accord with an agreed program, for the broadcast of information to ship stations concerning the environmental conditions in which vessels operate, i.e., weather; sea conditions; time signals; notices to mariners; and hazards to navigation.

(9) Available for assignment to limited coast stations for State Control communications with ship stations.

(10) In the Great Lakes area only, available for Commercial communications.

(11) In the band 156–162 Mc/s, the frequency 156.800 Mc/s is the national distress, safety and calling frequency for the maritime mobile service. It may be used for distress messages, messages preceded by the urgency and safety signals. It may be used to announce transmission on another frequency of traffic lists and, pending implementation of the environmental communication channel 156.750 Mc/s, important maritime information. It may also be used for call and reply, however, where the ship station is known to maintain a watch on both 156.800 Mc/s and a limited coast working frequency, calling and replying by a limited coast station should be conducted on a frequency authorized primarily for working.

(12) These frequencies are not available in Puerto Rico or the Virgin Islands.

(13) Not available for assignment prior to January 1, 1971; during the period January 1, 1971, to January 1, 1973, available on a restricted basis; and after January 1, 1973, available on an equal-status basis with 156.300 Mc/s.

§ 81.359 [Deleted]

17. Section 81.359 is deleted.

§ 81.360 [Deleted]

18. Section 81.360 is deleted.

§ 81.363 [Deleted]

19. Section 81.363 is deleted.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

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

1. In § 83.6, paragraphs (h), (i), and (j) are amended and new paragraphs (k), (l), (m), and a note at the end of the section are added to read as follows:

§ 83.6 Operational.

* * * * *

(h) *Port operations.* Communications in or near a port, or in locks or waterways, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the operational handling, the movement and the safety of ships and, in emergency, to the safety of persons. Messages which are of a public correspondence nature shall be excluded.

(i) *Navigational.* Safety communications in the Maritime Mobile Service pertaining to the maneuvering of vessels or the directing of vessel movements. Such communications are primarily for the exchange of information between ship stations and secondarily between ship stations and coast stations.

(j) *Environmental.* Communications in the Maritime Mobile Service, for the broadcast of information pertaining to the environmental conditions in which vessels operate, i.e., weather, sea conditions, time signals of a grade adequate for practical navigation, notices to mariners and hazards to navigation.

(k) *State control.* Communications, other than Port Operations, in the Maritime Mobile Service on very high frequencies (VHF) between coast stations, operated by a government, other than Federal, boating administration and ship stations in which messages are restricted to those of immediate concern and are related directly to the regulation and control, or rendering of assistance.

(l) *Commercial.* Radio communication, other than Port Operations, on very high frequencies (VHF) between coast stations and ship stations aboard commercial transport vessels, or between ship stations aboard commercial transport vessels, in which messages are limited to those pertaining to commercial, operational, or economic matters related directly to the purposes for which the ship is used, including the piloting of vessels, movements of vessels and to meet immediate needs for obtaining vessel supplies, and scheduling of repairs, or modification of vessels.

(m) *Noncommercial.* Radio communication, other than Port Operations, on very high frequencies (VHF) between coast stations and ship stations aboard vessels other than commercial transport vessels, or between ship stations aboard vessels other than commercial transport vessels, in which messages are limited to those pertaining to the needs of the vessel, for example, during rendezvous, maneuvers, during cruise, piloting of vessels, movements of vessels, obtaining

of vessel supplies to meet immediate needs, scheduling of repairs, berthing and accommodations.

NOTE: In regard to §§ 83.362 and 83.366, the following definitions are being continued, pending consideration of matters applicable to frequencies in the band 2000–2850 kc/s:

Operational communication. Radio communication concerning the navigation, movement, or management of a ship or ships.

Business communication. Radio communication pertaining to economic, commercial, or governmental matters related directly to the purposes for which a ship is being used.

2. In § 83.106, paragraph (b) is amended, paragraphs (c), (d), (e), and (f) are deleted, to read as follows:

§ 83.106 Required frequencies for radiotelephony.

* * * * *

(b) Each ship station equipped with radiotelephony to work in the authorized bands between 156 and 162 Mc/s shall be able to transmit and receive Class F3 emission on:

(1) The Distress, Safety and Calling frequency 156.800 Mc/s;

(2) The primary Intership Safety frequency 156.300 Mc/s;

(3) One of more working frequencies; and

(4) All other frequencies necessary for its service:

(5) Exceptionally, however, single or dual channel equipment which otherwise conforms to the technical requirements of this part, may be used solely for navigational communications on a ship's bridge, on a frequency designated for such navigational purposes, in those cases where such ships have no requirement for other VHF communications.

(c)–(f) [Deleted]

3. Paragraph (c) of § 83.131 is amended to read as follows:

§ 83.131 Authorized frequency tolerance.

* * * * *

(c) Authorized frequency tolerance for ship and survival craft stations operating on frequencies above 27.5 Mc/s;

Frequency ranges	*Tolerance*— *Parts in 10⁶*
(1) From 100 to 200 Mc/s, except for 121.5 Mc/s	[1] 10
(2) Survival craft stations on 121.5 Mc/s	50

[1] The tolerance shown in the table is applicable to types of transmitters type accepted after Mar. 1, 1969, and to all transmitters after Jan. 1, 1974. Until Jan. 1, 1974, a tolerance of 20 parts in 10^6 is applicable to types of transmitters which were type accepted before Jan. 1, 1969.

* * * * *

4. In § 83.133 the headnote and paragraph (a) are amended to read as follows:

§ 83.133 Authorized bandwidth and frequency deviation.

(a) Unless otherwise specified in the station license, ship stations shall use bandwidths not exceeding those set forth in this paragraph for the respective classes of emission authorized in § 83.132.

Classes of emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.3.
A2	2.66A2	2.8.
A3	6A3	8.0.
A3A	2.8A3A	3.5.
A3B	5.6A3B	7.0.
A3H	2.8A3H	3.5.
A3J	2.8A3J	3.5.
F3	16F3 [1] [3]	20.0. [1] [3]
F3	36F3 [2] [3]	40.0. [2] [3]
P0	Variable	Variable.
Wideband telegraphy, facsimile and special transmission systems.	Variable	Variable but not to exceed 5.0.

[1] Applicable when maximum authorized frequency deviation is 5 kc/s.

[2] Applicable when maximum authorized frequency deviation is 15 kc/s.

[3] A frequency deviation of ±15 kc/s may be employed until Mar. 1, 1969; after Mar. 1, 1969 a deviation of ±5 kc/s shall be employed: *Provided, however,* That U.S. registry vessels where required for communication with coast stations of other administrations may, until Jan. 1, 1972, employ a deviation of ±15 kc/s.

* * * * *

5. In § 83.134, paragraphs (a) and (f) are amended to read as follows:

§ 83.134 Transmitter power.

(a) Unless specifically expressed otherwise, transmitter power is peak envelope power (see § 83.7) for A3A, A3B, A3H, and A3J emissions, carrier power for F3 emission in the band 156–162 Mc/s, and total plate input power to the final radio stage of the transmitter (without modulation present in the case of A3 emission) for other emissions.

* * * * *

(f) Ship station transmitters using F3 emission in the band 156–162 Mc/s shall not exceed a carrier power of 25 watts [1] [2] and, additionally, shall include the capability to reduce, readily, the carrier power to one watt [2] or less.

[1] The maximum carrier power of marine-utility ship stations is 10 watts.

[2] Applicable to ship station transmitters which are type accepted after September 3, 1968.

6. In § 81.137, paragraph (b) is amended and a new paragraph (g) is added to read as follows:

§ 83.137 Modulation requirements.

* * * * *

(b) Transmitters using F3 emission in the band 156–162 Mc/s shall be capable of proper technical operation with a frequency deviation of ±5 kc/s,[1] which is defined as 100 percent modulation. In general, transmitters shall be adjusted so that transmission of speech normally produces peak modulation percentages between 75 and 100 percent.

* * * * *

[1] A frequency deviation of ±15 kc/s may be employed until Mar. 1, 1969. After Mar. 1, 1969, a deviation of ±5 kc/s shall be employed; *Provided, however,* U.S. registry vessels, when required for communication with coast stations of other administrations may employ a deviation of 15 kc/s until Jan. 1, 1972.

(g) Each transmitter [2] operated in the band 156–162 Mc/s shall be equipped with an audio low-pass filter installed between the modulation limiter and the modulated (radio frequency) stage and, at audiofrequencies between 3 kc/s and 20 kc/s, shall have an attenuation at 1 kc/s by at least 60 $\log_{10}$ (f/3) decibels, where "f" is the audiofrequency in kc/s. At audiofrequencies above 20 kc/s the attenuation shall be at least 50 decibels greater than the attenuation at 1 kc/s.

[2] Transmitters type accepted after Mar. 1, 1969; transmitters type accepted prior to Mar. 1, 1969, shall be equipped by Jan. 1, 1974.

7. A new § 83.224 is added to read as follows:

§ 83.224 Watch on 156.800 Mc/s.

Each ship station licensed to transmit by telephony on one or more frequencies within the band 156–162 Mc/s shall, during its hours of service for telephony in this band, maintain an efficient watch for the reception of F3 emissions on the authorized carrier frequency 156.800 Mc/s, whenever such station is not being used for transmission on other frequencies: *Provided, however,* That ship stations licensed under the provision of § 83.106(b)(5) are exempt from the watch requirement on 156.800 Mc/s.

8. Section 83.233 is amended to read as follows:

§ 83.233 Frequencies for use in distress.

In case of distress, mobile stations shall, in the bands set forth below, use the frequencies specified when requesting assistance from the maritime service. The preferred types of emission are shown. When a ship station cannot transmit on the designated frequency, it shall use any available frequency on which attention might be attracted.

Frequency band	Emission	Carrier frequency
405–535 kc/s	A2	500 kc/s. [1]
1605–4000 kc/s	A3 or A3H	2182 kc/s.
156–162 Mc/s	F3	156,800 Mc/s.

[1] The maximum transmitter power obtainable shall be used.

9. In § 83.248, paragraph (a) is amended to read as follows:

§ 83.248 Urgency message.

(a) The urgency signal and call, and the message following it, shall be sent on one of the international distress frequencies (500 kc/s radiotelegraph; 2182 kc/s radiotelephone), or on the national distress frequency (156.800 Mc/s radiotelephone). However, stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.

* * * * *

10. In § 83.249, paragraph (d) is amended to read as follows:

§ 83.249 Safety signals.

* * * * *

(d) The safety signal and call shall be sent on one of the international distress frequencies (500 kc/s radiotelegraph; 2182 kc/s radiotelephone), or on the national distress frequency (156.800 Mc/s radiotelephone). However, stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.

11. Section 83.351 is amended as follows: The introductory text of paragraph (a) is amended, a new subparagraph (5) is added to paragraph (a), the introductory text of paragraph (b) is amended, and new subparagraphs (9)–(59) are added to paragraph (b) to read as follows:

§ 83.351 Frequencies available.

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

* * * * *

(5)

Carrier frequency (Mc/s)	*Conditions of use*
156.275	33, 36, 40, 41, 45
156.300	34, 40, 44
156.325	33, 36, 40, 41, 45
156.350	34, 40, 41, 49
156.375	33, 35, 40, 49
156.400	34, 40, 49
156.425	33, 35, 40, 41, 50, 54
156.450	34, 41, 50
156.475	33, 35, 41, 50, 53
156.500	34, 40, 41, 49
156.525	33, 35, 40, 50, 52
156.550	34, 39, 40, 41, 49
156.575	33, 35, 41, 50, 53
156.600	34, 40, 41, 45
156.625	33, 35, 40, 50, 52
156.650	34, 40, 41, 46, 59
156.675	33, 35, 40, 41, 45
156.700	34, 40, 41, 45, 58
156.725	33, 35, 40, 41, 45
156.750	33, 37, 42, 56
156.800	34, 40, 41, 43
156.850	33, 37, 41, 48, 57
156.875	33, 35, 40, 49
156.900	34, 39, 40, 41, 49
156.925	33, 35, 41, 50, 53
156.950	34, 39, 40, 41, 49
156.975	33, 35, 40, 41, 49
157.000	34, 39, 40, 41, 45
157.025	33, 35, 40, 41, 49
157.200	34, 38, 41, 51
157.225	33, 35, 38, 41, 51
157.250	34, 38, 41, 51
157.275	33, 35, 38, 39, 41, 51
157.300	34, 38, 41, 51
157.325	33, 35, 38, 39, 51, 51
157.350	34, 38, 41, 51
157.375	33, 35, 38, 39, 51, 51
157.400	34, 38, 41, 51
157.425	33, 35, 40, 49, 55

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

* * * * *

(9) through (32) [Reserved]

(33) The frequency deviation is limited to ±5 kc/s.

(34) A frequency deviation of ±15 kc/s may be employed until March 1, 1969; after March 1, 1969, a deviation of ±5 kc/s shall be employed: Every U.S. registry vessels when required for communication with coast stations of other administrations may employ a deviation of ±15 kc/s until January 1, 1972.

(35) Not available for assignment prior to March 1, 1969. During the period March 1, 1969, to January 1, 1971, available for assignment in areas where harmful interference will not result to assignments on channels numbers 07 through 20, inclusive.

(36) Not available for assignment prior to January 1, 1971; during the period January 1, 1971, to January 1, 1973, available on a restricted basis; and after January 1, 1973, available on an equal-status basis with 156.300 Mc/s.

(37) Available for assignment on September 3, 1968.

(38) To the extent practicable, the order of assignment of public correspondence channels will be in accord with the U.S. priority numbering system, as follows:

Priority No.		Transmit (Mc/s)	Receive (Mc/s)	Channel designator
U.S.	I.T.U.			
1	1	161.900	157.300	26
2	2	161.950	157.350	27
3	3	161.850	157.250	25
4	4	161.800	157.200	24
[1] 1	6	162.000	157.400	28
5	13	161.825	157.225	84
6	14	161.975	157.375	87
7	15	161.925	157.325	86
8	17	161.875	157.275	85

[1] Channel 28 will be assigned interchangeably with Channel 26 as the first priority number.

(39) [Reserved]
(40) Intership.
(41) Ship to coast.
(42) Coast station broadcast only.
(43) Distress, Safety and Calling.
(44) Intership Safety.
(45) Port Operations.
(46) Navigational.
(47) Environmental.
(48) State Control.
(49) Commercial.
(50) Noncommercial.
(51) Public Correspondence.

(52) As an interim measure, until trends in communication needs of recreational boats are more definitive, this frequency is available for noncommercial intership communications during localized fleet operations, maneuvers during a cruise, and rendezvous.

(53) As an interim measure, until trends in communication needs of recreational boats are more definitive, this frequency is available to ship stations and to associated coast stations at marinas, organized yacht clubs and to persons or organizations performing the function of service and supply to vessels, other than commercial transport vessels.

(54) Available for noncommercial communication, to fulfill the wide scope of needs of smaller type boats, where, for practical reasons the number of channels, output power and investment in radio equipment would be at a minimum and battery power could or would be employed. While available to all vessels, other than commercial transport vessels, this frequency does not replace, nor may it be used in lieu of frequencies allotted for Distress Safety and Calling, Intership Safety, Navigational, Port Operations or Public Correspondence.

(55) Available for assignment to ship stations aboard commercial transport vessels engaged in commercial fishing, in addition to the frequencies designated by footnote (49) of this section, and between these commercial fishing vessels and associated aircraft while engaged in commercial fishing activities.

(56) Available for assignment to coast stations, the use of which is in accord with an agreed program, for the broadcast of information to ship stations concerning the environmental conditions in which vessels operate, i.e., weather; sea conditions; time signals; notices to mariners; and hazards to navigation.

(57) Available for assignment to stations aboard vessels for State Control communications.

(58) Not available in Puerto Rico and the Virgin Islands.

(59) In the Great Lakes area only, available for Commercial communication.

12. Section 83.359 is revised to read as follows:

§ 83.359 Frequencies in the band 156–162 Mc/s available for assignment.

The frequencies listed in the following table are available for assignment to stations as indicated. Except as provided in § 83.351(b)(55), these frequencies are not authorized for communication with stations on board aircraft. The limitations applicable to the respective frequencies are set forth in § 83.351(a)(5).

Channel designator	Frequency (Mc/s) Ship	Frequency (Mc/s) Coast	Points of communication
Distress, Safety and Calling			
16	156.800	156.800	Intership and ship to coast.
Intership Safety			
06	156.300	156.300	Intership.
Port Operations			
65	156.275	156.275	Intership and ship to coast.
66	156.325	156.325	Do.
12	156.600	156.600	Do.
73	156.675	156.675	Do.
14	156.700	156.700	Do.
74	156.725	156.725	Do.
20	157.000	161.600	Do.
Navigational			
13	156.650	156.650	Intership and ship to coast.

Channel designator	Frequency (Mc/s) Ship	Coast	Points of communication
ENVIRONMENTAL			
15	156.750		Coast to ship.
STATE CONTROL			
17	156.850	156.850	Ship to coast.
COMMERCIAL			
07	156.350	156.350	Intership and ship to coast.
07	156.375		Intership.
08	156.400		Do.
10	156.500	156.500	Intership and ship to coast.
11	156.550	156.550	Do.
77	156.875		Intership.
18	156.900	156.900	Intership and ship to coast.
19	156.950	156.950	Do.
79	156.975	156.975	Do.
80	157.025	157.025	Do.
88	157.425		Intership.
NONCOMMERCIAL			
68	156.425	156.425	Intership and ship to to coast.
09	156.450	156.450	Ship to coast.
69	156.475	156.475	Do.
70	156.525		Intership.
71	156.575	156.575	Ship to coast.
72	156.625		Intership.
78	156.925	156.925	Ship to coast.
PUBLIC CORRESPONDENCE			
24	157.200	161.800	Ship to public coast.
84	157.225	161.825	Do.
25	157.250	161.850	Do.
85	157.275	161.875	Do.
26	157.300	161.900	Do.
86	157.325	161.925	Do.
27	157.350	161.950	Do.
87	157.375	161.975	Do.
28	157.400	162.000	Do.

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

§ 83.365 Procedure in testing.

* * * * *

(b) When testing is conducted on any frequency within the bands 2170 to 2194 kc/s, 156.7625 to 156.8375 Mc/s, 480 to 510 kc/s (survival craft transmitters only), no test transmissions shall occur which are likely to actuate any automatic alarm receiver within range. Survival craft stations using telephony shall not be tested on the frequency 500 kc/s during the 500 kc/s silence periods.

14. In § 83.366, paragraph (i) is amended to read as follows:

§ 83.366 General radiotelephone operating procedure.

* * * * *

(i) *Limitation on commercial communication.* On frequencies in the band 156–162 Mc/s, the exchange of commercial communication shall be limited to the minimum practicable transmission time. In the conduct of ship-shore communication, other than distress, stations on board ship shall comply with instructions given by the limited coast station or marine utility station on shore with which they are communicating, in all matters relative to operating practices and procedures and to the suspension of transmission in order to minimize interference.

* * * * *

15. In paragraph (a) of § 83.369, subdivision (i) of subparagraph (2) is amended to read as follows:

§ 83.369 Operation under interim ship station license.

(a) * * *

(2) * * *

(i) 2182 kc/s for calling and distress; 156.800 Mc/s for distress, safety and calling;

* * * * *

16. Paragraph (a) of § 83.514 is amended to read as follows:

§ 83.514 Radiotelephone installation.

(a) The radiotelephone installation shall include a transmitter capable of effective transmission of A3 or A3H emission and a receiver capable of effective reception of A3 or A3H emission within the band 1605 to 2850 kc/s; or alternatively, if the vessel is within communication range of a public coast station or U.S. Coast Guard station operating in the band 156 to 162 Mc/s which maintains an efficient watch for the reception of F3 emission on 156.8 Mc/s at all times while the vessel is navigated in waters specified in § 83.511, and the vessel while so navigated is never more than 20 nautical miles from a 156.800 Mc/s receiving location of such station, the radiotelephone installation may, in lieu of medium frequency equipment, include a transmitter and receiver capable of effective transmission and reception of F3 emission within the band 156 to 162 Mc/s.

* * * * *

17. In § 83.518, paragraph (a) and subparagraph (2) of paragraph (c) are amended to read as follows:

§ 83.518 Very high frequency transmitter.

(a) The transmitter shall have a carrier power of at least 20 watts, and shall be capable of effective transmission of F3 emission on 156.800 Mc/s, 156.300 Mc/s, and on the ship-to-shore working frequency as necessary for communication with one or more public coast stations serving the area in which the vessel is navigated.

* * * * *

(c) * * *

(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 20 watts of carrier power into 50 ohms effective resistance on each of the frequencies 156.300 Mc/s, 156.800 Mc/s and on any one of the ship-to-shore public correspondence channels: *Provided, however,* That an individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required whenever in the judgment of the Commission this is deemed necessary.

[F.R. Doc. 68-9001; Filed, July 30, 1968; 8:45 a.m.]

[FCC 68-765]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

PART 87—AVIATION SERVICES

Substitution of Type Accepted Equipment in Aircraft and Certain Land Stations

1. Aeronautical Radio, Inc. (ARINC), has requested a change in licensing procedure to allow routine equipment changes in stations in the Aviation Services without filing applications for modification of license. ARINC submits that the current practice of listing equipment information serves no functional value when the equipment conforms to the type acceptance requirements. Further, it would provide relief from delays associated with routine licensing actions, thereby enhancing the safety of life and property by allowing equipment changes to be made on a timely basis.

2. The Commission feels that the use of type accepted equipment makes feasible the interchange of such equipment for most stations in the Aviation Services without filing an application for modification. In addition, and by the same principle, such interchange without filing an application for modification is also feasible for most stations in the Marine Services. There are, however, certain classes of stations, which involve relatively few licenses, where it is necessary to know the specific transmitter that will be used in a station, e.g., transmitters installed for compliance with Title III Part II of the Act and radionavigation stations in the Aviation Services. In these and similar circumstances a change in transmitter still must be initiated by an application for modification to change transmitters.

3. The amendments adopted herein will eliminate a significant number of unnecessary licensing actions each year and, therefore, provide a benefit to Commission licensees as well as the Commission. These amendments are procedural in nature, and hence, the prior notice, procedure and effective date provisions of 5 U.S.C. section 553 are not applicable.

4. *Accordingly, it is ordered,* That pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Parts 81 and 87 of the Commission's rules are amended, effective August 5, 1968, as set forth below.

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

Adopted: July 24, 1968.

Released: July 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[1] Chairman Hyde absent; Commissioner Cox concurring except that he would require notification of any significant changes in power.

1. Section 81.36 is revised to read as follows:

§ 81.36 Changes in authorized station.

(a) Except as otherwise provided in this section, an application for construction permit or modification of license, as appropriate, shall be filed when any change is to be made which would result in a deviation from terms of the authorization.

(b) Application for construction permit shall be made on FCC Form 407 or in the case of microwave stations on FCC Form 402. Application for modification of station license shall be submitted on FCC Form 403, or in the case of microwave stations on FCC Form 402.

(c) Any station authorized under this part, except stations authorized in accordance with Subpart P of this part, may be operated with any transmitter type accepted for use in the particular class of station in lieu of transmitters which may be specified on the station license and without modification of license: *Provided, however,* That:

(1) The number of transmitters in use shall not exceed those authorized; and

(2) The power of any public coast station shall not be reduced so as to reduce or impair the service of the station.

(d) When the name of a licensee is changed (without changes in the ownership, control, or corporate structure), or when the mailing address is changed (without changing the location of the coast, or fixed station) a formal application for modification of license is not required. However, the licensee shall notify the Commission promptly of these changes. The notice, which may be in letter form, shall contain the name and address of the licensee as they appear in the Commission's records, the new name and/or address, as the case may be, the call signs and classes of all radio stations authorized to the licensee under this part. The notice shall be sent to (1) Secretary, Federal Communications Commission, Washington, D.C. 20554, and (2) the Engineer in Charge of the Radio District in which the station is located, and a copy shall be posted with the license until a new license is issued.

§ 81.63 [Deleted]

2. Section 81.63 is deleted.

§ 81.118 [Deleted]

3. Section 81.118 is deleted.

§ 87.29 [Amended]

4. Paragraph (d) of § 87.29 is deleted.

5. New § 87.35 is added to read as follows:

§ 87.35 Changes in authorized station.

(a) Except as otherwise provided in this section, an application for construction permit or license as appropriate, shall be filed when any change is to be made which would result in deviation from the terms of the authorization.

(b) No application for modification of an aircraft radio station license is required to add a survival craft station using type accepted transmitters or for the addition or substitution of type accepted transmitters when the newly installed transmitters will perform the same functions and operate on the same frequencies as the transmitters specified on the license.

(c) Newly installed, type accepted aircraft transmitters which perform functions or operate on frequencies different from the transmitters specified on the station license may be used for a period of 30 days from the date of installation: *Provided:* (1) Application for station license (FCC Form 404) to include the newly installed equipment has been submitted to the Commission, and (2) operation is limited to frequencies available in accordance with § 87.183.

(d) Any ground station authorized under this part, except operational, radionavigation or radionavigation land test stations, may be operated with any transmitter type accepted for use in the particular class of station in lieu of the transmitters which may be specified on the station license and without modification of the license: *Provided, however,* That the number of transmitters in use shall not exceed those authorized.

(e) When the name of a licensee is changed (without changes in the ownership, control or corporate structure), or when the mailing address is changed (without changing the authorized location of a land or fixed station) a formal application for modification of license is not required. However, the licensee shall notify the Commission promptly of these changes. The notice, which may be in letter form, shall contain the name and address of the licensee as they appear in the Commission's records, the new name and/or address, as the case may be, the call signs and classes of all radio stations, authorized to the licensee under this part. The notice shall be sent to Secretary, Federal Communications Commission, Washington, D.C. 20554, or to Federal Communications Commission, Gettysburg, Pa. 17325, depending on where the applications for licenses are required to be filed, and a copy shall be maintained with the license of each station (or posted with the license when posting of the license is necessary) until a new license is issued. For ground stations, a copy of the notice shall also be sent to the Engineer in Charge of the Radio District to which the station is located.

§ 87.131 [Deleted]

6. Section 87.131 is deleted.

[F.R. Doc. 68-9138; Filed, July 30, 1968; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1001]

PART 1033—CAR SERVICE

St. Louis-San Francisco Railway Co. Authorized To Operate Over Tracks of Missouri Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of July 1968.

It appearing that construction of Lock & Dam No. 13 of the Arkansas River Project, in the vicinity of Van Buren, Arkansas, will require the reconstruction of St. Louis-San Francisco Railway Company bridge number 410.6 over the Arkansas River at Van Buren; that operation of St. Louis-San Francisco Railway Company trains over bridge number 410.6, during the reconstruction period is impractical; that operations of St. Louis-San Francisco Railway Company trains over tracks of the Missouri Pacific Railroad Company between Missouri Pacific mile post 498.98 at Fort Smith, Arkansas and Missouri Pacific mile post 508.84 at Van Buren, Arkansas, will enable the St. Louis-San Francisco Railway to continue to provide direct service to all stations and industries served by it between Van Buren, Arkansas, and Fort Smith, Arkansas; that there is need for the St. Louis-San Francisco Railway Company to operate over the above described trackage of the Missouri Pacific Railroad Company, to provide the service required by the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice:

It is ordered, That:

§ 1033.1001 Service Order No. 1001.

(a) *St. Louis-San Francisco Railway Company authorized to operate over tracks of Missouri Pacific Railroad Company.* The St. Louis-San Francisco Railway Company be, and it is hereby authorized to operate over tracks of the Missouri Pacific Railroad Company between Missouri Pacific mile post 498.98 at Fort Smith, Arkansas, and Missouri Pacific mile post 508.84 at Van Buren, Arkansas.

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

(c) *Effective date.* This order shall become effective at 12:01 a.m., July 29, 1968.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

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

[F.R. Doc. 68-9128; Filed, July 30, 1968; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

The Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 et. seq.); authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER of April 25, 1968 (33 F.R. 6298), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for migratory game birds for the 1968–69 hunting seasons.

All interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days following the date of publication of the notice.

After due consideration of migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife and State game departments, and from other sources, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. Since this amendment benefits the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER.

Section 10.53(c) is revised to read as follows:

§ 10.53 Seasons and limits on waterfowl, coots, gallinules, and Wilson's snipe.

* * * * *

(c) (1) In Wisconsin, during the 1968–69 waterfowl season, the kill of Canada geese will be limited to not more than 20,000 birds; 15,000 of which may be taken in the area designated as the Horicon Zone and 5,000 in the remainder of the State.

Horicon Zone. The Horicon Zone includes portions of Columbia, Dodge, Fond du Lac, Green Lake, Marquette, Waushara, Washington, and Winnebago Counties, bounded on the north by State Highway 21, on the east by U.S. Highway 45 and State Highways 175 and 83, on the south by State Highway 60, and on the west by State Highway 73.

CANADA GEESE

	Horicon Zone	Remainder of State
Daily bag limit	1	1
Possession limit	1	2
Shooting hours	One-half hour before sunrise until sunset daily.	
Seasons in:		
Horicon Zone	October 12–November 3.	
Remainder of State	To be selected.	

(2) Seasons and tag validity: In the Horicon Zone, the hunting periods and numbers of valid permits and tags issued in each period will be as follows:

Period No.	Valid dates (inclusive)	Number of permits and tags issued	Days valid
1	Oct. 12–20	6,000	9
2	Oct. 19–27	6,000	9
3	Oct. 26–Nov. 3	6,000	9

In the remainder of Wisconsin, excluding the Horicon Zone, tags and permits will be valid for the full length of the Canada goose season.

(i) Each person must have been issued and must carry on his person while hunting Canada geese a valid State hunting license, Migratory Bird Hunting Stamp, and valid Canada goose permit, tag, and report card to hunt and kill Canada geese in Wisconsin during the 1968 season. Licensed hunters less than 16 years of age are not required to have a Migratory Bird Hunting Stamp.

(ii) The required tags and permits will be issued in the names of individuals, and will be non-transferable. Applications must be signed by the person(s) requesting tags and permits. To provide for group hunting, persons may apply jointly as a group for tags and permits simultaneously valid in the Horicon Zone. Group applications will be considered as one single application when properly filed in accordance with instructions in application. That is, a group of five will be considered as one application.

(iii) To be valid, the tag must remain attached to the permit and report card until a Canada goose is reduced to possession. Then the tag must be removed from the permit and report card, and in the Horicon Zone the appropriate date tab removed from the tag indicating the date the Canada goose was taken, and the permittee must immediately attach the tag securely around one leg of each Canada goose by compressing the adhesive surfaces together. The goose cannot be carried or transported in any manner without the tag being attached. The tag must remain on the goose until it reaches the abode of the permit holder. The tag may not be reused.

(iv) In the Horicon Zone each successful applicant will receive one permit, tag, and report card. In the event that the number of applicants exceeds the number of permits and tags available, successful applicants will be randomly selected by electronic data processing (EDP) equipment. No individual will be accorded preferential treatment nor will non-resident applicants be discriminated against.

(v) In the remainder of Wisconsin, outside the Horicon Zone, four permits with four attached tags, and report cards will be issued to each applicant. Applicants unsuccessful in receiving a permit, tag, and report card valid for the Horicon Zone will receive four permits, four tags, and four report cards valid in the remainder of the State. Individual applicants may receive a permit, tag, and report card valid in the Horicon Zone or four of each valid in the remainder of the State, but may not receive permits and tags for both zones.

(vi) A mandatory report on tag use or nonuse is required to determine the overall harvest. A franked, self-addressed return card will be distributed as part of the tag and permit issuance procedure for the Horicon Zone. In the remainder of the State, four such reporting cards will be provided so that each tag may be reported upon. Tag reports must be placed in the mail within 12 hours following tag use, or, if the hunter is unsuccessful, within 12 hours following the close of the period for which the tag is valid. Unused tags must be returned attached to the corresponding report card.

(3) Applications will be made available to the public about the second week of August and must be mailed by August 31, 1968. All applications postmarked after August 31, 1968, will be disqualified, excepting applications from persons in the military service on duty outside the State during the period August 15, 1968, to August 31, 1968. Such persons may apply anytime after September 1, 1968. Such applications must be accompanied by a notarized statement attesting such duty. Applications will be disqualified because of incompleteness, illegibility, tardiness in receipt, or duplication. A duplicate application

will disqualify all applications by an individual.

(4) Application forms will be available from county clerks, State hunting and fishing license depots and from Wisconsin Conservation Department offices in Spooner, Woodruff, Black River Falls, Oshkosh, and Madison.

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

JULY 26, 1968.

[F.R. Doc. 68-9116; Filed, July 30, 1968; 8:47 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

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

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

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray and fox squirrels on the Mark Twain National Wildlife Refuge, Illinois, is permitted from sunrise September 1, 1968, to sunset September 30, 1968, only on the areas of the Gardner Division designated by signs as open to hunting. These open areas, comprising 4,200 acres of the total Gardner Division area, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota 55408. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Mark Twain National Wildlife Refuge headquarters, Quincy, Illinois.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective to September 30, 1968.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JULY 23, 1968.

[F.R. Doc. 68-9108; Filed, July 30, 1968; 8:46 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

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

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

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as the Big Timber Division and the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,660 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations concerning the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 1, 1969.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JULY 23, 1968.

[F.R. Doc. 68-9107; Filed, July 30, 1968; 8:46 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

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

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

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer with bow and arrow on the Mark Twain National Wildlife Refuge, Ill., is permitted from October 12, through October 15, and October 19, through October 22, 1968, only on the area of the Gardner Division designated by signs as open to hunting. These open areas, comprise 4,200 acres of the total Gardner Division area, and are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations concerning the hunting of white-tailed deer with bow and arrow subject to the following conditions:

(1) A Federal permit is required to enter the public hunting area. Eight hundred (800) permits will be issued for each hunting period. Applications for permits may be obtained from the Mark Twain National Wildlife Refuge headquarters, Quincy, Ill.

(2) Successful hunters will be required to check their deer through the check station on the division.

(3) Hunting will be from one-half hour before sunrise to 4 p.m.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuse areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 22, 1968.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JULY 23, 1968.

[F.R. Doc. 68-9106; Filed, July 30, 1968; 8:46 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

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

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

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as Big Timber Division and that portion of the Louisa Division known as the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,660 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota 55408. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1969.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JULY 23, 1968.

[F.R. Doc. 68-9105; Filed, July 30, 1968; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 907]

[Docket No. AO-245-A6]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Further Amendment of Marketing Agreement and Order Regulating Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, hereinafter referred to collectively as the "order." The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of the recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Consumer and Marketing Service as a result of proposals submitted by Pure Gold, Inc., Post Office Box 40, Redlands, Calif., by Sunkist Growers, Inc., Box 2706, Terminal Annex, Los Angeles, Calif., and by the Navel Orange Administrative Committee, the administrative agency established pursuant to the amended marketing agreement and order. A notice that such public hearing would be held in the Town Hall, Valley Plaza Shopping Center, 2701 Ming Avenue at New Freeway 99, Bakersfield, Calif., and continued at the Newton's Motor Inn, 917 East Van Buren, Phoenix, Ariz., was published in the FEDERAL REGISTER on March 1, 1968 (33 F.R. 3641). A correction of such notice was published in the FEDERAL REGISTER on March 12, 1968 (33 F.R. 4417).

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

(1) Enlarging the production area and redefining the prorate districts into which the production area is divided;

(2) Permitting loans of general maturity allotment to other persons in any prorate district who also have general maturity allotments;

(3) Revising the overshipment provisions to permit a handler to overship his allotment by 20 percent instead of 10 percent and authorizing the allocation of allotment forfeited by handlers who are unable to use it to other qualified handlers who can use it;

(4) Revising the short life allotment provisions so that the handling of short life oranges will be proportional to the quantity of oranges handled within the prorate district;

(5) Providing authority for the adjustment of the prorate base and allotment of handlers who have moved all their oranges or who have remaining a quantity of oranges smaller than the allotment currently being issued;

(6) Providing for an additional alternate member for each grower member of the committee and setting forth the conditions under which he will serve for the absent member;

(7) Authorizing the establishment and maintenance of a monetary reserve;

(8) Permitting the committee to issue allotments on the basis of requests of handlers during periods when, because of extensive freeze damage, the tree crop no longer provides an equitable basis for such allotment;

(9) Providing for equity of marketing opportunity;

(10) Requiring seven concurring votes at unassembled meetings in order for the committee to recommend an increase in the quantity of oranges that may be handled; and

(11) Making conforming changes.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The production area should be enlarged and the prorate districts into which the production area is divided should be redefined as hereinafter set forth.

The northern boundary of the production area and of District 1 should be extended northward so as to include additional plantings in the area commonly referred to as the Sacramento River Valley. When the present order was promulgated, the Sacramento River area was not included in the production area. This was for the following reasons: First, the volume of oranges produced in that area was of such relative small size that its regulation would not significantly affect the level of commercial prices prevailing for oranges produced in the production area. Another reason was because a large number of producers in that area were then not affiliated with a packinghouse but marketed their own fruit differently than practically all growers in the production area.

Today, the picture has changed. Extensive plantings of Navel oranges have recently been made and more plantings are projected in the immediate future. Now the nonbearing acreage in this area approximates 1,200 acres. As such acreage comes into bearing, the volume of oranges available for market may thrice exceed present amounts. Also, there are presently three packinghouses in the area. It is reliably estimated that about 95 percent of the fruit that is marketed from this area is marketed through these three packinghouses.

Oranges produced in this area, north of the present production area, are similar in size and characteristics of the oranges produced in District 1 and they are not readily distinguishable from oranges produced in that district. The oranges are marketed at the same time and compete in the market with Navel oranges produced in District 1 and for a portion of the season with oranges produced in District 2. These shipments are at such times and in such amounts as to influence the price received for Navel oranges by growers in the production area.

While most of the plantings in this area are in Glenn, Butte, and Sacramento Counties, there are areas within adjacent counties which possess soil and other climatic factors favorable for the production of oranges. Therefore, the northern boundary should be a line due east and west through the present post office in Red Bluff, Calif., so as to include all present and potential producing areas within California. It would exclude the mountainous and heavily forested northern portion of the State where citrus production now is impractical.

It is concluded that, for the purpose of the order, the production area as hereinafter defined, is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act.

All of the provisions presently in the order and all changes resulting from this proceeding would be appropriate for application to the added area. No new provisions are needed.

The prorate districts into which the production area is divided should be redefined and the boundary lines between districts should be revised as hereinafter set forth.

The area to be added to the production area is geographically adjacent to

District 1, and fruit produced in this area is similar to and marketed at the same time as fruit produced in District 1. On this basis, such area should be included in District 1.

Including the Sacramento River area in the production area renders obsolete the present northern boundary of District 1. Presently, such boundary coincides with the northern boundary of the production area and is a line drawn due east and west through the post office in Turlock, Calif. Such boundary line should be changed to a line drawn due east and west through the post office in Red Bluff, Calif. This northern boundary line would then coincide with the new production area boundary and would include within District 1 the area added to the production area.

The dividing line between Districts 1 and 2 should be changed from the 35th parallel to a line drawn due east and west through the post office in Gorman, Calif. This line would be the southern boundary for Distict 1 and the northern boundary for District 2. The present dividing line—the 35th parallel—places most of San Luis Obispo County in District 1 and most of Santa Barbara County in District 2. These two counties should be treated as a unit as production and other conditions affecting these counties are similar. The conditions in and the orange production of these two counties more nearly resemble those of District 2 than District 1. Thus, these two counties should be in District 2. The revised boundary line would exclude these counties from District 1 and include them in District 2.

The area within District 1 and District 2 east of a line drawn due north and south through the post office in White Water, Calif., should be included in District 3. All of this area, most of which is in San Bernardino County, Calif., is desert in nature, and any Navel oranges produced in this area would be of a desert character. Such fruit would resemble the Navel oranges produced in District 3 rather than those produced in District 1 or District 2.

The production area should be divided into three prorate districts, and the area presently comprising District 4 included within District 1.

In the order made effective in 1953, the Edison area was included as a separate district, designated as District 4. At that time there were approximately 600 acres planted to Navel oranges in Kern County south of the Kern River. These plantings were confined almost exclusively to the area presently known as the Old Edison District. The oranges produced in such area were unique in that they were characterized by high sugar-acid ratio, early maturity, and short life in relation to the fruit produced in District 1. These plantings were isolated. The nearest other plantings were approximately 50 miles away. With no plantings in the area adjacent to the Old Edison District, the boundary line was loosely drawn to include that portion of Kern County, Calif., south of the Kern River.

Today conditions in District 4 are drastically different from those of 1953, though remaining generally the same within that portion of District 4 known as the Old Edison District. Presently, the Old Edison District is generally surrounded by plantings to the east and south. Present acreage in District 4 totals approximately 2,000 acres. This is about three times the acres when the order was issued. There are plantings in District 4 which are in close proximity to groves located in District 1, and there is very little if any difference between such oranges. They are harvested and marketed at approximately the same time and are often marketed through the same packinghouse. Thus, the plantings within District 4 can no longer be readily set apart from plantings in District 1. It was established that all the oranges presently produced in District 4 do not have the same characteristics as the oranges produced in the Old Edison District. The shipping record of District 4 indicates a lack of the early maturity, short-life characteristics of much of the fruit as evidenced by the movement of a large percentage of the crop to market later in the season.

The character of the fruit produced in the Old Edison District was not controverted at the hearing. Testimony generally affirmed that the characteristics which existed when the order was issued prevail today. However, the inclusion of such area within District 1 would not adversely affect the movement of fruit possessing early maturity or short-life characteristics. All early maturity fruit would continue to earn early maturity allotment. All short life oranges would continue to earn short life allotment. Moreover, the opportunity to move fruit under these provisions would be greater in a large volume district than it would be in a small volume district. Provisions to be included in the order concerning loaning of allotment and forfeiture of allotment, the opportunity for borrowing allotment and sharing in the forfeiture credit against overshipments would be increased because loans and credits must first go to the handlers within the district. Therefore, it is appropriate to divide the production area into three prorate districts and to prescribe the boundaries as hereinafter set forth.

(2) and (3) The order should be amended as hereinafter set forth to increase the percentage by which a handler may overship his weekly allotment, to authorize interdistrict lending of allotment, and to provide that forfeited allotment may be applied to offset permissible overshipments.

Greater flexibility is needed in the order to cope with changes which have occurred in the industry since the order has been in effect. When the order was made effective shipments of oranges from each of the four prorate districts for the most part were made during a more distinct part of the season. That is, during the principal part of the season for District 1, for example, there was little movement from any of the other districts. However, changes in location of groves within districts, increased plantings, and increased production have tended to obscure the relationship formerly prevailing so that there now is considerably increased overlapping of shipments among districts. For a major part of the season Districts 1 and 2 are moving oranges at the same time. At times all districts may be shipping oranges at the same time. Because of this the proration of allotment among handlers and districts has been rendered more difficult. More handlers and a larger geographic area are involved at a given time and this tends to compound the problem of assuring that handlers in a position to ship have access to the available allotment. Inclement weather in one prorate district may limit shipments by handlers in that district, while excellent weather prevails in others. Handlers in the district which has foul weather are unable to use their allotment because the weather prevents picking of oranges. Handlers in good weather districts may not borrow this allotment because the order authorizes loans only within districts. Handlers who are in position to ship may overship their allotment, but only by 10 percent of their allotment, and such overshipment must be repaid out of allotment of the following week.

It is the intent of the order that a volume of fruit equal to the combined weekly allotment of all handlers be shipped during that week. If some handlers are precluded, by circumstances from shipping their proportionate share of the volume during a week the order should provide a basis on which other handlers who can ship may be allowed to increase their volume of shipments correspondingly. Providing for more liberal overshipments would help to do this, as would authority for handlers to loan allotment across district lines. Likewise, provision for crediting forfeited allotment to overshipments would tend to achieve a similar result. Forfeited allotment is allotment which the handler to whom it was issued is unable to use or for some other reason is not used and which was not loaned to other handlers. Authorizing interdistrict loans would broaden the area in which loans could be made and would increase the opportunity for making such loans. Also, crediting forfeited allotment to handlers as an offset against permissible overshipment would encourage loaning of allotment. However, the order should provide that all allotments forfeited should not be credited as an offset against overshipment. The only forfeited allotment which should be credited against overshipments is that allotment which was not used and was not offered for loan through the committee by the handler to whom it was issued. Such restriction would encourage handlers to loan allotment. It would also discourage handlers from overshipping in anticipation of receiving credit for overshipment from forfeited allotment.

Current provisions of the order allow a handler to overship his allotment by a maximum of 10 percent or one carload, whichever is greater. Such maximum overshipment percentage should be increased to 20 percent to provide handlers greater flexibility. However, provision should be made so if the 20 percent proves to be too liberal an adjustment

can be effected to set the percentage within a range of 10 to 20 percent. The objective should be to provide handlers with the greatest flexibility possible consistent with the maintenance of orderly marketing. It is not anticipated that the overshipment percentage would need to be adjusted oftener than once each season. Preferably, such adjustment would be made at the beginning of the season and remain constant throughout the season. However, should it appear during the season that an adjustment is desirable, either to increase or to decrease the percentage, in the interest of orderly marketing the committee should be authorized to recommend and the Secretary to effect an adjustment accordingly.

Interdistrict loans should be effected through and under control of the committee. The order now provides that intradistrict loans may be made directly between handlers, or by the committee on behalf of handlers, and testimony was offered that such procedure should be made applicable to interdistrict loans. However, in the interest of preserving the equities of handlers and growers within a prorate district, loans, to the extent practicable, should continue to be transacted within a district. Allotment from one district should be made available in other districts only after it is reasonably certain that no other handler within the same district wishes to borrow the allotment. To assure that every effort will be made to place the allotment within the district, allotment available for loan for which a handler has been unable to find a borrower within the district should be turned over to the committee for placement. If the committee has requests to borrow allotment from handlers within the district, it should fill such requests. Any allotment which the committee is unable to place within the district should then be loaned to handlers in other districts who have lodged requests for loans with the committee. If such requests exceed the allotment available the committee should loan the allotment on a proportional basis so that each borrowing handler would receive allotment in proportion to the relationship the amount he requested bears to the total requested.

To provide an orderly basis for handling interdistrict loans the committee could establish a procedure covering the time and manner that lenders and borrowers shall follow in loaning and borrowing allotment. Such procedure should require handlers who wish to loan allotment to notify the committee of the amount of allotment and the repayment terms. Prospective borrowers would file requests for loans with the committee, including amount desired and preferred repayment terms.

(4) Section 907.61 *Short life allotments* should be revised as hereinafter set forth to provide that allotment granted to a handler to handle short life oranges only to the extent needed to permit the handling of a quantity of such oranges not exceeding the average proportion handled by all handlers. In the operation of the program it has been found that handlers of short life oranges may handle a disproportional amount of such oranges. This inequity stems from the failure to count shipment of short life fruit made prior to the issuance of volume regulations or during periods of open movement. Such results were not intended. This situation can be corrected by counting all oranges shipped to regulated channels by the short life handlers, including the volume shipped in periods of open movement as well as when volume regulation is in effect in computing the average to be compared with the average to be handled by to all handlers. This change would tend to assure more equitability than that which may prevail under current provisions in the order.

(5) During past marketing seasons, some handlers move oranges at a faster rate than anticipated or move a greater quantity of their oranges to products or export than was expected when the estimated shipping schedule was adopted. Since allotment is issued on basis of tree crop, such handlers may be issued allotment when they have no fruit to ship or the allotment issued to them is in excess of the quantity of fruit they have available for shipment. This situation most frequently occurs late in the season in any district when approximately two-thirds or more of the tree crop in that district has been moved. Under current provisions of the order, all such handlers are retained on the prorate base and issued weekly allotment in proportion to their share of the tree crop whenever regulations are in effect. Since the handler who has no oranges for shipment has no use for such allotment it is usually forfeited. This situation results in the committee having to estimate each weekly period the quantity of allotment which likely will not be used. To insure that the desired quantity of oranges may move to market during any specified weekly period, the committee must inflate its recommended quantity to compensate for the quantity that will probably not be shipped.

The order provisions should be amended to provide that each handler will be issued only sufficient allotment to move his proportionate share of the tree crop. His allotment should be reduced when it is not needed by him to make shipments. No allotment should be issued to a handler during any part of the season when he no longer has fruit for shipment, except during period when such handler has agreed to make loan repayments. At such times such handler should be issued allotment consistent with the proportion of the tree crop he controls for the purpose of making such loan repayments. A practical solution to this problem would be to issue to each handler only the allotment he needs to ship his proportionate share of the tree crop. When it is established by the committee that a handler no longer has any oranges to ship, he should thereafter not be issued allotment, except to the extent needed to meet loan commitments. This would enable the committee to recommend a quantity of oranges, based on the tree crops of handlers who have fruit to ship, and would avoid the necessity for inflating the quantity recommended to compensate for allotment issued to handlers who are not in a position to use it. It is therefore concluded that the order should be amended, as hereinafter set forth, consistent with the foregoing.

(6) The order should be amended to provide that each grower member of the committee shall have an additional alternate. Presently, the order provides for an alternate for each member.

Membership of the committee is divided into handler members and grower members. The handler members and alternates, in most instances, are affiliated with marketing organizations which handle oranges produced in each prorate district or at least in more than one district. The handler member or alternate will have knowledge about marketing conditions generally applicable to all prorate districts. Hence, it is unnecessary to provide more than one alternate for each handler member. However, grower members may not be as familiar with conditions in some part of the production area as they are with conditions in the district in which their groves are located. Also, there have been times when neither the grower member nor his alternate were able to attend a committee meeting. It is desirable to have grower representation on the committee from each prorate district from which shipments of oranges are being made or from the district having the greatest volume of shipments during those periods when shipments are being made from more than one district. The provision of an additional alternate member for each grower member would provide increased assurance of a full committee and that appropriate grower representation will be present at all committee meetings. The order currently authorizes the member to designate the alternate to serve in his stead. Hence, the member can designate an alternate member to serve at meetings when matters with which such alternate is more familiar than the member are to be discussed and acted upon. Such an arrangement and operational procedure would provide the committee with the appropriate information upon which to base its recommended action.

It would be appropriate and in accordance with industry preference for the additional alternate members to be nominated in the same manner as the members and alternates presently are nominated. Nomination and selection of the initial additional alternate members should be done promptly after the amendment becomes effective so they may begin serving as soon as possible.

Consistent with the authority provided in § 907.29(n) of the order, reapportionment of the grower member and alternate member positions allocated to the groups described in § 907.22 (c) and (d) was effected as set forth in present § 907.103 of which official notice is taken. The order should be conformed, as hereinafter set forth, (1) to reflect in §§ 907.22 and 907.23 the up-to-date apportionment of position as set forth in said § 907.103, and (2) to the amendment providing for additional alternate grower

representation proportioned on the same basis.

(7) The authority to establish and maintain a financial reserve under the order would contribute to efficient financial management of the order operations in that it would (1) lessen the need to borrow money, (2) permit the timely refunding of any monies due handlers, and (3) provide a source of funds during periods of low volume production, such as freeze years, when the assessment rate would normally be high because of the temporarily low volume of oranges.

The amount in the reserve should not exceed approximately one-half year's operation expenses. This amount would be adequate to meet the needs of the committee. Presently the greatest need for a reserve fund is to pay operational expenses before assessment income is available in the early part of each season and to pay expenses during seasons when production is reduced rather than raise the assessment rate.

The reserve is equitable to all concerned. Those who pay the assessment, namely the handlers, are in a lifetime occupational pursuit and there is not frequent changes in the identity of the persons involved. Under the reserve procedure, those who might pay slightly more than their proportionate share of the operating cost of the program in any given year are the same people who will benefit from the operation of the reserve. The reserve should be built up over a period of time, probably during a period of three, four, or more years.

Reserve funds should be available to cover any expenses authorized by the order including any cost of liquidation. Upon termination of the order, reserve funds would be available to defray any costs of liquidation. Any funds remaining after paying liquidation costs should, to the extent practicable, be returned to the handlers. It is possible that the order may be terminated many years after the establishment of the reserve fund. The funds remaining after liquidation may be so small that precise proration would not be feasible or advisable. Also, the time involved since their receipt may be so great that it might be impractical to return the money to the contributors. Under such circumstances, the Secretary should dispose of the funds in appropriate manner. He would probably look to the committee for its recommendation before taking any such action.

The view was expressed that following low production, such as during a freeze year, the industry would be hard pressed for money and no money should accrue to a reserve until the industry had recovered from the low production year. In this connection, the decision as to when and under what conditions assessment monies should be placed in reserve should be at the discretion of the committee and the Secretary. The committee should carefully consider prevailing and prospective conditions before forwarding a recommendation. To specify that no monies could be placed in the reserve could unduly restrict the operation of the reserve and tend to defeat the objectives of the reserve. It is concluded that authority should be provided, as hereinafter set forth, to permit the establishment and use of a reserve in the manner heretofore described.

(8) The provisions of the order should be amended to provide for volume regulations following a freeze. The order presently does not specifically so provide. When the order was made effective the act did not authorize regulations in above parity situations. It was expected that prices would likely be such following major freeze damage there would be no occasion for concern about the absence of authority for such regulations. The act has since been amended to authorize continued regulation in the interest of maintaining orderly marketing conditions and an orderly flow of the supply to market throughout the normal marketing season irrespective of the price level. The order has been amended to authorize such regulation. The order should be amended specifically to provide for regulation for such purpose following major freeze conditions.

Prorate issued to handlers under normal conditions is proportional to the quantity of oranges the applicant has under his control in relation to the total tree crop. The freeze damage provisions should provide a basis for allocation after it has been determined that the tree crop would no longer be an equitable basis for allotment. Such provisions should assure that the committee would consider both the severity of the freeze and the variation in the degree of damage. Under this procedure, allotments could be issued on the basis of requests made by handlers. Handlers generally have knowledge of the conditions within the freeze area, the supply of oranges remaining and the condition of such oranges. Each handler would thus be able to estimate the quantity of oranges he has available to ship the next week. When handlers requests equal or are less than the quantity recommended by the committee as the amount of fruit which should move from that district during the weekly period, each request should be granted in the amount requested. There may be situations when one or more handlers or all handlers request a disproportional high amount. If the requests are in excess of the amount recommended by the committee because of large volume requested by one or more handlers, the requests of such handlers should be reduced proportionally to the remaining tree crop so that the quantity authorized equals the desired volume for that district. If all handlers have filed inflated requests, each request should be reduced proportionally so that all requests equal the desired volume for that district. This procedure is similar to that used by the committee in administering the early maturity provisions of the order.

The allotment issued under this provision should be available for use only during the week for which it was issued. Undershipments for 1 week should not carryover to a succeeding week. The provisions of this freeze damage allotments should be invoked only during emergency situations. Before being placed in operation, one or more districts should have suffered severe freeze which affected the acreage of the growers in varying degrees. As allocation is issued on the basis of handler requests, there is no need for carrying forward an undershipment.

It is desirable for the specified quantity of oranges to be marketed within the prorate period. During freeze years, as otherwise, handlers may encounter many problems which will prevent the marketing of the full allotment issued. Adverse weather may prevent harvesting. Labor may prevent packing. On this basis, the order should authorize transfer of freeze damage allotment. Such transfers should be restricted to handlers who have been issued freeze damage allotments.

The freeze damage provisions should allow the committee latitude with respect to specification of the details of the method to be adopted in administering regulations thereunder. All the problems involved in administering these provisions are not presently known nor can they be accurately anticipated. It is not, therefore, practical to include them in the order. Rather the committee should develop rules and regulations, which after approval by the Secretary, will be the basis for administering the freeze damage allotment provisions.

(9) Section 907.51 should be amended as hereinafter set forth, to emphasize the necessity for and desirability of providing equity of marketing opportunity and to provide a standard by which the committee can formulate appropriate detailed procedures and practices to establish and maintain such equity.

The order should provide a procedure for allocating marketing opportunity among the districts on a basis other than judgment of the committee members, or the order should authorize the committee to adopt rules and regulations, approved by the Secretary, to effectuate the allocation of marketing opportunity among districts. In this instance, this procedure should be adopted by means of rules and regulations since procedure necessary to deal effectively with this matter has not been developed. The Valencia Orange Administrative Committee during the 1966–67 season used a procedure for allocation between districts that may form the basis for a procedure for use by the committee in providing equity of marketing opportunity. Under this procedure, the committee determined the tree crop for all districts and prepared an estimated utilization schedule based thereon. Included in the report to handlers was an estimated total weekly pattern of regulated shipments for all districts combined. At each district marketing policy meeting which followed, the handlers recommended and the committee developed a utilization schedule for such district. Following the district marketing policy meeting, the committee established the district's share on a weekly basis. Adjustments were made as necessary to protect district equities because of changes in crop conditions and for other reasons.

Let us assume for illustrative purposes only that the tree crop estimates for the three districts will be:

	Cars
District 1	15,500
District 2	5,500
District 3	1,550
Total	22,550

Let us assume further that the schedule requested by the districts and accepted by the committee will show 85 percent of the crop of each district moving in regulated channels and the balance moving to export and products. Equity of marketing opportunity would be provided by permitting each district to ship a like percentage (85 percent) in regulated channels. The weekly schedule would provide shipments over the period of expected movement from each district until each district's portion of the regulated shipments had been made.

The aforesaid procedure should not be incorporated into the order or adopted as rules and regulations at this time because doubtless the committee can and will develop improvements and refinements. When the refinements and improvements as may be necessary have been incorporated in the procedure, the committee should submit such rules and regulations to the Secretary for his approval. Upon such approval the rules and regulations will then be the basis for allocating marketing opportunity among the districts.

(10) The notice of hearing contained a proposal which would require concurrence of seven committee members to recommend, at unassembled meetings, an increase in the weekly allotment. The order currently requires concurrence of six members of the committee for any action, including initial recommendations for weekly volume regulations developed at assembled meetings and recommendations for increases in the volume at unassembled meetings.

Information bearing on the committee's recommendations for weekly volume regulation is carefully and fully considered at the committee's weekly assembled meeting. The recommendation and all available information pertaining to it is reviewed by the Secretary. If he concurs in the recommendation he issues a regulation consistent therewith.

Once set in a regulation, the volume of oranges permitted to be shipped during a week may not be decreased. Any decrease is not practical as some handlers may have shipped their allotment before a decreased quantity could be set. An increase is practical since handlers who have shipped the smaller volume previously set can make additional shipments to take advantage of an increase. The market is sensitive to volume, and a small quantity of oranges in excess of market demand may upset the market and lower prices. When this occurs, recovery often is slow. In recognition of the foregoing, the committee tends in its initial recommendation to recommend weekly volume conservatively. Subsequently, if market developments appear to warrant an increase the committee holds an unassembled meeting to consider a recommendation for an increase.

Evidence for the increased vote requirement suggested that the added vote would tend to result in more precision in the committee's initial recommendation, since it would render recommendations for increased volume more difficult. It was alleged that increases are undesirable and some organizations may be in a position to manipulate the increase to their advantage. It is desirable, of course, for the committee to recommend initially an appropriate quantity of weekly shipments and to avoid, whenever possible, the added work and expense involved in amending regulations to increase the quantity. However, the record does not show any instances in which the committee's recommendations were not as appropriate as could be developed under prevailing circumstances, nor does it show that increases are more advantageous to some organizations than to others.

Under the six vote requirement no organization has control of the committee. A high degree of committee flexibility is necessary for expeditious administration of the order. The current requirement of six concurring votes has resulted in appropriate recommendations. All such recommendations are subject to approval of the Secretary. It is, therefore, concluded that the order should not be amended to require seven concurring votes as proposed.

(11) A proposal in the notice of hearing was that consideration should be given to making such conforming changes in the order as may be necessary to make the entire order conform to any amendments that may result from this proceeding. This proposal was supported at the hearing, and without opposition, and such conforming changes as are necessary are incorporated herein.

Rulings on proposed findings and conclusions. May 1, 1968, was fixed as the latest date for interested parties to file proposed findings and conclusions, and written arguments or briefs, with respect to the facts presented in evidence at the hearing. This period was extended on April 30, 1968, to and including May 6, 1968.

Briefs were filed by Warren C. Wetteroth of Borton, Petrini, Conron & Brown, Bakersfield, Calif., attorney for Kern County Land Co.; by Andrews Bros. of California, Inc., Santa Ana, Calif., by Victor C. Andrews its president; by H. L. Southwich, Edison, Calif.; by Alfred Tisch, president, by Alex A. Vereschagin, Jr., chairman, James Mills III, member, Vernon Chamberlen, member, and Fred M. Shanks, member, growers committee, on behalf of Sacramento Valley Citrus Exchange, Hamilton City, Calif.; by John G. Giumarra, Jr., on behalf of Giumarra Vineyards Corp., Bakersfield, Calif.; and by D. M. Anderson, general manager, and Karl D. Loos, counsel, on behalf of Sunkist Growers, Inc., Los Angeles, Calif.

Each point included in the briefs was fully and carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings or conclusions contained in any of the briefs are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with the decision.

General Findings. (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

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

(3) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Navel oranges; and

(5) All handling of Navel oranges grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement, as amended, and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Amend the provisions of § 907.4 *Production area* to read as follows:

§ 907.4 Production area.

"Production area" means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Red Bluff, Calif.

2. Revise the provisions of § 907.20 *Establishment and membership* so that the first sentence reads as follows:

§ 907.20 Establishment and membership.

There is hereby established a Navel Orange Administrative Committee consisting of 11 members, for each of whom there shall be one alternate, and for each grower member an additional alternate. * * *

§ 907.22 [Amended]

3. Amend the provisions of § 907.22 *Nominations* in the following respects:

a. Amend paragraph (a) to read as follows:

(a) The time and manner of nominating members, alternate members, and additional alternate members of the committee shall be prescribed by the Secretary.

b. Amend paragraph (b) by inserting the phrase "three additional alternate grower members" immediately after the phrase "three alternate grower members."

c. Amend paragraph (c) to read as follows:

(c) All cooperative marketing organizations which market oranges and which are not qualified under paragraph (b) of this section, or the growers affiliated therewith, shall nominate one grower member, one alternate grower member, and one additional alternate grower member.

d. Amend paragraph (d) to read as follows:

(d) All growers who are not affiliated with a cooperative marketing organization which market oranges shall nominate two grower members, two alternate grower members, and two additional alternate grower members.

4. Revise the provisions of § 907.23 *Selection* to read as follows:

§ 907.23 Selection.

From the nominations made pursuant to § 907.22(b) or from other qualified growers and handlers, the Secretary shall select three grower members of the committee, an alternate and an additional alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. From the nominations made pursuant to § 907.22(c) or from other qualified growers and handlers the Secretary shall select one grower member of the committee, an alternate and an additional alternate to such grower member; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 907.22 (d) or from other qualified growers and handlers the Secretary shall select two grower members of the committee, an alternate and an additional alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 907.22(f) or from other qualified persons the Secretary shall select one member of the committee and an alternate to such member.

§ 907.27 [Amended]

5. Revise the provisions of § 907.27 *Alternate member* so that the proviso in the first sentence reads as follows: *Provided,* That a member may designate any alternate member to serve in the place and stead of such member, if the alternate member so designated was selected from the same group which was authorized to nominate the member; unless another alternate member is so designated by a grower member, his alternate shall act for the member and, in the absence of such alternate, the alternate shall so act, and in his absence the additional alternate shall so act.

6. Revise the provisions of paragraph (a) § 907.42 *Accounting* to read as follows:

§ 907.42 Accounting.

(a) If, at the end of a fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve or used to defray necessary expenses of liquidation, as provided in subparagraph (2) of this section, it shall be refunded proportionately to the persons from whom it was collected: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The committee, which the approval of the Secretary, may establish and maintain during one or more fiscal years an operational monetary reserve in an amount not to exceed approximately one half of a fiscal year's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee (1) for all expenses authorized pursuant to § 907.40 and (2) to cover necessary expenses of liquidation in the event of termination of this part. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

§ 907.51 [Amended]

7. Revise the provisions of § 907.51 *Recommendation for volume regulations* in the following respects:

a. Revise the first sentence of paragraph (b) to the colon to read as follows:

(b) In making its recommendation, the committee shall provide equity of marketing opportunity to handlers in all districts and shall give due consideration to the following factors:

b. Add a new paragraph (d) reading as follows:

(d) The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this § 907.51.

8. Revise the provisions of § 907.53 *Prorate bases* by redesignating paragraphs (f) and (g) as paragraphs (g) and (h), respectively, and adding a new paragraph (f) reading as follows:

§ 907.53 Prorate bases.

* * * * *

(f) When any person having a prorate base has moved all his oranges or has remaining a quantity smaller than his allotment, he shall be removed from the prorate base or his prorate base shall be reduced so that his allotment based thereon shall not exceed the quantity of oranges remaining under his control; except that he shall receive his allotments on his full prorate base to the extent necessary to pay back loans for which he is obligated in any week that repayment of loans may be due.

* * * * *

§ 907.55 [Amended]

9. Amend § 907.55 *Overshipments* in the following respects:

a. Replace the phrase "equivalent to 10 percent" in § 907.55 by the phrase "equivalent to 20 percent."

b. Add a proviso at the end of the first sentence of § 907.55 reading as follows: *Provided, however,* That the committee may, with the approval of the Secretary, reduce such 20 percent to a percentage not less than 10 percent: *And provided further,* That if, subsequent to the determination of general maturity, allotment (other than short life allotment) is forfeited in any prorate district during any prorate period, such forfeiture shall be used to reduce the amount of maximum permissible overshipments made during such prorate period, unless the forfeiting handler shall have made a bone fide and timely offer to the committee to lend his undershipment. Such forfeitures shall be first applied to handlers within such district in which the forfeiture occurred and second to qualified handlers in other districts. Allocation of forfeitures to handlers who have overshipped shall be made in proportion to, but not in excess of, the quantity overshipped by each such handler. In the case of short life allotments, any forfeiture thereof shall be credited as above provided only against overshipment of allotments issued pursuant to § 907.54. However, no handler who has overshipped more than the maximum permissible under this section shall participate in the credits allowed by this provision.

§ 907.57 [Amended]

10. Revise the provisions of § 907.57 *Allotment loans* by the following respects:

a. Revise the first sentence in paragraphs (a) and (b) to read as follows:

(a) A person to whom allotments have been issued under general maturity may lend such allotments to other persons within any prorate district to whom allotments have also been issued: *Provided,* That allotments issued under the short life provision of this subpart may be loaned only to other persons in the same district to whom such allotments have been issued. * * *

(b) A person desiring to loan all or part of his allotment shall attempt to do so first within his own district and if he so chooses, may request the committee to act in his behalf. A person desiring to loan to persons outside his own district shall request the committee to arrange the loan on his behalf with the committee first offering the loan to persons within the district who file requests for such loans; and failing to do so may then arrange to offer the loan outside of the district in an equitable manner. * * *

b. Add a new paragraph (f) reading as follows:

(f) The committee may, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this § 907.57.

§ 907.61 [Amended]

11. Revise the provisions of § 907.61 *Short life allotments* so that the fourth and fifth sentences thereof read as follows: Such determination and allotment issued pursuant thereto shall permit the handling in total during periods of open movement and under volume regulations of a quantity of short life oranges equal proportionately to the average to be handled by all handlers of oranges within the prorate district. After a handler of short life oranges has received allotment sufficient to permit such total handling, allotment thereafter due such handler of short life oranges shall be allocated to handlers from whom allotment has been withheld.

12. Add a new § 907.61a *Freeze damage allotments* immediately after § 907.61, reading as follows:

§ 907.61a **Freeze damage allotments.**

Notwithstanding the provisions of § 907.54 whenever one or more districts experience severe freeze damage, affecting a substantial portion of the crop within the district, but varying in degree, the committee may issue allotments to each handler in such district based upon requests submitted by handlers, the total allotment to be allocated among the requesting handlers in an equitable manner. Such allotments may be used only during the week for which issued, and the undershipment of such allotments shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Transfers of allotment if within the district are subject only to the parties notifying the committee. Transfer of allotment between handlers not within the same district shall be by the committee and only between handlers each of whom have been issued allotment pursuant to this section. The committee shall, with approval of the Secretary, adopt rules and regulations to effectuate the provisions of this section.

13. Revise the provisions of § 907.66 *Prorate districts* to read as follows:

§ 907.66 **Prorate districts.**

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

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

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

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

Dated: July 26, 1968.

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

[F.R. Doc. 68-9152; Filed, July 30, 1968; 8:50 a.m.]

[7 CFR Part 908]

[Docket No. AO-250-A4]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Further Amendment of Marketing Agreement and Order Regulating Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, hereinafter referred to collectively as the "order." The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after publication of the recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Consumer and Marketing Service as a result of proposals submitted by Pure Gold, Inc., Post Office Box 40, Redlands, Calif., and by Sunkist Growers, Inc., Box 2706, Terminal Annex, Los Angeles, Calif. A notice that such public hearing would be held in the Town Hall, Valley Plaza Shopping Center, 2701 Ming Avenue at New Freeway 99, Bakersfield, Calif., and continued at the Chilton Inn, Highway 80 at Catalina Drive, Yuma, Ariz., was published in the FEDERAL REGISTER on November 3, 1967 (32 F.R. 15394).

The Valencia Orange Administrative Committee, the administrative agency established pursuant to the amended marketing agreement and order, at its meeting on February 6, 1968, unanimously voted to request the Department to reopen the hearing to consider three additional proposals. The aforementioned Sunkist Growers, Inc., and Pure Gold, Inc., supported this request. A notice that such public hearing would be held in the Town Hall, Valley Plaza Shopping Center, 2701 Ming Avenue at New Freeway 99, Bakersfield, Calif., and continued at the Newton's Motor Inn, 917 East Van Buren, Phoenix, Ariz., was published in the FEDERAL REGISTER on March 1, 1968 (33 F.R. 3641).

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

(1) Permitting loans of general maturity allotment to other persons in any prorate district who also have general maturity allotments;

(2) Revising the overshipment provisions to permit a handler to overship his allotment by 20 percent instead of 10 percent and authorizing the allocation of allotment forfeited by handlers who are unable to use it to other qualified handlers who can use it;

(3) Revising the short life allotment provisions so that the handling of short life oranges will be proportional to the quantity of oranges handled within the prorate district;

(4) Providing authority for the adjustment of the prorate base and allotment of handlers who have moved all their oranges or who have remaining a quantity of oranges smaller than the allotment currently being issued;

(5) Providing for an additional alternate member for each grower member of the committee, and setting forth the conditions under which he will serve for the absent member;

(6) Authorizing the establishment and maintenance of a monetary reserve;

(7) Permitting the committee to issue allotments on the basis of requests of handlers during periods when, because of extensive freeze damage, the tree crop no longer provides an equitable basis for such allotment;

(8) Revising the prorate districts into which the production area is divided;

(9) Providing for equity of marketing opportunity;

(10) Enlarging the production area;

(11) Adding additional varieties of oranges under the provisions of the order;

(12) Revising the provisions of the order dealing with oranges available for current shipment;

(13) Revising the provisions of the order dealing with the determination by the committee of general maturity;

(14) Requiring seven concurring votes at unassembled meetings in order for the committee to recommend an increase in

the quantity of oranges that may be handled; and

(15) Making conforming changes.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) and (2) The order should be amended as hereinafter set forth to increase the percentage by which a handler may overship his weekly allotment, to authorize interdistrict lending of allotment, and to provide that forfeited allotment may be applied to offset permissible overshipments.

Greater flexibility is needed in the order to cope with changes which have occurred in the industry since the order has been in effect. When the order was made effective shipments of oranges from each of the three prorate districts for the most part were made during a more distinct part of the season. That is, during the principal part of the season for District 1, for example, there was little movements from either of the other districts. However, changes in location of groves within districts, increased plantings, and increased production have tended to obscure the relationship formerly prevailing so that there now is considerably increased overlapping of shipments among districts. For a major part of the season Districts 1 and 2 are moving oranges at the same time. At times all districts may be shipping oranges at the same time. Because of this the proration of allotment among handlers and districts has been rendered more difficult. More handlers and a larger geographic area are involved at a given time and this tends to compound the problem of assuring that handlers in a position to ship have access to the available allotment. Inclement weather in one prorate district may limit shipments by handlers in that district, while excellent weather prevails in others. Handlers in the district which has foul weather are unable to use their allotment because the weather prevents picking of oranges. Handlers in good weather districts may not borrow this allotment because the order authorizes loans only within districts. Handlers who are in position to ship may overship their allotment, but only by 10 percent of their allotment, and such overshipment must be repaid out of allotment of the following week.

It is the intent of the order that a volume of fruit equal to the combined weekly allotment of all handlers be shipped during that week. If some handlers are precluded by circumstances from shipping their proportionate share of the volume during a week the order should provide a basis on which other handlers who can ship may be allowed to increase their volume of shipments correspondingly. Providing for more liberal overshipments would help to do this, as would authority for handlers to loan allotment across district lines. Likewise, provision for crediting forfeited allotment to overshipments would tend to achieve a similar result. Forfeited allotment is allotment which the handler to whom it was issued is unable to use or for some other reason is not used and which was not loaned to other handlers. Authorizing interdistrict loans would broaden the area in which loans could be made and would increase the opportunity for making such loans. Also, crediting forfeited allotment to handlers as an offset against permissible overshipment would encourage loaning of allotment. However, the order should provide that all allotment forfeited should not be credited as an offset against overshipment. The only forfeited allotment which should be credited against overshipments is that allotment which was not used and was not offered for loan through the committee by the handler to whom it was issued. Such restrictions would encourage handlers to loan allotment. It would also discourage handlers from overshipping in anticipation of receiving credit for overshipment from forfeited allotment.

Current provisions of the order allow a handler to overship his allotment by a maximum of 10 percent or one carload, whichever is greater. Such maximum overshipment percentage should be increased to 20 percent to provide handlers greater flexibility. However, provision should be made so if the 20 percent proves to be too liberal and adjustment can be effected to set the percentage within a range of 10–20 percent. The objective should be to provide handlers with the greatest flexibility possible consistent with the maintenance of orderly marketing. It is not anticipated that the overshipment percentage would need to be adjusted oftener than once each season. Preferably, such adjustment would be made at the beginning of the season and remain constant throughout the season. However, should it appear during the season that an adjustment is desirable, either to increase or to decrease the percentage, in the interest of orderly marketing the committee should be authorized to recommend and the Secretary to effect an adjustment accordingly.

Interdistrict loans should be effected through and under control of the committee. The order now provides that intradistrict loans may be made directly between handlers, or by the committee on behalf of handlers, and testimony was offered that such procedure should be made applicable to interdistrict loans. However, in the interest of preserving the equities of handlers and growers within a prorate district, loans, to the extent practicable, should continue to be transacted within a district. Allotment from one district should be made available in other districts only after it is reasonably certain that no other handler within the same district wishes to borrow the allotment. To assure that every effort will be made to place the allotment within the district, allotment available for loan for which a handler has been unable to find a borrower within the district should be turned over to the committee for placement. If the committee has requests to borrow allotment from handlers within the district, it should fill such requests. Any allotment which the committee is unable to place within the district should then be loaned to handlers in other districts who have lodged requests for loans with the committee. If such requests exceed the allotment available the committee should loan the allotment on a proportional basis so that each borrowing handler would receive allotment in proportion to the relationship the amount he requested bears to the total requested.

To provide an orderly basis for handling interdistrict loans the committee could establish a procedure covering the time and manner that lenders and borrowers shall follow in loaning and borrowing allotment. Such procedure should require that handlers who wish to loan allotment to notify the committee of the amount of allotment and the repayment terms. Prospective borrowers would file requests for loans with the committee, including amount desired and preferred repayment terms.

(3) Section 908.61 *Short life allotments* should be revised as hereinafter set forth to permit the handling of short life oranges in amounts equal to the average proportion handled by all handlers. In the operation of the program it has been found that handlers of short life oranges may handle a disproportional amount of such oranges. This inequity stems from the failure to count shipment of short life fruit made prior to the issuance of volume regulations or during periods of open movement. Such results were not intended. This situation can be corrected by substituting total handling into regulated markets, both under periods of open movement and volume regulations, including the acceleration granted under the short life provisions, for the average allotments to be issued to all handlers of oranges. This change would tend to assure more equitability than that which may prevail under current provisions in the order.

(4) During past marketing seasons, some handlers move oranges at a faster rate than anticipated or move a greater quantity of their oranges to products or export than was expected when the estimated shipping schedule was adopted. Since allotment is issued on basis of tree crop, such handlers may be issued allotment when they have no fruit to ship or the allotment issued to them is in excess of the quantity of fruit they have available for shipment. This situation most frequently occurs late in the season in any district when approximately two-thirds or more of the tree crop in that district has been moved. Under current provisions of the order, all such handlers are retained on the prorate base and issued weekly allotment in proportion to their share of the tree crop whenever regulations are in effect. Since the handler who has no oranges for shipment has no use for such allotment it is usually forfeited. This situation results in the committee having to estimate each weekly period the quantity of allotment which likely will not be used. To insure that the desired quantity of oranges may move to market during any specified

weekly period, the committee must inflate its recommended quantity to compensate for the quantity that will probably not be shipped.

The order provisions should be amended to provide that each handler will be issued only sufficient allotment to move his proportionate share of the tree crop. His allotment should be reduced when it is not needed by him to make shipments. No allotment should be issued to a handler during any part of the season when he no longer has fruit for shipment, except during period when such handler has agreed to make loan repayments. At such times such handler should be issued allotment consistent with the proportion of the tree crop he controls for the purpose of making such loan repayments. A practical solution to this problem would be to issue to each handler only the allotment he needs to ship his proportionate share of the tree crop. When it is established by the committee that a handler no longer has any oranges to ship, he should thereafter not be issued allotment, except to the extent needed to meet loan commitments. This would enable the committee to recommend a quantity of oranges, based on the tree crops of handlers who have fruit to ship, and would avoid the necessity for inflating the quantity recommended to compensate for allotment issued to handlers who are not in a position to use it. It is therefore concluded that the order should be amended, as hereinafter set forth, consistent with the foregoing.

(5) The order should be amended to provide that each grower member of the committee shall have an additional alternate. Presently, the order provides for an alternate for each member.

Membership of the committee is divided into handler members and grower members. The handler members and alternates, in most instances, are affiliated with marketing organizations which handle oranges produced in each prorate district or at least in more than one district. The handler member or alternate will have knowledge about marketing conditions generally applicable to all prorate districts. Hence, it is unnecessary to provide more than one alternate for each handler member. However, grower members may not be as familiar with conditions in some part of the production area as they are with conditions in the district in which their groves are located. Also, there have been times when neither the grower member nor his alternate were able to attend a committee meeting. It is desirable to have grower representation on the committee from each prorate district from which shipments of oranges are being made or from the district having the greatest volume or shipments during those periods when shipments are being made from more than one district. The provision of an additional alternate member for each grower member would provide increased assurance of a full committee and that appropriate grower representation will be present at all committee meetings. The order currently authorizes the member to designate the alternate to serve in his stead. Hence, the member can designate an alternate member to serve at meetings when matters with which such alternate is more familiar than the member are to be discussed and acted upon. Such an arrangement and operational procedure would provide the committee with the appropriate information upon which to base its recommended action.

It would be appropriate and in accordance with industry preference for the additional alternate members to be nominated in the same manner as the members and alternates presently are nominated. Nomination and selection of the initial additional alternate members should be done promptly after the amendment becomes effective so they may begin serving as soon as possible.

Consistent with the authority provided in § 908.29(n) of the order, reapportionment of the grower member and alternate member positions allocated to the groups described in § 908.22(c) and (d) was effected as set forth in present § 908.103 of which official notice is taken. The order should be conformed, as hereinafter set forth, (1) to reflect in §§ 908.22 and 908.23 the up-to-date apportionment of positions as set forth in said § 908.103, and (2) the amendment providing for additional alternate grower representation proportioned on the same basis.

(6) The authority to establish and maintain a financial reserve under the order would contribute to efficient financial management of the order operations in that it would (1) lessen the need to borrow money, (2) permit the timely refunding of any monies due handlers, and (3) provide a source of funds during periods of low volume production, such as freeze years, when the assessment rate would normally be high because of the temporarily low volume of oranges.

The amount in the reserve should not exceed approximately one-half year's operational expenses. This amount would be adequate to meet the needs of the committee. Presently the greatest need for a reserve fund is to pay operational expenses before assessment income is available in the early part of each season and to pay expenses during seasons when production is reduced rather than raise the assessment rate to an excessive level.

The reserve is equitable to all concerned. Those who pay the assesment, namely the handlers, are in a lifetime occupational pursuit and there is not frequent changes in the identity of the persons involved. Under the reserve procedure, those who might pay slightly more than their proportionate share of the operating cost of the program in any given year are the same people who will benefit from the operation of the reserve. The reserve should be built up over a period of time, probably during a period of 3, 4, or more years.

Reserve funds should be available to cover any expenses authorized by the order including any cost of liquidation. Upon termination of the order, reserve funds would be available to defray any costs of liquidation. Any funds remaining after paying liquidation costs should, to the extent practicable, be returned to the handlers. It is possible that the order may be terminated many years after the establishment of the reserve fund. The funds remaining after liquidation may be so small that precise proration would not be feasible or advisable. Also, the time involved since their receipt may be so great that it might be impractical to return the money to the contributors. Under such circumstances, the Secretary should dispose of the funds in appropriate manner. He would probably look to the committee for its recommendation before taking any such action.

The view was expressed that following low production, such as during a freeze year, the industry would be hard pressed for money and no money should accrue to a reserve until the industry had recovered from the low production year. In this connection, the decision as to when and under what conditions assessment monies should be placed in reserve should be at the discretion of the committee and the Secretary. The committee should carefully consider prevailing and prospective conditions before forwarding a recommendation. To specify that no monies could be placed in the reserve could unduly restrict the operation of the reserve and tend to defeat the objectives of the reserve. It is concluded that authority should be provided, as hereinafter set forth, to permit the establishment and use of a reserve in the manner heretofore described.

(7) The provisions of the order should be amended to provide for volume regulations following a freeze. The order presently does not specifically so provide. When the industry requested an order the act did not authorize regulations in above parity situations. It was expected that prices would likely be such following major freeze damage there would be no occasion for concern about the absence of authority for such regulations. The act has since been amended to authorize continued regulation in the interest of maintaining orderly marketing conditions and an orderly flow of the supply to market throughout the normal marketing season irrespective of the price level. The order has been amended to authorize such regulation. The order should be amended specifically to provide for regulation for such purpose following major freeze conditions.

Prorate issued to handlers under normal conditions is proportional to the quantity of oranges the applicant has under his control in relation to the total tree crop. The freeze damage provisions should provide a basis for allocation after it has been determined that the tree crop would no longer be an equitable basis for allotment. Such provisions should assure that the committee would consider both the severity of the freeze and the variation in the degree of damage. Under this procedure, allotments could be issued on the basis of requests made by handlers. Handlers generally have knowledge of the conditions within the freeze area, the supply of oranges

remaining and the condition of such oranges. Each handler would thus be able to estimate the quantity of oranges he has available to ship the next week. When handlers requests equal or are less than the quantity recommended by the committee as the amount of fruit which should move from that district during the weekly period, each request should be granted in the amount requested. There may be situations when one or more handlers or all handlers request a disproportional high amount. If the requests are in excess of the amount recommended by the committee because of large volume requested by one or more handlers, the request of such handlers should be reduced proportionally to the remaining tree crop so that the quantity authorized equals the desired volume for that district. If all handlers have filed inflated requests, each request should be reduced proportionally so that all requests equal the desired volume for that district. This procedure is similar to that used by the committee in administering the early maturity provisions of the order.

The allotment issued under this provision should be available for use only during the week for which it was issued. Undershipments for 1 week should not carryover to a succeeding week. The provisions of this freeze damage allotments should be invoked only during emergency situations. Before being placed in operation, one or more districts should have suffered severe freeze which affected the acreage of the growers in varying degrees. As allocation is issued on the basis of handler requests, there is no need for carrying forward an undershipment.

It is desirable for the specified quantity of oranges to be marketed within the prorate period. During freeze years, as otherwise, handlers may encounter many problems which will prevent the marketing of the full allotment issued. Adverse weather may prevent harvesting. Labor may prevent packing. On this basis, the order should authorize transfer of freeze damage allotment. Such transfers should be restricted to handlers who have been issued freeze damage allotments.

The freeze damage provisions should allow the committee latitude with respect to specification of the details of the method to be adopted in administering regulations thereunder. All the problems involved in administering these provisions are not presently known nor can they be accurately anticipated. It is not, therefore, practical to include them in the order. Rather the committee should develop rules and regulations, which after approval by the Secretary, will be the basis for administering the freeze damage allotment provisions.

(8) The prorate districts into which the production area is divided should be changed, as hereinafter set forth, to more nearly be descriptive of the type of fruit that is likely to be produced in each prorate district. The only change proposed in the districts is to take that area which is east of a line running north and south through the present post office in White Water, Calif., and north of a line running east and west through the post office in Gorman, Calif., from District 1 and place it into District 3. All of the area, most of which is in San Bernardino County, Calif., which is being transferred to District 3 is desert in nature, and any Valencia oranges produced in this area would be of a desert character. The fruit would thus more nearly resemble the oranges produced in District 3 rather than those of District 1.

The proposal in the notice of hearing was to include all of the State of California north of a line drawn east and west through Gorman, Calif., in District 1. There was testimony presented in support of and against the inclusion of this area into the production area. The testimony in support of the inclusion was persuasive but general in nature. It did not show that the limited plantings of Valencia oranges in this area influence the marketing of Valencia oranges grown in the production area. On the basis of record evidence, it is concluded that the northern boundary of the production area and District 1 should continue to be a line drawn due east and west through the present post office in Turlock, Calif. Also, the production area should be divided into prorate districts as hereinafter set forth.

(9) Section 908.51 should be amended as hereinafter set forth, to emphasize the necessity for and desirability of providing equity of marketing opportunity and to provide a standard by which the committee can formulate appropriate detailed procedures and practices to establish and maintain such equity.

The order should provide a procedure for allocating marketing opportunity among the districts on a basis other than judgment of the committee members, or the order should authorize the committee to adopt rules and regulations, approved by the Secretary, to effectuate the allocation of marketing opportunity among districts. In this instance, this procedure should be adopted by means of rules and regulations since procedure necessary to deal effectively with this matter has not been developed. The Valencia Orange Administrative Committee during the 1966–67 season used a procedure for allocation between districts that may form the basis for a procedure for use by the committee in providing equity of marketing opportunity. Under this procedure, the committee determined the tree crop for all districts and prepared an estimated utilization schedule based thereon. Included in the report to handlers was an estimated total weekly pattern of regulated shipments for all districts combined. At each district marketing policy meeting which followed, the handlers recommended and the committee developed a utilization schedule for such district. Following the district marketing policy meeting, the committee established the district's share on a weekly basis. Adjustments were made as necessary to protect district equities because of changes in crop conditions and for other reasons.

Let us assume for illustrative purposes only that the tree crop estimates for the three districts will be:

	Cars
District 1	5,000
District 2	16,000
District 3	3,700
Total	24,700

Let us assume further that the schedule requested by the districts and accepted by the committee will show 70 percent of the crop of each district moving in regulated channels and the balance moving to export and products. Equity of marketing opportunity would be provided by permitting each district to ship a like percentage (70 percent) in regulated channels. The weekly schedule would provide shipments over the period of expected movement from each district until each district's portion of the regulated shipments had been made.

The aforesaid procedure should not be incorporated into the order or adopted as rules and regulations at this time because doubtless the committee can and will develop improvements and refinements. When the refinements and improvements as may be necessary have been incorporated in the procedure, the committee should submit such rules and regulations to the Secretary for his approval. Upon such approval the rules and regulations will then be the basis for allocating marketing opportunity among the districts.

(10) and (11) The notice of hearing contained proposals to enlarge the production area and to redefine oranges so as to include, in addition to Valencia oranges grown in the production area and marketed at any time, additional varieties of oranges of the species Citrus sinensis handled at any time within a specified period. The first mentioned proposal would have changed the northern boundary line of the production area and District 1 from its present boundary—a line drawn due east and west through the post office in Turlock, Calif.—to coincide with the northern boundary line of the State.

The other proposal would have added additional strains of Valencia oranges and other varieties of oranges to the fruit subject to regulation under the order. Some of these additional fruits were to be subject to the provisions of the order only for a portion of each regulation season.

The evidence did not establish the need to enlarge the production area or the inclusion of additional strains and varieties of oranges at the present time. It is, therefore, concluded that the production area should not be enlarged and that no additional strains or varieties of oranges should be added to the fruit subject to regulation under the order.

(12) It was proposed that the provisions dealing with oranges available for current shipment be revised so that only those varieties determined by the committee to have reached general maturity would be considered as available. It was also proposed that the remaining supplies of oranges other than Valencia oranges be considered as oranges available for current shipment only during

specified periods. There was no testimony offered in support of these proposals. Consequently, they are not included in the amendment of the order.

(13) The notice contained a proposal which would not require the committee to determine general maturity for all varieties of oranges at the same time. This proposal was not supported at the hearing and is not included in the amendment of the order.

(14) The notice of hearing contained a proposal which would require concurrence of seven committee members to recommend, at unassembled meetings, an increase in the weekly allotment. The order currently requires concurrence of six members of the committee for any action, including initial recommendations for weekly volume regulations developed at assembled meetings and recommendations for increases in the volume at unassembled meetings.

Information bearing on the committee's recommendations for weekly volume regulation is carefully and fully considered at the committee's weekly assembled meeting. The recommendation and all available information pertaining to it is reviewed by the Secretary. If he concurs in the recommendation he issues a regulation consistent therewith.

Once set in a regulation, the volume of oranges permitted to be shipped during a week may not be decreased. Any decrease is not practical as some handlers may have shipped their allotment before a decreased quantity could be set. An increase is practical since handlers who have shipped the smaller volume previously set can make additional shipments to take advantage of an increase. The market is sensitive to volume, and a small quantity of oranges in excess of market demand may upset the market and lower prices. When this occurs, recovery often is slow. In recognition of the foregoing, the committee tends in its initial recommendation to recommend weekly volume conservatively. Subsequently, if market developments appear to warrant an increase the committee holds an unassembled meeting to consider a recommendation for an increase.

Evidence for the increased vote requirement suggested that the added vote would tend to result in more precision in the committee's initial recommendation, since it would render recommendations for increased volume more difficult. It was alleged that increases are undesirable and some organizations may be in a position to manipulate the increase to their advantage. It is desirable, of course, for the committee to recommend initially an appropriate quantity of weekly shipments and to avoid, whenever possible, the added work and expense involved in amending regulations to increase the quantity. However, the record does not show any instances in which the committee's recommendations were not as appropriate as could be developed under prevailing circumstances, nor does it show that increases are more advantageous to some organizations than to others.

Under the six-vote requirement no organization has control of the committee. A high degree of committee flexibility is necessary for expeditious administration of the order. The current requirement of six concurring votes has resulted in appropriate recommendations. All such recommendations are subject to approval of the Secretary. It is, therefore, concluded that the order should not be amended to require seven concurring votes as proposed.

(15) A proposal in the notice of hearing was that consideration should be given to making such conforming changes in the order as may be necessary to make the entire order conform with any amendments that may result from this proceeding. This proposal was supported at the hearing, and without opposition, and such conforming changes as are necessary are incorporated herein.

Rulings on proposed findings and conclusions. January 31, 1968, was fixed as the latest date for interested parties to file proposed findings and conclusions, and written arguments or briefs, with respect to the facts presented in evidence at the hearing. Such date with respect to the reopened hearing was May 1, 1968. This period was extended on April 30, 1968, to and including May 6, 1968.

A brief was filed by D. M. Anderson, General Manager, and Karl D. Loos, Counsel, on behalf of Sunkist Growers, Inc., Los Angeles, Calif.

Each point in the brief was fully and carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings or conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with this decision.

General findings. (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of Valencia oranges grown in the designated production area in the same manner as, and are applicable to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited to their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Valencia oranges; and

(5) All handling of Valencia oranges grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement, as amended, and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Revise the provisions of § 908.20 *Establishment and membership* so that the first sentence reads as follows:

§ 908.20 Establishment and membership.

There is hereby established a Valencia Orange Administrative Committee consisting of 11 members, for each of whom there shall be one alternate, and for each grower member an additional alternate. * * *

§ 908.22 [Amended]

2. Amend the provisions of § 908.22 *Nominations* in the following respects:

a. Amend paragraph (a) to read as follows:

(a) The time and manner of nominating members, alternate members, and additional alternate members of the committee shall be prescribed by the Secretary.

b. Amend paragraph (b) by inserting the phrase "three additional alternate grower members" immediately after the phrase "three alternate grower members."

c. Amend paragraph (c) to read as follows:

(c) All cooperative marketing organizations which market oranges and which are not qualified under paragraph (b) of this section, or the growers affiliated therewith, shall nominate one grower member, one alternate grower member, one additional alternate grower member, one handler member, and one alternate handler member.

d. Amend paragraph (d) to read as follows:

(d) All growers who are not affiliated with a cooperative marketing organization which markets oranges shall nominate two grower members, two alternate grower members, two additional alternate grower members, one handler member, and one alternate handler member.

3. Revise the provisions of § 908.23 *Selection* to read as follows:

§ 908.23 Selection.

From the nominations made pursuant to § 908.22(b) or from other qualified growers and handlers the Secretary shall select three grower members of the committee, an alternate and an additional alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. From the nominations made pursuant to § 908.22 (c) or from other qualified growers and

handlers the Secretary shall select one grower member of the committee, an alternate and an additional alternate to such grower member; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 908.22 (d) or from other qualified growers and handlers the Secretary shall select two grower members of the committee, an alternate and an additional alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 908.22(f) or from other qualified persons the Secretary shall select one member of the committee and an alternate to such member.

§ 908.27 [Amended]

4. Revise the provisions of § 908.27 *Alternate members* so that the proviso in the first sentence reads as follows: "*Provided*, That a member may designate any alternate member to serve in the place and stead of such member, if the alternate member so designated was selected from the same group which was authorized to nominate the member; unless another alternate member is so designated by a grower member, his alternate shall act for the member and, in the absence of such alternate, the alternate shall so act, and in his absence, the additional alternate shall so act."

5. Revise the provisions of paragraph (a) § 908.42 *Accounting* to read as follows:

§ 908.42 Accounting.

(a) If, at the end of a fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve or used to defray necessary expenses of liquidation, as provided in subparagraph (2) of this section, it shall be refunded proportionately to the persons from whom it was collected: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operational monetary reserve in an amount not to exceed approximately one half of a fiscal year's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee (i) for all expenses authorized pursuant to § 908.40 and (ij) to cover necessary expenses of liquidation in the event of termination of this part. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

§ 908.51 [Amended]

6. Revise the provisions of § 908.51 *Recommendations for volume regulations* in the following respects:

a. Revise the first sentence of paragraph (b) to the color to read as follows:

(b) In making its recommendation, the committee shall provide equity of marketing opportunity to handlers in all districts and shall give due consideration to the following factors:

b. Add a new paragraph (d) reading as follows:

(d) The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this § 908.51.

7. Revise the provisions of § 908.53 *Prorate bases* by redesignating paragraphs (f) and (g) as paragraphs (g) and (h), respectively, and adding a new paragraph (f) reading as follows:

§ 908.53 Prorate bases.

* * * * *

(f) When any person having a prorate base has moved all his oranges or has remaining a quantity smaller than his allotment, he shall be removed from the prorate base or his prorate base shall be reduced so that his allotment based thereon shall not exceed the quantity of oranges remaining under his control; except that he shall receive his allotment on his full prorate base to the extent necessary to pay back loans for which he is obligated in any week that repayment of loans may be due.

* * * * *

§ 908.55 [Amended]

8. Amend § 908.55 *Overshipments* in the following respects:

a. Replace the phrase "equivalent to 10 percent" in § 908.55 by the phrase "equivalent to 20 percent."

b. Add a proviso at the end of the first sentence of § 908.55 reading as follows: "*Provided, however*, That the committee may, with the approval of the Secretary, reduce such 20 percent to a percentage not less than 10 percent: *And provided further*, That if, subsequent to the determination of general maturity, allotment (other than short life allotment) is forfeited in any prorate district during any prorate period, such forfeiture shall be used to reduce the amount of maximum permissible overshipments made during such prorate period, unless the forfeiting handler shall have made a bona fide and timely offer to the committee to lend his undershipment. Such forfeitures shall be first applied to handlers within such district in which the forfeiture occurred and second to qualified handlers in other districts. Allocation of forfeitures to handlers who have overshipped shall be made in proportion to, but not in excess of, the quantity overshipped by each such handler. In the case of short life allotments, any forfeiture thereof shall be credited as above provided only against overshipment of allotments issued pursuant to § 908.54. However, no handler who has overshipped more than the maximum permissible under this section shall participate in the credits allowed by this provision."

§ 908.57 [Amended]

9. Revise the provisions of § 908.57 *Allotment loans* by the following respects:

a. Revise the first sentence in paragraph (a) and (b) to read as follows:

(a) A person to whom allotments have been issued under general maturity may lend such allotments to other persons within any prorate district to whom allotments have also been issued: *Provided*, That allotments issued under the short life provision of this subpart may be loaned only to other persons in the same district to whom such allotments have been issued. * * *

(b) A person desiring to loan all or part of his allotment shall attempt to do so first within his own district and if he so chooses, may request the committee to act in his behalf. A person desiring to loan to persons outside his own district shall request the committee to arrange the loan on his behalf with the committee first offering the loan to persons within the district who file requests for such loans; and failing to do so may then arrange to offer the loan outside of the district in an equitable manner. * * *

b. Add a new paragraph (f) reading as follows:

(f) The committee may, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this § 908.57.

§ 908.61 [Amended]

10. Revise the provisions of § 908.61 *Short life allotments* so that the fourth and fifth sentences thereof read as follows: "Such determination and allotment issued pursuant thereto shall permit the handling in total during periods of open movement and under volume regulations of a quantity of short life oranges equal proportionately to the average to be handled by all handlers of oranges within the prorate district. After a handler of short life oranges has received allotment sufficient to permit such total handling, allotment thereafter due such handler of short life oranges shall be allocated to handlers from whom allotment has been withheld."

11. Add a new § 908.61a *Freeze damage allotments* immediately after § 908.61, reading as follows:

§ 908.61a Freeze damage allotments.

Notwithstanding the provisions of § 908.54 whenever one or more districts experience severe freeze damage, affecting a substantial portion of the crop within the district, but varying in degree, the committee may issue allotments to each handler in such district based upon requests submitted by handlers, the total allotment to be allocated among the requesting handlers in an equitable manner. Such allotments may be used only during the week for which issued, and the undershipment of such allotments shall not entitle such handler to handle an additional quantity of oranges

due to such undershipment. Transfers of allotment if within the district are subject only to the parties notifying the committee. Transfer of allotment between handlers not within the same district shall be by the committee and only between handlers each of whom have been issued allotment pursuant to this section. The committee shall, with approval of the Secretary, adopt rules and regulations to effectuate the provisions of this section.

12. Revise paragraphs (a), (b), and (c) of § 908.66 to read as follows:

§ 908.66 Prorate districts.

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

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

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

Dated: July 26, 1968.

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

[F.R. Doc. 68-9156; Filed, July 30, 1968; 8:51 a.m.]

[7 CFR Part 913]

[Docket No. AO-353-A1]

GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

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

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium, Florida Citrus Mutual Building, Lakeland, Fla., beginning at 10 a.m., local time, August 14, 1968, with respect to proposed amendment of the marketing agreement and Order No. 913 (7 CFR Part 913), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of grapefruit grown in the Interior District in Florida.

The proposed amendments have not received the approval of the Secretary of Agriculture.

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

The following amendments to the marketing agreement and order have been proposed by the Interior Grapefruit Marketing Committee, the administrative agency established pursuant to the marketing agreement and order.

1. Revise § 913.25 *Procedure of committee* to read as follows:

§ 913.25 Procedure of committee.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, a majority of the members shall constitute a quorum and any decision or action shall require concurrence by a majority of the committee.

(b) For any recommendation for regulations to be valid, not less than 60 percent of the committee shall concur, except as provided in paragraphs (c) and (d) of this section.

(c) Not less than 80 percent of the committee shall concur to make a recommendation for regulations for any week following three or more weeks of continuous regulations, except as provided in paragraph (d) of this section.

(d) Not less than 100 percent of the committee shall concur to make a recommendation for regulations for any week following 10 weeks of regulations during any fiscal period. The requirements of paragraphs (c) and (d) of this section shall not apply to recommendations to amend an existing regulation.

(e) The vote of each member cast for or against any recommendation made pursuant to this subpart, shall be duly recorded. Each member must vote in person.

(f) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate present who is not acting for any other member may be designated by the chairman of the committee to serve in the place and stead of the absent member.

(g) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

2. Revise paragraph (a) in § 913.41 *Recommendation for volume regulation* to read as follows:

§ 913.41 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided,* That volume regulations shall not be recommended after such regulations have been effective for an aggregate of 14 weeks during any fiscal period.

* * * * *

3. Revise § 913.42 *Issuance of volume regulation* to read as follows:

§ 913.42 Issuance of volume regulation.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided,* That such regulation during each fiscal period shall not in the aggregate limit the volume of grapefruit shipments for more than 14 weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price of grapefruit specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

4. Revise paragraphs (d) and (e) in § 913.43 *Prorate bases* to read as follows:

§ 913.43 Prorate bases.

* * * * *

(d) Each week during the marketing season when a volume regulation is likely to be recommended, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. Except as provided in paragraph (e) of this section, such prorate base for each handler shall be the greatest average of the quantity of grapefruit shipped by him during any two of the three immediately preceding seasons; a handler having shipped a quantity of grapefruit only during the immediately two preceding seasons, his prorate base shall be the greatest amount shipped during either marketing season; a handler who shipped a quantity of grapefruit only during the preceding season, his prorate base shall be the quantity shipped by him multiplied by 110 percent.

(e) Any applicant for a prorate base who has made no shipments of grapefruit in the season immediately preceding the season for which prorate bases are being established, and who controls grapefruit and owns or has contracted for the use of packinghouse facilities to pack such grapefruit, shall be considered a new handler. The committee shall compute a prorate base for such applicant based upon his prior shipments of grapefruit, if any, grapefruit under his control, and any other factors which, in the judgment of the committee are relevant and proper to be used in arriving at an equitable prorate base for such handler. For the next succeeding fiscal period, the prorate base of such handler shall be the quantity of grapefruit shipped by him multiplied by 110 percent.

5. Revise § 913.45 *Overshipments* to read as follows:

§ 913.45 Overshipment.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him, an amount of grapefruit equivalent to 10 percent of such allotment or 500 boxes, whichever is greater: *Provided*, That handlers may overship the entire 500 boxes or any portion of it during the period when regulations continue in effect for two or more successive weekly periods until such accumulative overshipments total but do not exceed 500 boxes. The quantity of grapefruit so handled in excess of the total allotment which such person has available for use during such week (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *And provided further*, That any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotment because of previous overshipments pursuant to this part.

The Fruit and Vegetable Division, Consumer and Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Director, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from M. F. Miller, Lakeland Marketing Field Office, Florida Citrus Mutual Building, Post Office Box 9, Lakeland, Fla. 33802.

Dated: July 26, 1968.

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

[F.R. Doc. 68-9153; Filed, July 30, 1968; 8:50 a.m.]

[7 CFR Part 944]

AVOCADOS

Importation

Notice is hereby given that the Department is giving consideration to amendment of the maturity requirements of § 944.8 (Avocado Regulation 16; 33 F.R. 8548, 9087) regulating avocados imported into the United States. This regulation is effective pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment is designed to prescribe maturity requirements for avocado imports that are comparable to those applicable to Florida avocados under Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. Such amendment would specify maturity requirements in separate schedules for the West Indian type and for the Guatemalan type of imported avocados. Currently, the maturity requirements are comparable to those for West Indian type avocados. Specifically, such amendment would provide separate maturity requirements for the West Indian and Guatemalan type avocados and would revise the maturity requirements for West Indian avocados, except the Pollock, Catalina, and Trapp varieties thereof, which remain unchanged.

The proposal is that on or about August 5, 1968, paragraph (a) of § 944.8 Avocado Regulation 16 (33 F.R. 8548, 9087) be amended by revising the introductory text of paragraph (a)(5), revising paragraph (a)(6) and renumbering it as (a)(7), and adding a new paragraph (a)(6) to read as follows:

§ 944.8 Avocado Regulation 16.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period June 17, 1968, through April 30, 1969, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported (i) prior to July 8, 1968; (ii) from July 8 through July 14, 1968, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least 3 11/16 inches in diameter; and (iii) from July 15 through July 28, 1968, unless the individual fruit in each lot of such avocados weights at least 16 ounces or measures at least 3 7/16 inches in diameter.

(3) Avocados of the Catalina variety shall not be imported (i) prior to October 21, 1968; and (ii) from October 21, 1968, through November 10, 1968, unless the individual fruit in each lot of such avocados weighs at least 18 ounces.

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 12, 1968; (ii) from August 12, 1968, through August 25, 1968, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least 3 10/16 inches in diameter; and (iii) from August 26, 1968, through September 8, 1968, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 7/16 inches in diameter.

(5) Avocados, other than Pollock, Catalina, and Trapp varieties, of the West Indian type including unidentified West Indian varieties and West Indian varieties not listed elsewhere in this regulation shall not be imported * * * (iii) * * *; and (iv) from August 5 through September 22, 1968, unless the individual fruit in each lot of such avocados weighs at least 10 ounces: *Provided*, That any lot of such avocados may be imported without regard to the minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported (i) prior to September 23, 1968; (ii) from September 23 through October 20, 1968, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 21 through December 22, 1968, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of subparagraphs (2) through (6) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados shall not fail, by more than 2 ounces, to weigh the applicable weight for the particular variety as specified in such subparagraphs. Such tolerances shall be permitted for an individual container in a lot.

* * * * *

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business of the 10th day after publication thereof in the FEDERAL REGISTER. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 25, 1968.

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

[F.R. Doc. 68-9113; Filed, July 30, 1968; 8:47 a.m.]

[7 CFR Part 946]

IRISH POTATOES GROWN IN WASHINGTON

Expenses and Rate of Assessment

Consideration is being given to the approval of the proposed expenses and rate of assessment, hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946).

This marketing order regulates the handling of Irish potatoes grown in Washington, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file four copies of the same with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 946.221 Expenses and rate of assessment.

(a) The expenses the Secretary finds may be necessary for the State of Washington Potato Committee to incur to perform its functions pursuant to Marketing Agreement No. 113 and this part during the fiscal year ending May 31, 1969, and for such other purposes as the Secretary may determine to be appropriate will amount to $32,103.04.

(b) The rate of assessment to be paid by each handler in accordance with the said marketing agreement and this part shall be two-tenths of 1 cent ($0.002) per hundredweight, or equivalent quantity, of potatoes handled by him, as the first handler thereof during said fiscal year.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and this part.

Dated: July 26, 1968.

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

[F.R. Doc. 68-9154; Filed, July 30, 1968; 8:50 a.m.]

[7 CFR Part 958]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit data, views, or arguments in connection with this proposal may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 958.313 Limitation of shipments.

During the period from August 10, 1968, through June 15, 1969, no person may handle any lot of yellow or white varieties of onions unless such onions are at least "moderately cured" as defined in paragraph (e) of this section or unless such onions are handled in accordance with paragraphs (b) and (c), or paragraph (d), of this section, and beginning August 19, 1968, no person may handle any lot of such onions unless they meet the requirements of paragraph (a) of this section, or unless such onions are handled in accordance with paragraphs (b) and (c), or paragraph (d), of this section.

(a) *Minimum grade and size requirements*—(1) *yellow varieties*—(i) *Grade.* U.S. No. 1; or U.S. No. 2 if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(ii) *Size.* Two inches in diameter.

(2) *White varieties*—(i) *Grade.* (a) U.S. No. 1; or U.S. No. 2 if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(b) U.S. No. 2, or better, grade if the minimum and maximum diameters of the onions in the lot are not less than 1 inch nor more than 2 inches.

(ii) *Size.* Except as otherwise provided in subdivision (i)(b) of this subparagraph, 1½ inches minimum diameter.

(b) *Special purpose shipments.* The minimum grade, size and quality requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting;
(2) Livestock feed;
(3) Charity;
(4) Dehydration;
(5) Canning; and
(6) Freezing.

(c) *Safeguards.* Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (b) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (b) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office, and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(d) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 1 ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, and quality requirements of this section. This exception shall not apply to any portion of a shipment that exceeds 1 ton of onions.

(e) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Onions (§§ 51.2830–51.2853 of this title). The term "moderately cured" means the onions are mature and are definitely fairly well cured but they need not be completely dry. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

Dated: July 26, 1968.

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

[F.R. Doc. 68-9155; Filed, July 30, 1968; 8:51 a.m.]

[7 CFR Part 1136]

[Docket No. AO 309-A14]

MILK IN GREAT BASIN MARKETING AREA

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

Pursuant to the provisions of the Agriculture Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Utah (Pioneer Room), South Temple and Main Streets, Salt Lake City, Utah, beginning at 9:30 a.m., on August 5, 1968, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Great Basin marketing area.

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

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

Proposed by Federated Dairy Farms, Inc., and Hi-Land Dairyman's Association:

Proposal No. 1. Amend § 1136.50(a) (*Class I milk price*) so as to eliminate the supply-demand adjustment formula from the Class I pricing provisions of the order.

Proposed by Safeway Stores, Inc.:

Proposal No. 2. Amend § 1136.41 (*Classes of utilization*) so as to provide

that cream, sweetened and flavored, which is disposed of in bulk to a commercial bakery for processing into bakery products, be classified as Class III milk.

Proposed by the Dairy Division, Consumer and Marketing Service:

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

Copies of this notice of hearing and the order may be procured from the Market Administrator, John B. Rosenbury, Post Office Box 6142, Salt Lake City, Utah 84106, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on July 26, 1968.

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

[F.R. Doc. 68–9157; Filed, July 30, 1968; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

AIR QUALITY CONTROL REGIONS

Notice of Proposed Designation of National Capital Interstate Air Quality Control Region; Notice of Consultation with Appropriate State and Local Authorities

Section 107(a)(2) of the Clean Air Act (42 U.S.C. 1857c–2(a)(2)), provides that the Secretary of the Department of Health, Education, and Welfare, after consultation with appropriate State and local authorities, shall designate air quality control regions based on jurisdictional boundaries, urban-industrial concentrations, and other factors, including atmospheric areas, necessary to provide adequate implementation of air quality standards.

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration, 33 F.R. 9909–9911, July 10, 1968, notice is hereby given of a proposal to designate the National Capital Interstate Air Quality Control Region (District of Columbia, Maryland, and Virginia) as set forth in the following new Subchapter G which would be added to Chapter I of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the District of Columbia, the State of Maryland, the State of Virginia, and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Public Health Service Radiological Health offices, 12720 Twinbrook Parkway, Rockville, Md., beginning at 10 a.m., August 22, 1968.

Mr. Doyle J. Brochers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention by August 12, 1968.

A report prepared for the consultation, entitled "Report for Consultation on the Washington, D.C., National Capital Interstate Air Quality Control Region," is available upon request to the Office of the Commissioner.

A new Subchapter G would be added to Chapter I, Title 42, Code of Federal Regulations as follows:

SUBCHAPTER G—PREVENTION CONTROL AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS CRITERIA AND CONTROL TECHNIQUES

Subpart A—Meaning of Terms

Sec.
81.1 Definitions.

Subpart B—Designation of Air Quality Control Regions

81.11 Scope.
81.12 National Capital Interstate Air Quality Control Region (District of Columbia, Maryland and Virginia).

AUTHORITY: The provisions of this Part 81 issued under sec. 301(a), sec. 2, Public Law 90–148, 81 Stat. 504; 42 U.S.C. 1857g(a).

Subpart A—Meaning of Terms

§ 81.1 Definitions.

(a) As used in this part, all terms not defined herein shall have the meaning given them by the Act.

(b) "Act" means the Clean Air Act as amended (42 U.S.C. 1857, et seq.).

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Secretary" means the Secretary of Health, Education, and Welfare.

Subpart B—Designation of Air Quality Control Regions

§ 81.11 Scope.

Air quality control regions designated by the Secretary pursuant to sec. 107(a)(2) of the Act (42 U.S.C. 1857c–2(a)(2)) are listed in this subpart. Regions so designated are subject to revision, and additional regions may be designated, as the Secretary determines necessary to protect the public health and welfare.

§ 81.12 National Capital Interstate Air Quality Control Region (District of Columbia, Maryland and Virginia).

The National Capital Interstate Air Quality Control Region (District of Columbia, Maryland and Virginia) consists of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

District of Columbia.
In the State of Maryland:
Montgomery County.
Prince Georges County.
In the State of Virginia:
Arlington County.
Fairfax County.
Loudoun County.
Prince William County.

(As so delimited, the Virginia portion of the region will include the city of Alexandria, the city of Fairfax, and the city of Falls Church.)

Dated: July 26, 1968.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 68–9216; Filed July 30, 1968; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 151]

[Docket No. 9032; Notice 68–17]

FEDERAL AID TO AIRPORTS

Buildings, Utilities, Sidewalks, Parking Areas, and Landscaping

The Federal Aviation Administration is considering amending § 151.93(a) of the Federal Aviation Regulations to provide uniform eligibility standards based on temperature criteria for buildings used to house snow removal and abrasive spreading equipment. These uniform standards would apply regardless of the location of the airport.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the

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 September 2, 1968, will be considered by the Administrator before taking action on the proposed rule. The proposal may be changed after consideration of the comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested parties.

Section 151.93(a) deals with the eligibility for participation under the Federal-aid Airport Program of buildings necessary to house snow removal and abrasive spreading equipment. Subparagraph (1) of § 151.93(a) states that such buildings are eligible if located at airports in the States of Alaska, Colorado, Idaho, Iowa, Montana, Michigan, Maine, Minnesota, Nebraska, New Hampshire, North Dakota, South Dakota, Vermont, Wisconsin, or Wyoming. Subparagraph (2) of § 151.93(a) states that airports located in any other State are eligible only if the location of the airport experiences a defined mean daily minimum temperature. In other words, § 151.93(a) bases eligibility in one instance solely on the location of the airport in a particular State, and in the other instance on certain temperature criteria.

The Federal Aviation Administration has received information that many airports located in the 15 above listed States do not experience the temperature criteria defined in § 151.93(a)(2). Under the circumstances, it is considered that it would not be appropriate for such airports to establish eligibility solely by location in one of the listed States when other airports, not located in these States, must prove eligibility by actual experience of defined temperatures. It is believed that a more appropriate basis for eligibility would be experienced temperatures as defined in § 151.93(a)(2) regardless of the location of the airport. Accordingly, it is proposed to delete § 151.93(a)(1) and to apply the criteria listed in § 151.93(a)(2) to all sponsors.

In consideration of the foregoing, it is proposed to amend § 151.93(a) of the Federal Aviation Regulations to read as follows:

§ 151.93 Buildings; utilities; sidewalks; parking areas; and landscaping.

(a) Only buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport, including fire and rescue equipment buildings, are eligible items under the Federal-aid Airport Program. To the extent they are necessary to house snow removal and abrasive spreading equipment, and to provide minimum protection for abrasive materials, field maintenance equipment buildings are eligible items in any airport development project for an airport in a location having a mean daily minimum temperature of zero degrees Fahrenheit, or less, for at least 20 days each year for the 5 years preceding the year when Federal aid is requested under § 151.21(a), based on the statistics of the U.S. Department of Commerce Weather Bureau if available, or other evidence satisfactory to the Administrator.

* * * * *

This amendment is proposed under the authority of the Federal Airport Act, as amended (49 U.S.C. 1101–1120).

Issued in Washington, D.C., on July 24, 1968.

CHESTER G. BOWERS,
Director,
Airports Service.

[F.R. Doc. 68-9147; Filed, July 30, 1968; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 97]

[Docket No. 18266; FCC 68-754]

NOVICE CLASS AMATEUR RADIO LICENSE

Eligibility for New Operator License

In the matter of amendment of Part 97 of the Commission's rules concerning the Novice Class Amateur Radio license; Docket No. 18266 (RM-1288).

1. The Commission has under consideration a petition for rule making in the above-entitled matter which has been submitted by the Electronic Industries Association (EIA). Two comments supporting the petition and one comment in opposition were filed. The petitioner proposes that for the Novice Class license the code speed be reduced, the license term be increased to 5 years and be renewable, radiotelephony privileges in the 145–147 MHz band be restored, operating privileges on frequencies between 29.4 and 29.6 MHz be authorized, and the restriction prohibiting the issuance of the Novice license to previous licensees of any class be removed.

2. The purpose of the Novice Class license is to provide an easy access to the Amateur Radio Service for persons who need an opportunity to obtain operating experience and proficiency for advancement in the field.

3. For the following reasons petitioner's requests for extension of the Novice Class license term, for restoration of radio telephony privileges, and for expansion of frequency operating privileges for this license are denied. The Commission reviewed and revised the term and privileges of the Novice Class license in rule making Docket 15928 (FCC 67-978) which recently established an incentive licensing program in the Amateur Radio Service. One of the rule changes adopted in that proceeding provided that, effective November 22, 1967, the Novice Class license term is increased from a 1-year to a 2-year nonrenewable term. This new period is considered to be adequate to meet the purposes for which the Novice Class license is established. The other rule change adopted in Docket 15923 with respect to the Novice Class deleted the radiotelephony privileges in the 145–147 MHz band, effective November 22, 1968, in order to foster the code proficiency of these licensees. Petitioner has not presented any factors which would justify restoration of these privileges. Nor are we aware of any valid basis for reallocations to extend the Novice Class frequency operating privileges to the 29 MHz band. Petitioner's contention that this would afford the Novice Class both long range and short range communication opportunities is not compelling since present Novice Class frequency allocations provide such capability.

4. Petitioner's proposal for a reduced Novice Class code speed requirement is not considered appropriate. The present five-word-per-minute requirement is regarded as the minimum necessary to verify the qualifications of an applicant to effectively transmit and receive the Morse Code under the conditions, emergency and otherwise, which are likely to be met. Petitioner has also proposed that the Novice Class license be renewable. General renewability is not regarded as consistent with the short-term temporary nature of this license. Accordingly, these proposals are also denied.

5. The petitioner further proposed the relaxation of § 97.9(f) of the rules to permit previous holders of Amateur licenses to obtain the Novice Class license. The Commission finds that a rule change of this nature is justified. It is not uncommon for a person to obtain an Amateur license as a youth, give up his license to follow his chosen career, and then return as a licensee in later years when he is in a better position to enjoy such pursuits. Nevertheless, the present rule bars his return as a Novice Class licensee since he has been formerly licensed. The Commission is unable to reconcile this limitation with the purpose of the Novice Class license. Accordingly, the Commission proposes to amend its rules to permit any eligible person to obtain a Novice Class license provided that he has not held a Commission-issued license within the 12 months prior to his application. The 12-month gap is intended to obviate any element of routine renewal. No person would be permitted to hold Novice and Technician Class licenses concurrently.

6. The specific rule changes proposed herein are set forth below. Authority for these proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 15, 1968, and reply comments on or before October 30, 1968. In accordance with the provisions of § 1.419(b) of the Commission's rules, an original and fourteen copies of all statements, briefs, and comments filed shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other relevant information before

it, in addition to specific comments invited by this notice.

Adopted: July 24, 1968.

Released: July 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Part 97 of the Commission's rules is proposed to be amended as follows:

[1] Chairman Hyde absent.

Section 97.9(f) is revised as follows:

§ 97.9 Eligibility for new operator license.

* * * * *

(f) *Novice Class.* Any citizen or national of the United States, except a person who holds, or who has held within the 12-month period prior to the date of receipt of his application, a Commission-issued Amateur Radio License.

[F.R. Doc. 68-9140; Filed, July 30, 1968; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

HOG BRISTLES

Importation Directly from Singapore; Available Certifications

Notice is hereby given that certificates of origin issued by the Trade Division, Ministry of Finance of the Government of Singapore under procedures agreed upon between that government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Singapore of the following additional commodity:

Bristles, hog.

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

[F.R. Doc. 68-9117; Filed, July 30, 1968; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 1217]

CALIFORNIA

Notice of Classification of Public Lands for Multiple-Use Management

JULY 22, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands described in paragraph 4 below are classified for multiple-use management. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. chs. 7 and 9; 25 U.S.C. sec. 334), from sale under section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171), and the lands described in paragraph 5 from appropriation under the mining laws (30 U.S.C. ch. 2). The lands shall remain open to all other applicable forms of appropriation.

3. Several adverse comments were received following publication of the notice of proposed classification in the FEDERAL REGISTER (33 F.R. 5960; Apr. 18, 1968) and following the public hearing held in Barstow on June 7, 1968. Two parties suggested specific lands should not be segregated from mining. These lands (220 acres) have been removed from the segregated effect of paragraph 5 of this notice. Other adverse comments were general in scope, and when weighed against the broad acceptance of the classification, the comments do not compel further changes. The record of public participation and comments is available for inspection in the Riverside District Office.

4. The public lands affected by this classification are located within the following described area and are shown on the Baker, Kingston, and Turtle Mountains Planning Units Classification maps on file, and on the records of the Riverside District and Land Office, 1414 University Avenue, Riverside, Calif.

SAN BERNARDINO MERIDIAN, CALIFORNIA

SAN BERNARDINO COUNTY

T. 18 N., R. 1 E.,
Secs. 1 to 24, inclusive, partly unsurveyed.
T. 18½ N., R. 1 E.,
Secs. 31 to 36, inclusive, partly unsurveyed.
T. 19 N., R. 1 E., partly unsurveyed.
T. 20 N., R. 1 E.,
Secs. 31 to 36, inclusive, partly unsurveyed (that portion lying within San Bernardino County).
T. 18 N., R. 2 E.,
Secs. 1 to 24, inclusive, partly unsurveyed.
T. 19 N., R. 2 E., partly unsurveyed.
T. 20 N., R. 2 E.,
Secs. 25 to 30, inclusive, unsurveyed (that portion lying within San Bernardino County);
Secs. 31 to 35, inclusive, unsurveyed;
Sec. 36.
T. 18 N., R. 3 E.,
Secs. 1 to 24, inclusive, partly unsurveyed.
T. 19 N., R. 3 E., partly unsurveyed.
T. 20 N., R. 3 E.,
Secs. 25 to 30, inclusive, unsurveyed (that portion lying within San Bernardino County);
Secs. 31 to 35, inclusive, unsurveyed;
Sec. 36.
T. 18 N., R. 4 E.,
Sec. 13, S½, unsurveyed;
Sec. 14, S½, partly unsurveyed;
Sec. 15, S½;
Sec. 16, S½;
Sec. 17, S½;
Sec. 18, S½;
Secs. 19 to 24, inclusive, partly unsurveyed.
T. 7 N., R. 5 E.,
Secs. 2 to 9, inclusive;
Secs. 17 to 19, inclusive.
T. 8 N., R. 5 E.
T. 9 N., R. 5 E.
T. 10 N., R. 5 E.
T. 11 N., R. 5 E.
T. 12 N., R. 5 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 17, inclusive;
Secs. 19 to 36, inclusive.
T. 13 N., R. 5 E.,
Sec. 13;
Secs. 24 to 26, inclusive;
Secs. 34 to 36, inclusive.
T. 17 N., R. 5 E.,
Secs. 1 to 12, inclusive, unsurveyed.
T. 18 N., R. 5 E.,
Sec. 13, S½;
Sec. 14, S½;
Sec. 15, S½, partly unsurveyed;
Sec. 16, S½;
Sec. 17, S½, unsurveyed;
Sec. 18, S½, unsurveyed;
Secs. 19 to 36, inclusive, partly unsurveyed.
T. 7 N., R. 6 E.,
Secs. 1 to 3, inclusive;
Secs. 11 to 14, inclusive.
T. 8 N., R. 6 E.
T. 9 N., R. 6 E.
T. 10 N., R. 6 E.
T. 11 N., R. 6 E.
T. 12 N., R. 6 E.
T. 13 N., R. 6 E.,
Secs. 1 to 5, inclusive;
Secs. 7 to 36, inclusive, partly unsurveyed.
T. 14 N., R. 6 E.,
Secs. 1 and 2, partly unsurveyed;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive, partly unsurveyed;
Secs. 33 to 36, inclusive.
T. 15 N., R. 6 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 16 N., R. 6 E.,
Secs. 1 and 2, unsurveyed;
Secs. 11 to 14, inclusive, unsurveyed;
Secs. 23 to 26, inclusive, unsurveyed;
Secs. 35 and 36, partly unsurveyed.
T. 17 N., R. 6 E.,
Secs. 1 to 18, inclusive, partly unsurveyed;
Secs. 22 to 27, inclusive, unsurveyed;
Secs. 34 to 36, inclusive, partly unsurveyed.
T. 18 N., R. 6 E.,
Secs. 1 to 4, inclusive;
Sec. 5, E½;
Sec. 8, E½;
Secs. 9 to 16, inclusive;
Sec. 17, NE¼ and S½;
Sec. 18, S½;
Secs. 19 to 36, inclusive, partly unsurveyed.
T. 19 N., R. 6 E.,
Secs. 1 to 4, inclusive, unsurveyed;
Sec. 5, E½, unsurveyed;
Sec. 8, E½, unsurveyed;
Secs. 9 to 16, inclusive, partly unsurveyed;
Sec. 17, E½, unsurveyed;
Sec. 20, E½, unsurveyed;
Secs. 21 to 28, inclusive, partly unsurveyed;
Sec. 29, E½, unsurveyed;
Sec. 32, E½, unsurveyed;
Secs. 33 to 36, inclusive, partly unsurveyed.
T. 19½ N., R. 6 E.,
Sec. 32, E½ unsurveyed;
Secs. 33 to 36, inclusive, partly unsurveyed.
T. 20 N., R. 6 E.,
Sec. 32, E½, unsurveyed (that portion lying within San Bernardino County);
Secs. 33 to 36, inclusive, partly unsurveyed (that portion lying within San Bernardino County).
T. 6 N., R. 7 E.,
Secs. 1, 12 and 13.
T. 7 N., R. 7 E.,
Secs. 1 to 18, inclusive;
Secs. 24, 25 and 36.
T. 8 N., R 7 E.
T. 9 N., R. 7 E.
T. 10 N., R. 7 E.
T. 11 N., R. 7 E.
T. 12 N., R. 7 E., partly unsurveyed.
T. 13 N., R. 7 E., partly unsurveyed.
T. 14 N., R. 7 E., partly unsurveyed.
T. 15 N., R. 7 E.
T. 16 N., R. 7 E., partly unsurveyed.

T. 17 N., R. 7 E., partly unsurveyed.
T. 18 N., R. 7 E., partly unsurveyed.
T. 19 N., R. 7 E., partly unsurveyed.
T. 19½ N., R. 7 E.,
Secs. 31 to 36, inclusive, partly unsurveyed.
T. 20 N., R. 7 E.,
Secs. 31 to 36, inclusive (that portion lying within San Bernardino County).
T. 6 N., R. 8 E.,
Secs. 1 to 18, inclusive.
T. 7 N., R. 8 E.
T. 8 N., R. 8 E.
T. 9 N., R. 8 E.
T. 10 N., R. 8 E.
T. 11 N., R. 8 E.
T. 12 N., R. 8 E., partly unsurveyed.
T. 13 N., R. 8 E., partly unsurveyed.
T. 14 N., R. 8 E.,
Secs. 1 to 24, inclusive, partly unsurveyed;
Sec. 25, W½NE¼, W½, and SE¼;
Secs. 26 to 36, inclusive, partly unsurveyed.
T. 15 N., R. 8 E., partly unsurveyed.
T. 16 N., R. 8 E., partly unsurveyed.
T. 17 N., R. 8 E., partly unsurveyed.
T. 18 N., R. 8 E., partly unsurveyed.
T. 19 N., R. 8 E., partly unsurveyed.
T. 19½ N., R. 8 E.,
Secs. 31 to 36, inclusive, partly unsurveyed.
T. 20 N., R. 8 E.,
Secs. 31 to 36, inclusive (that portion lying within San Bernardino County).
T. 19 N., R. 8½ E.,
Secs. 1, 12, 13, 24, 25 and 36.
T. 6 N., R. 9 E.,
Secs. 1 to 18, inclusive.
T. 7 N., R. 9 E.
T. 8 N., R. 9 E.
T. 9 N., R. 9 E.
T. 10 N., R. 9 E.
T. 11 N., R. 9 E.
T. 12 N., R. 9 E.
T. 13 N., R. 9 E.
T. 14 N., R. 9 E.,
Secs. 1 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 15 N., R. 9 E., partly unsurveyed.
T. 16 N., R. 9 E., partly unsurveyed.
T. 17 N., R. 9 E., partly unsurveyed.
T. 18 N., R. 9 E., partly unsurveyed.
T. 19 N., R. 9 E., partly unsurveyed.
T. 20 N., R. 9 E.,
Secs. 25 to 30, inclusive, unsurveyed (that portion lying within San Bernardino County);
Secs. 31 to 36, inclusive, partly unsurveyed.
T. 6 N., R. 10 E.
T. 7 N., R. 10 E.
T. 8 N., R. 10 E.
T. 9 N., R. 10 E.
T. 10 N., R. 10 E.
T. 11 N., R. 10 E.
T. 12 N., R. 10 E., partly unsurveyed.
T. 13 N., R. 10 E.
T. 14 N., R. 10 E.
T. 15 N., R. 10 E.
T. 16 N., R. 10 E., partly unsurveyed.
T. 17 N., R. 10 E., partly unsurveyed.
T. 18 N., R. 10 E., partly unsurveyed.
T. 19 N., R. 10 E., partly unsurveyed.
T. 20 N., R. 10 E.,
Secs. 25 to 30, inclusive, unsurveyed (that portion lying within San Bernardino County);
Secs. 31 to 36, inclusive, partly unsurveyed.
T. 4 N., R. 11 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive.
T. 5 N., R. 11 E.,
Secs. 1 to 5, inclusive;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 6 N., R. 11 E.
T. 7 N., R. 11 E.
T. 8 N., R. 11 E.
T. 9 N., R. 11 E.
T. 10 N., R. 11 E.
T. 11 N., R. 11 E.
T. 12 N., R. 11 E., partly unsurveyed.
T. 13 N., R. 11 E.
T. 14 N., R. 11 E.
T. 15 N., R. 11 E.
T. 16 N., R. 11 E.
T. 17 N., R. 11 E., partly unsurveyed.
T. 18 N., R. 11 E., partly unsurveyed.
T. 19 N., R. 11 E., partly unsurveyed.
T. 20 N., R. 11 E.,
Secs. 25 to 30, inclusive, unsurveyed (all that portion lying in San Bernardino County);
Secs. 31 to 36, inclusive, partly unsurveyed.
T. 3 N., R. 12 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 4 N., R. 12 E.,
Secs. 1 to 18, inclusive;
Sec. 19, N½;
Sec. 21, E½;
Secs. 22 to 27, inclusive;
Sec. 28, E½;
Secs. 34 to 36, inclusive.
T. 5 N., R. 12 E.
T. 6 N., R. 12 E.,
Secs. 2 to 11, inclusive;
Secs. 13 to 36, inclusive.
T. 7 N., R. 12 E.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 8 N., R. 12 E.
T. 9 N., R. 12 E., partly unsurveyed.
T. 10 N., R. 12 E.
T. 11 N., R. 12 E.,
Secs. 1 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 12 N., R. 12 E.
T. 13 N., R. 12 E.
T. 14 N., R. 12 E.
T. 15 N., R. 12 E.
T. 16 N., R. 12 E.
T. 17 N., R. 12 E.
T. 18 N., R. 12 E., partly unsurveyed.
T. 18½ N., R. 12 E.,
Secs. 19 to 36, inclusive, partly unsurveyed.
T. 19 N., R. 12 E.,
Secs. 1 to 3, inclusive;
Sec. 4, S½, and NW¼;
Secs. 5 and 6;
Sec. 13, N½ and SE¼;
Secs. 14 to 23, inclusive;
Sec. 24, N½ and SW¼;
Sec. 25, N½ and SW¼;
Secs. 26 to 36, inclusive.
T. 16 N., R. 12½ E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 17 N., R. 12½ E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 18 N., R. 12½ E.,
Secs. 1, 12, 13, 24, 25, and 36, partly unsurveyed.
T. 1 N., R. 13 E., partly unsurveyed.
T. 2 N., R. 13 E., partly unsurveyed.
T. 3 N., R. 13 E.
T. 4 N., R. 13 E.
T. 5 N., R. 13 E.
T. 6 N., R. 13 E.,
Secs. 30 and 31.
T. 8 N., R. 13 E.,
Secs. 5 to 9, inclusive;
Secs. 17 to 19, inclusive.
T. 9 N., R. 13 E.,
Secs. 6, 7, 18, and 19, partly unsurveyed.
Secs. 30 to 32, inclusive, partly unsurveyed.
T. 10 N., R. 13 E.,
Secs. 18, 19, 30, and 31.
T. 11 N., R. 13 E.,
Secs. 5, 6, and 7.
T. 12 N., R. 13 E.,
Secs. 1 to 12, inclusive;
Secs. 14 to 23, inclusive;
Secs. 27 to 33, inclusive.
T. 13 N., R. 13 E.
T. 14 N., R. 13 E.
T. 15 N., R. 13 E.
T. 16 N., R. 13 E.
T. 17 N., R. 13 E.
T. 17½ N., R. 13 E.,
Secs. 19 to 36, inclusive.
T. 18 N., R. 13 E.
T. 19 N., R. 13 E.,
Secs. 6 and 7;
Secs. 16 to 22, inclusive;
Secs. 26 to 36, inclusive.
T. 1 N., R. 14 E., unsurveyed.
T. 2 N., R. 14 E., partly unsurveyed.
T. 3 N., R. 14 E.
T. 4 N., R. 14 E.
T. 5 N., R. 14 E.
T. 13 N., R. 14 E.,
Secs. 6, 7, 18, 19, and 30.
T. 14 N., R. 14 E.,
Secs. 1 to 23, inclusive;
Secs. 28 to 32, inclusive.
T. 15 N., R. 14 E.
T. 15½ N., R. 14 E.,
Secs. 19 to 36, inclusive.
T. 16 N., R. 14 E.
T. 17 N., R. 14 E.
T. 18 N., R. 14 E.,
Secs. 6 to 8, inclusive;
Secs. 16 to 22, inclusive;
Secs. 26 to 36, inclusive.
T. 1 N., R. 15 E., partly unsurveyed.
T. 2 N., R. 15 E.
T. 3 N., R. 15 E.
T. 4 N., R. 15 E.
T. 5 N., R. 15 E.
T. 6 N., R. 15 E.,
Sec. 1;
Secs. 11 to 15, inclusive;
Secs. 21 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 14 N., R. 15 E.,
Secs. 2 to 10, inclusive;
Secs. 17 and 18.
T. 15 N., R. 15 E.
T. 15½ N., R. 15 E.,
Secs. 19 to 36, inclusive.
T. 16 N., R. 15 E.
T. 17 N., R. 15 E.,
Secs. 6 to 8, inclusive;
Secs. 16 to 22, inclusive;
Secs. 26 to 36, inclusive.
T. 1 N., R. 16 E.
T. 2 N., R. 16 E.
T. 3 N., R. 16 E.
T. 4 N., R. 16 E.
T. 5 N., R. 16 E.
T. 6 N., R. 16 E.
T. 7 N., R. 16 E.,
Secs. 12 to 14, inclusive;
Secs. 22 to 28, inclusive;
Secs. 31 to 36, inclusive.
T. 15 N., R. 16 E.,
Secs. 4 to 9, inclusive;
Secs. 17 to 19, inclusive;
Sec. 30.
T. 15½ N., R. 16 E.,
Secs. 19 and 20;
Secs. 28 to 33, inclusive.
T. 16 N., R. 16 E.,
Secs. 6 to 8, inclusive;
Secs. 16 to 22, inclusive;
Secs. 26 to 32, inclusive.
T. 1 N., R. 17 E., partly unsurveyed.
T. 2 N., R. 17 E., partly unsurveyed.
T. 3 N., R. 17 E., partly unsurveyed.
T. 4 N., R. 17 E.
T. 5 N., R. 17 E.
T. 6 N., R. 17 E.
T. 7 N., R. 17 E.
T. 8 N., R. 17 E.,
Secs. 23 to 27, inclusive.
Secs. 32 to 36, inclusive.
T. 1 N., R. 18 E., partly unsurveyed.
T. 2 N., R. 18 E.
T. 3 N., R. 18 E., partly unsurveyed.
T. 4 N., R. 18 E.
T. 5 N., R. 18 E.
T. 6 N., R. 18 E.
T. 7 N., R. 18 E.
T. 8 N., R. 18 E.,
Secs. 1 and 2;
Secs. 9 to 36, inclusive.

T. 1 N., R. 19 E.
T. 2 N., R. 19 E., partly unsurveyed.
T. 3 N., R. 19 E., partly unsurveyed.
T. 4 N., R. 19 E., partly unsurveyed.
T. 5 N., R. 19 E., partly unsurveyed.
T. 6 N., R. 19 E.
T. 7 N., R. 19 E.
T. 8 N., R. 19 E.
T. 9 N., R. 19 E.,
Sec. 25;
Secs. 33 to 36, inclusive.
T. 1 N., R. 20 E., partly unsurveyed.
T. 2 N., R. 20 E., partly unsurveyed.
T. 3 N., R. 20 E., partly unsurveyed.
T. 4 N., R. 20 E., partly unsurveyed.
T. 5 N., R. 20 E., partly unsurveyed.
T. 6 N., R. 20 E.
T. 7 N., R. 20 E.
T. 8 N., R. 20 E.
T. 9 N., R. 20 E.,
Secs. 25 to 36 inclusive.
T. 1 N., R. 21 E., partly unsurveyed.
T. 2 N., R. 21 E., partly unsurveyed.
T. 3 N., R. 21 E., partly unsurveyed.
T. 4 N., R. 21 E., partly unsurveyed.
T. 5 N., R. 21 E.
T. 6 N., R. 21 E.
T. 7 N., R. 21 E.
T. 8 N., R. 21 E.
T. 9 N., R. 21 E.,
Secs. 10 to 15, inclusive;
Secs. 19 to 36, inclusive.
T. 1 N., R. 22 E.
T. 2 N., R. 22 E., partly unsurveyed.
T. 3 N., R. 22 E., partly unsurveyed.
T. 4 N., R. 22 E.
T. 5 N., R. 22 E.
T. 6 N., R. 22 E.
T. 7 N., R. 22 E.
T. 8 N., R. 22 E.
T. 1 N., R. 23 E.
T. 2 N., R. 23 E., partly unsurveyed.
T. 3 N., R. 23 E., partly unsurveyed.
T. 4 N., R. 23 E.
T. 5 N., R. 23 E.
T. 6 N., R. 23 E.
T. 7 N., R. 23 E.
T. 1 N., R. 24 E.
T. 2 N., R. 24 E.
T. 3 N., R. 24 E., partly unsurveyed.
T. 4 N., R. 24 E.,
Secs. 19 and 20;
Secs. 29 to 32, inclusive.
T. 5 N., R. 24 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 18, inclusive.
T. 2 N., R. 25 E.,
Secs. 1 to 18, inclusive.
T. 3 N., R. 25 E.,
Secs. 4 to 9, inclusive, unsurveyed;
Secs. 16 to 36, inclusive, partly unsurveyed.
T. 1 S., R. 13 E., unsurveyed.
T. 2 S., R. 13 E.,
Secs. 3 to 6, inclusive, unsurveyed.
T. 1 S., R. 14 E.,
Secs. 1 to 32, inclusive, partly unsurveyed.
T. 1 S., R. 15 E.,
Secs. 1 to 30, inclusive, partly unsurveyed;
Sec. 36, partly unsurveyed.
T. 1 S., R. 16 E.,
Secs. 1 to 20, inclusive;
Secs. 29 to 32, inclusive, partly unsurveyed.
T. 1 S., R. 17 E.,
Secs. 1 to 18, inclusive, partly unsurveyed.
T. 1 S., R. 18 E.,
Secs. 1 to 18, inclusive.
T. 1 S., R. 19 E.,
Secs. 1 to 18, inclusive.
T. 1 S., R. 20 E.,
Secs. 1 to 18, inclusive.
T. 1 S., R. 21 E.,
Secs. 1 to 18, inclusive, partly unsurveyed.
T. 1 S., R. 22 E.,
Secs. 1 to 18, inclusive, partly unsurveyed.
T. 1 S., R. 23 E., Secs. 1 to 18, inclusive.

The public lands being classified aggregate approximately 4,112,000 acres.

5. As provided in paragraph 2 above, the following lands are further segregated from appropriation under the mining laws (totaling approximately 40,226 acres):

SAN BERNARDINO MERIDIAN, CALIFORNIA

SAN BERNARDINO COUNTY

T. 11 N., R. 6 E.,
Sec. 6, lots 1 to 4, inclusive;
Sec. 14, lots 1 to 9, inclusive, NW¼NE¼, N½NW¼, SE¼;
Sec. 15, E½SW¼, SE¼;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, SE¼;
Sec. 20;
Sec. 21, NW¼, N½SE¼;
Sec. 22;
T. 12 N., R. 6 E.,
Sec. 26, SE¼;
Sec. 32, S½N½, S½;
Sec. 34.
T. 18 N., R. 6 E.,
Sec. 25, E½NE¼.
T. 12 N., R. 7 E.,
Sec. 1, unsurveyed;
Sec. 2, SE¼, unsurveyed;
Sec. 11, NE¼, S½;
Sec. 12, unsurveyed;
Sec. 13, N½NW¼, unsurveyed;
Sec. 14, NE¼, S½;
Sec. 15, NE¼, S½;
Sec. 20, SE¼SE¼;
Sec. 21;
Sec. 22, N½, SW¼;
Sec. 28, N½;
Sec. 29, W½NE¼, SE¼NE¼, N½NW¼, SW¼SW¼, N½SE¼;
Sec. 30, S½ lots 1 and 2 of NW¼, S½ lot 1 of SW¼, lot 2 of SW¼, NE¼, NE¼SE¼, S½SE¼;
Sec. 31, lots 1 and 2 of NW¼, NE¼.
T. 13 N., R. 7 E.,
Sec. 36.
T. 18 N., R. 7 E.,
Sec. 19, S½SW¼, unsurveyed;
Sec. 30, N½, NE¼SW¼, N½SE¼, unsurveyed.
T. 12 N., R. 8 E.,
Sec. 6, W½E½, W½, unsurveyed.
T. 13 N., R. 8 E.,
Sec. 1, lots 1 and 2 of NW¼, W½SW¼;
Sec. 2, lots 1 and 2 of NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 10, E½SE¼;
Sec. 11, N½NE¼, SW¼NE¼, W½, NW¼SE¼;
Sec. 14, NW¼, NW¼SW¼;
Sec. 15, E½, E½SW¼;
Sec. 19, S½S½, unsurveyed;
Sec. 20, unsurveyed;
Sec. 21, S½N½, S½, unsurveyed;
Sec. 22, N½, SW¼, NW¼SE¼;
Sec. 29, NW¼NE¼, NW¼, W½SW¼, unsurveyed;
Sec. 30 and 31, unsurveyed;
Sec. 32, W½W½, unsurveyed.
T. 20 N., R. 9 E.,
Sec. 34, N½NE¼NW¼, unsurveyed.
T. 15 N., R. 10 E.,
Sec. 14, S½SE¼;
Sec. 23, N½NE¼, SW¼NE¼.
T. 16 N., R. 10 E.,
Sec. 25, NE¼SW¼, N½SE¼SW¼, unsurveyed.
T. 19 N., R. 10 E.,
Sec. 3, NE¼NW¼, unsurveyed.
T. 13 N., R. 11 E.,
Sec. 12.
T. 14 N., R. 11 E.,
Sec. 7, S½ lot 2 of NW¼;
Sec. 9, NE¼NW¼.
T. 8 N., R. 12 E.,
Sec. 12, NE¼NE¼;
Sec. 20, W½NE¼;
Sec. 23, SW¼SE¼;
Sec. 26;
Sec. 27, NE¼, N½SE¼;
Sec. 35, N½N½.
T. 9 N., R. 12 E.,
Secs. 3 to 6, inclusive, partly unsurveyed;
Sec. 7, NE¼, E½NW¼, NE¼SE¼;
Sec. 8, N½, N½S½, unsurveyed;
Sec. 9, N½, NW¼SW¼, partly unsurveyed;
Sec. 25, NW¼NE¼.
T. 10 N., R. 12 E.,
Secs. 19 to 22, inclusive;
Secs. 27 to 34, inclusive;
Sec. 35, W½W½.
T. 13 N., R. 12 E.,
Secs. 5 to 8, inclusive.
T. 14 N., R. 12 E.,
Sec. 28, SW¼;
Sec. 29, SE¼;
Secs. 31 and 32.
T. 8 N., R. 13 E.,
Sec. 6, S½SW¼;
Sec. 7, N½NW¼;
Sec. 8, W½SE¼;
Sec. 18, SE¼NW¼.
T. 14 N., R. 13 E.,
Sec. 10, S½;
Sec. 11, S½;
Sec. 12, SW¼, W½SW¼SE¼;
Sec. 13, W½NE¼NE¼, W½NE¼, W½, SE¼;
Secs. 14 and 15;
Sec. 20, SW¼NE¼;
Sec. 21, E½E½;
Sec. 22;
Sec. 23, NE¼, W½, NW¼SE¼;
Sec. 24, NW¼.
T. 17 N., R. 13 E.,
Sec. 33, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 34, SW¼.
T. 14 N., R. 14 E.,
Sec. 18, lot 2 of SW¼.
T. 8 N., R. 18 E.,
Sec. 28, SE¼NW¼.
T. 9 N., R. 20 E.,
Sec. 22, SW¼SW¼ (that portion south of U.S. 66).
T. 3 N., R. 21 E.,
Sec. 28, SE¼, unsurveyed.
T. 1 N., R. 24 E.,
Sec. 8, S½SW¼;
Sec. 17, N½NW¼.

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

J. R. PENNY,
State Director.

[F.R. Doc. 68-9110; Filed, July 30, 1968; 8:47 a.m.]

[C-3900]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

JULY 24, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below are hereby classified for multiple-use management. Publication of this notice (a) segregates all the described lands from appropriation only under the agricultural land laws (43 U.S.C. Chapters 7 and 9; 25 U.S.C. 334); Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682 (a) and (b)); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); the Public Land Sale Act of September 19, 1964

(43 U.S.C. 1421–27); and (b) further segregates the land described in paragraph 3 of this notice from operation of the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–1 to 869–4); and (c) further segregates the lands described in paragraph 4 of this notice from the operation of the General Mining Laws (30 U.S.C. 21), and the Materials Act of July 31, 1947 as amended, but not from the Mineral Leasing Laws.

The lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws; and exchanges under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g). As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. No protests or objections were received following publication of a notice of proposed classification (33 F.R. 7459–7460) or at the public hearing held on June 13, 1968, at Grand Junction, Colo. The record showing the comments received and other information are on file in the Grand Junction District Office, Bureau of Land Management, Federal Building, Fourth and Rood, Grand Junction, Colo.; and the Land Office, Bureau of Land Management, 1961 Stout Street, Denver, Colo.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 51 N., R. 19 W.,
Sec. 15, SE¼NW¼;
Sec. 22, NE¼NW¼SW¼;
Sec. 26, NW¼SE¼NW¼.

The above areas aggregate approximately 60 acres of public land.

3. As provided in paragraph 2(b) above, the following lands are further segregated from appropriation under the Recreation and Public Purposes Act of June 14, 1926, as amended:

SIXTH PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 14 S., R. 101 W.,
Secs. 26 and 27, those portions below north rim of Unaweep Canyon;
Secs. 31 to 34, inclusive, those portions below north rim of Unaweep Canyon;
Sec. 35, S½S½;
Sec. 36, W½SW¼.
T. 14 S., R. 102 W.,
Secs. 30 to 32, inclusive, those portions below north rim of Unaweep Canyon;
Secs. 35 and 36, those portions below north rim of Unaweep Canyon.
T. 14 S., R. 103 W.,
Secs. 25 to 27, inclusive, those portions below north rim of Unaweep Canyon;
Secs. 33 to 36, inclusive, those portions below north rim of Unaweep Canyon.
T. 14 S., R. 104 W.,
Secs. 33 to 35, inclusive, those portions below north rim of Unaweep Canyon.
T. 15 S., R. 101 W.,
Secs. 5 and 6.
T. 15 S., R. 102 W.,
Sec. 1;
Secs. 2 to 5, inclusive, those portions below north rim of Unaweep Canyon;
Secs. 6 to 10, inclusive;
Sec. 11, portion below north rim of Unaweep Canyon;
Secs. 12, 13, and 15.
T. 15 S., R. 103 W.,
Secs. 1 and 2;
Secs. 3 to 6, inclusive, those portions below north rim of Unaweep Canyon;
Sec. 7;
Sec. 8, portion below north rim of Unaweep Canyon;
Secs. 9 to 36, inclusive.
T. 15 S., R. 104 W.,
Secs. 1 to 6, inclusive, those portions below north rim of Unaweep Canyon;
Secs. 7 to 10, inclusive;
Secs. 11 and 12, those portions below north rim of Unaweep Canyon;
Secs. 13 to 36, inclusive.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

MONTROSE COUNTY

T. 48 N., R. 18 W.,
Sec. 2, lots 3 and 4;
Sec. 3, lots 2, 3, 4, 39, 40, and 41;
Sec. 4, lots 1 and 8;
Sec. 5, lots 1, 2, 3, 4, and 6;
Sec. 6, lots 1 to 6, inclusive.
T. 48 N., R. 19 W.,
Sec. 1. N½N½.
T. 49 N., R. 17 W.,
Sec. 19, W½;
Sec. 30, W½W½.
T. 49 N., R. 18 W.,
Secs. 19 to 35, inclusive;
Sec. 36, W½.
T. 49 N., R. 19 W.,
Secs. 22 to 27, inclusive;
Sec. 28, NE¼SE¼, S½SE¼, SE¼SW¼;
Sec. 29, SW¼SE¼;
Sec. 36.

MESA COUNTY

T. 49 N., R. 17 W.,
Sec. 4, N½NW¼;
Sec. 5, lots 1, 2, W½E½, W½;
Secs. 6 and 7;
Sec. 8, lot 4, NW¼, NW¼SW¼;
Sec. 17, lots 1 to 4, inclusive;
Sec. 18;
Sec. 19, N½NW¼.
T. 49 N., R. 18 W.,
Secs. 1 to 24, inclusive.
T. 49 N., R. 19 W.,
Secs. 1 to 18, inclusive;
Secs. 22 to 24, inclusive.
T. 49 N., R. 20 W.,
Sec. 1.
T. 50 N., R. 17 W.,
Sec. 7;
Secs. 17 to 21, inclusive;
Secs. 27 to 32, inclusive;
Sec. 33, N½, SW¼, N½SE¼;
Sec. 34, N½.
T. 50 N., R. 18 W.,
Secs. 1 to 36, inclusive.
T. 50 N., R. 19 W.,
Secs. 1 to 18, inclusive;
Secs. 21 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 50 N., R. 20 W.,
Sec. 1;
Sec. 2;
Secs. 11 to 14, inclusive;
Secs. 35 and 36.
T. 51 N., R. 18 W.,
Secs. 7 to 9, inclusive;
Secs. 16 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 51 N., R. 19 W.,
Secs. 7 to 36, inclusive.
T. 51 N., R 20 W.,
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.

The areas described above aggregate approximately 167,678 acres of public land.

4. As provided in paragraph 2(c) above, the following lands are further segregated from appropriation under the mining laws and the Materials Act, as amended, but not from the mineral leasing laws.

SIXTH PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 15 S., R. 103 W.,
Sec. 21, NE¼NE¼SE¼, SE¼SE¼NE¼.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

MONTROSE COUNTY

T. 49 N., R. 18 W.,
Sec. 28, SE¼NE¼NW¼, SW¼NW¼NE¼;
Sec. 33, S½NW¼NE¼SE¼.

The above areas aggregate approximately 45 acres of public land.

The total of all above areas aggregate approximately 167,783 acres of public land.

3. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1–2(d)).

E. I. ROWLAND,
State Director.

[F.R. Doc. 68–9112; Filed, July 30, 1968; 8:47 a.m.]

National Park Service

CENTRAL, NATIONAL CAPITAL PARKS

Notice of Intention to Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Central, National Capital Parks, proposes to issue a concession permit to Buzzard Point Boatyard Corp., authorizing it to provide marina services for the public at the foot of First Street SW., Washington, D.C., for a period of 1 year from September 1, 1968, through August 31, 1969.

The foregoing concessioner has performed its obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, Central, National Capital Parks, 1100 Ohio Drive SW., Washington, D.C. 20242, for information as to the requirements of the proposed permit.

Dated: July 15, 1968.

WILLIAM R. FAILOR,
Superintendent,
Central, National Capital Parks.

[F.R. Doc. 68-9127; Filed, July 30, 1968; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

GRAIN STANDARDS

Inspection Points

Statement of considerations. On May 3, 1968, there was published in the FEDERAL REGISTER (33 F.R. 6789) a notice of proposed rule making to consider requests from the Connecticut Department of Agriculture, the Maine Department of Agriculture, and the Pennsylvania Department of Agriculture asking that licensed grain inspectors be authorized to post their licenses to inspect and grade grain under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) at Manchester, Conn.; Augusta, Maine; and Harrisburg, Pa.

Inspection agencies, members of the grain trade, and other interested parties were given until June 17 to submit written data, views, or arguments with respect to the need, operation, and support of the proposed established inspection points.

The Connecticut Department of Agriculture and the Maine Department of Agriculture submitted data, views, and arguments in favor of their operating inspection points at Manchester, Conn., and Augusta, Maine. These were the only responses received from inspection agencies. One response was received from a grain firm favoring the operation of an established grain inspection point at Manchester, Conn., by the Connecticut Department of Agriculture and one response was received from a grain firm favoring the operation of an established grain inspection point at Augusta, Maine, by the Maine Department of Agriculture. No contrary written data, views, or arguments were submitted with regard to the above requests.

Pursuant to the authority contained in section 8 of the U.S. Grain Standards Act, as amended (7 U.S.C. 84), Manchester, Conn., and Augusta, Maine, are hereby approved under the U.S. Grain Standards Act as places where licensed inspectors may post their licenses, and the Connecticut Department of Agriculture and the Maine Department of Agriculture are hereby authorized to station licensed inspectors at those points respectively.

In order to provide grain inspection services at Augusta, Maine, and Manchester, Conn., it is necessary to establish such markets as inspection points under the Act. This service shall be authorized as soon as possible in view of the imminence of the grain shipping season. Therefore, under the administrative procedure provisions in 5 U.S.C., section 553, good cause is found for making this action effective less than 30 days after publication in the FEDERAL REGISTER.

The Pennsylvania Department of Agriculture asked that a decision on their request to establish and operate a grain inspection point at Harrisburg, Pa., be delayed until January 1, 1969. No other written comments were received favoring or opposing the operation of an established grain inspection point at Harrisburg, Pa., by the Pennsylvania Department of Agriculture.

Therefore, pursuant to the authority contained in section 8 of the U.S. Grain Standards Act, as amended (7 U.S.C. 84), approval of Harrisburg, Pa., as a place where licensed inspectors may post their licenses, and the authorization for the Pennsylvania Department of Agriculture to station one or more licensed inspectors at Harrisburg, Pa., is declined without prejudice.

This notice shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 8, 39 Stat. 485; 7 U.S.C. 84; 29 F.R. 16210, as amended, 32 F.R. 11741)

Done in Washington, D.C., this 26th day of July 1968.

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

[F.R. Doc. 68-9158; Filed, July 30, 1968; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CLAYTON FOUNDATION BIOCHEMICAL INSTITUTE

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 Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00608-00-46040. Applicant: Clayton Foundation Biochemical Institute, The University of Texas, Experimental Science Building 444, 24 and Speedway Street, Austin, Tex. 78712. Article: Electron microscope accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The articles will be used as accessories to an existing electron microscope presently employed for scientific and educational purposes. 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 articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: The application relates to several accessories which are intended to be used with an electron microscope manufactured by the supplier of these accessories, which is now in the possession of the applicant.

The Department of Commerce knows of no similar accessories being manufactured in the United States which are interchangeable with any of the foreign articles or can be adapted for use with the electron microscope with which these articles are intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-9093; Filed, July 30, 1968; 8:45 a.m.]

JOHNS HOPKINS 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 Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00614-00-46040. Applicant: The Johns Hopkins University, Baltimore, Md. 21218. Article: Decontamination device for Siemens electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to modify an existing Siemens electron microscope. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope manufactured by the supplier of the article to which the application relates, which is now in the possession of the applicant.

The Department of Commerce knows of no similar accessory which is interchangeable with the foreign article, or can be adapted for use with the electron

microscope with which the foreign article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-9088; Filed, July 30, 1968; 8:45 a.m.]

JOHNS HOPKINS 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 Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00613-00-46040. Applicant: The Johns Hopkins University, Purchasing Department, Baltimore, Md. 21218. Article: Electromagnetic shutter/exposure meter for Siemens electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to measure exact exposure time improvement of resolution power. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope manufactured by the supplier of the article to which the application relates, which is now in the possession of the applicant.

The Department of Commerce knows of no similar accessory which is interchangeable with the foreign article, or can be adapted for use with the electron microscope with which the foreign article is intended to be used.

EDWARD G. SMITH,
Director, Office of Producer Goods, Businesss and Defense Services Administration.

[F.R. Doc. 68-9089; Filed, July 30, 1968; 8:45 a.m.]

NATIONAL INSTITUTES OF HEALTH ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of application 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 Producer Goods, 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, prescribed 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 Producer Goods, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Producer Goods 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. 68-00688-33-46500. Applicant: National Institutes of Health, Building 6, Room 116, Bethesda, Md. 20014. Article: LKB 8800A Ultrotome III ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for thin sectioning of tumor and tissue culture materials for long term investigation of viruses in oncogenesis and tumorigenesis in human and other mammalian systems. Essential to this aspect is the correlation of sections by phase and electron microscopy. Application received by Commissioner of Customs: June 27, 1968.

Docket No. 68-00690-33-46040. Applicant: University of Florida, College of Medicine, Department of Pathology, Gainesville, Fla. 32601. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for the following:

1. Introductory training of research fellows in electron microscopy.
2. Training of research fellows in the ultrastructure of tumor cells and viruses.
3. Training of research staff in elementary electron microscopy for supportive research purposes.
4. Rapid screening of a large volume of tumor specimens for cytological detection of viral particles in Burkitt tumor cells.
5. Study and identification of viral particles particularly in relationship to tumor producing cells.

Application received by Commissioner of Customs: June 28, 1968.

Docket No. 68-00691-01-77030. Applicant: Arkansas State University, Office of Finance, State University, Arkansas, via Jonesboro, Ark. 72467. Article: Nuclear magnetic resonance spectrometer and cooling water conditioner closed loop, Models JNM-C-60H and JNM-CW-IB. Manufacturer: Japan Electron Optics Laboratory Co., Inc., Japan. Intended use of article: The article will be used as the following:

A. Instructional use in connection with instrumental analysis course. Instructional use in connection with introductory organic chemistry course.

B. Search for cis and trans forms of phthalocyanine using proton techniques. X-Ray studies have been unable to resolve the questions about the existence of these forms.

C. Search for cis and trans F-19 fluorinated phthalocyanine, independent of the proton results of *B* above.

D. Proton studies for identification of chelate rings with thioamino acid chelating agents. H-H' Bis (3 mercaptopropanol) ethylene diamine is also being studied as a chelating agent.

E. The identification of compounds known to form (but yet unstudied) between lithium carbide and lithium nitride and organic compounds such as acetone.

F. Structure studies of terpenes extracted from algae.

G. Structure studies of amino acid sequence in the protein extract of snake venom.

H. Proposed proton studies of crystalline changes accompanying dehydration of carbonate hydrates.

I. Routine structure determination using protons and F-19 (when funds permit purchase of attachments).

Application received by Commissioner of Customs: June 28, 1968

Docket No. 68-00693-33-46020. Applicant: University of Hawaii, Hawaii Institute of Marine Biology, Post Office Box 1067, Kaneohe, Hawaii 96744. Article: Stereomicroscope, Model M5, with stands and accessories. Manufacturer: Wild Heerburgg Ltd., Switzerland. Intended use of article: The article will be used for scientific research and identification on shrimp anatomy. In the identification of the shrimp, ranging in size from a few millimeters to 10 centimeters, a wide span of magnification is necessary, from examining the gross appearance to distinguishing small and subtle teeth, hair, and sculpturing on the smallest of appendages. Application received by Commissioner of Customs: June 28, 1968.

Docket No. 68-00695-98-26000. Applicant: Downey Unified School District, Box 75, Downey, Calif. 90241. Article: Standard construction device for the theory of electricity, Model EG ZA/ZT B a, B b. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used in class for teaching the basic theory of electricity. The device teaches the student to construct electrical articles by actual practice and gives a basic understanding of the theory underlying the experiments. Application received by Commissioner of Customs: June 28, 1968.

Docket No. 69-00001-33-46040. Applicant: Veterans Administration Center, Wilshire and Sawtelle Boulevards, Los Angeles, Calif. 90073. Article: Electron microscope, Model HS-8, with plate drier, two fore pumps, magnetic stabilizer, and line voltage regulator auto

transformer. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for examination and photomicrography of microbes, tissue, and tissue homogenates in studies of ultrastructure and function of membranes and other fine cellular elements of biological and medical significance. It will also be used by high school students in the summer work program for students from poverty level families. Application received by Commissioner of Customs: July 1, 1968.

Docket No. 69–00002–33–46500. Applicant: U.S. Veterans Administration, Veterans Administration Hospital, Hines, Ill. 60141. Article: Ultramicrotome, Model "Om U2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for sectioning (600Å) extremely fragile choroid plexus epithelium of the developing chick embryo and adult fowl. Autoradiographic and enzyme histochemical procedures on ultra-thin sections will be carried out on the choroid plexus and nerve tissue from the central nervous system of different species. Application received by Commissioner of Customs: July 1, 1968.

Docket No. 69–00003–33–46040. Applicant: Scripps Clinic and Research Foundation, 476 Prospect Steet, La Jolla, Calif. 92037. Article: Electron microscope, Model HU–11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for training biomedical researchers and for the examination of immunologic phenomena on and within cells and cell membranes. Some of the most important efforts currently and in the future require resolution of membranes and antigen-antibody molecular complexes down to the lowest limit possible, about 5 Angstrom units. Application received by Commissioner of Customs: July 1, 1968.

Docket No. 69–00004–33–61200. Applicant: Kosair Crippled Children Hospital, 982 Eastern Parkway, Louisville, Ky. 40217. Article: Table for correction of Deformities of the Spine by Traction and Derotation. Manufacturer: ets Belembert Constructeur, France. Intended use of article: The article will be used in the correction of scoliosis deformities of the spine where there is rotation of the dorsal verebral bodies, producing a rib gibbous or hump. Application received by Commissioner of Customs: July 1, 1968.

Docket No. 69–00005–33–46040. Applicant: Cleveland Clinic Foundation, Research Division, 2020 East 93d Street, Cleveland, Ohio 44106. Article: Electron Microscope JEM 50. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The electron microscope will be used for rapid screening of prepared samples under low magnification prior to high resolution microscopy and radioautography in research studies on coronary artery disease. Application received by Commissioner of Customs: July 1, 1968.

Docket No. 69–00024–33–46040. Applicant: Tufts University, New England Medical Center Hospital, 171 Harrison Avenue, Boston, Mass. 02111. Article: Electron Microscope, Model HU–11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to study the ultrastructure of lymphoid tissues during antibody formation and during the graft-versus-host reaction and its long term followup. In the study of antibody formation, ultrathin sections of whole tissues and cell suspensions will be used to examine the ultrastructure of the cells involved in this reaction. In mice, the study of the long time survivors of the graft-host reaction will be pursued. Application received by Commissioner of Customs: July 10, 1968.

Docket No. 68–00683–33–46500. Applicant: U.S. Department of Agriculture, ARS, Southern Administrative Division, 701 Loyola Avenue, New Orleans, La. 70150. Article: LKB 8800A Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in studying coccidia development. It is required for sectioning cells of coccidia in the tissues of domestic and laboratory animals which have been exposed to various chemotherapeutic drugs, histochemical stains and special fluorochromes. The tissues will be studied with standard and specialized methods used in electron microscopy and in freeze-etched materials followed by metallic shadow casting and electron microscopy. Application received by Commissioner of Customs: June 27, 1968.

Docket No. 68–00686–33–46500. Applicant: University of Northern Iowa, Biology Department, Cedar Falls, Iowa 50613. Article: LKB 8800A Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare long series of uniform sections down to 50A thickness for orientation and measurement by means of phase microscopy and photomicrography of the effects on membrane systems and organelles of host cells after the entry of parasitic fungus hyphae or haustoria, mycorrhizal hyphae and certain intracellular symbionts. Application received by Commissioner of Customs: June 27, 1968.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68–9091; Filed, July 30, 1968; 8:45 a.m.]

RETINA FOUNDATION

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 Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00575–33–46595. Applicant: Retina Foundation, 20 Staniford Street, Boston, Mass. 02114. Article: McIlwain tissue chopper. Manufacturer: The Mickle Laboratory Engineering Co., United Kingdom. Intended use of article: The article will be used to cut muscle fibers in a way that avoids artifactual breakdown and isolation of fine structural components of muscle tissue. 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 intended to be used for isolation of fine structural components of muscle. For the intended uses, the applicant requires an apparatus capable of preparing the tissue specimens without the artifactual breakdown of contaminating components.

We are advised by the Department of Health, Education, and Welfare that it knows of no 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.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68–9090; Filed, July 30, 1968; 8:45 a.m.]

RUTGERS 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 Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00566–33–46040. Applicant: Rutgers—The State University, Rutgers Medical School, New Brunswick, N.J. 08903. Article: Electron microscope, Model EM 9A with spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used to study the ultrastructural and cytoarchitectural alterations brought about by mineral deficiencies, particularly that of magnesium in the kidney. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for

the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope which can be used by students with a minimum of detailed programming and early use by the student with self confidence. The only domestic electron microscope is the Model EMU–4 manufactured by the Radio Corporation of America (RCA), which is a high resolution and relatively complex instrument designed for high level research. (2) The foreign article provides as low as 60 magnifications. This characteristic permits the student to make an easy transition from light microscopy to electron microscopy. (3) The foreign article also provides a digital readout for focusing adjustments, which allows the instructor to objectively indicate the correct focusing for each type of experiment. 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.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68–9094; Filed, July 30, 1968; 8:45 a.m.]

UNIVERSITY OF MICHIGAN

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 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 Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00554–00–77095. Applicant: The University of Michigan, Purchasing Office, Research Administration Building, Ann Arbor, Mich. 48105. Article: Fabry-Perot etalon plates and quartz spacer. Manufacturer: Optical Surfaces, Ltd., United Kingdom. Intended use of article: The article will be used in a Fabry-Perot spectrometer in order to make airglow measurements of the night sky. Comments: Comments dated June 11, 1968 have been received from one domestic manufacturer, Gaertner Scientific Corp. (Gaertner) which alleges inter alia that it manufactures Fabry-Perot plates of most shapes and sizes. 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 application relates to a set of etalon plates to be used with a Fabry-Perot interferometer manufactured in England by the company from which the plates have been ordered. For the purposes for which they are intended to be used, the applicant requires Fabry-Perot etalon plates which are six inches in diameter with a surface accuracy of lambda/200. The Gaertner Scientific Corp. lists in its literature various types of Fabry-Perot etalons, the largest having a diameter of 4 inches with a surface accuracy of lambda/100. We find that the difference in diameter of two inches between the foreign article and the most closely comparable. Fabry-Perot etalon manufactured by Gaertner, as well as the greater surface accuracy of the foreign article by a factor of two, to be pertinent to the purposes for which the foreign article is intended to be used and, therefore, the Gaertner Fabry-Perot etalons are not of equivalent scientific value to the foreign article for the purposes for which the 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.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68–9095; Filed, July 30, 1968; 8:45 a.m.]

UNIVERSITY OF PITTSBURGH

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 Producer Goods, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00526–33–46500. Applicant: University of Pittsburgh, Department of Microbiology, 3550 Terrace Street, Pittsburgh, Pa. 15213. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to make a detailed comparative study of fine structure and functional organization of parasitic Bdellovibrio in order to determine the functional and structural features that enable the organism to maintain itself as a parasite. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic ultramicrotome, the Model MT–2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (page 11, 1966 catalogue for "Porter-Blum" MT–1 and MT–2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the microscope. (2) For its purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated June 20, 1968) that only an ultramicrotome equipped with a thermal advance (feed) can meet this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT–2 is equipped only with a mechanical feed. In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We therefore find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (page 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT–2. The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-9096; Filed, July 30, 1968; 8:45 a.m.]

VANDERBILT UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Producer Goods, 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 Producer Goods, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Producer Goods 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. 68-00651-33-46500. Applicant: Vanderbilt University, Department of Anatomy, Nashville, Tennessee 37203. Article: LKB 8800 Ultrotome III Ultramicrotome: Manufacturer: LKB Producter AB., Sweden. Intended use of article: The article will be used for developing a program in Cell Structure and Function. It is intended that this microtome be installed in a new area to be used for high resolution electron microscopy. It is essential that highly reproducible and accurately measured thin sections be prepared for which purposes the LKB, using a thermal advance mechanism, is superior to the American microtome. The need for a long series of sections is also felt for which purposes the instrument is felt superior. Application received by Commissioner of Customs: June 14, 1968.

Docket No. 68-00676-99-69900. Applicant: Alabama Educational TV Commission, 2101 Magnolia Avenue, Suite 512, Birmingham, Ala. 35205. Article: Radio repeater units. Manufacturer: Standard Telephone & Cables Pty. Limited, Australia. Intended use of article: The equipment is composed of spare modules for existing microwave radio equipment and are sole-source items obtainable only from the original equipment manufacturer. Application received by Commissioner of Customs: June 26, 1968.

Docket No. 68-00657-33-46040. Applicant: The Trustees of Mount Holyoke College, South Hadley, Mass. 01075. Article: Electron microscope, Model EM-300, and specimen chamber cooling device. Manufacturer: Philips Electronics, The Netherlands. Intended use of article: The article will be used to train biologists in the use and applications of electron microscopy in biological research. It will also be used for basic research by faculty and select students. The students will not be trained to be technicians, but will be trained to use the electron microscope in studying original problems in biological research. They have a tutorial relationship with a faculty member and learn by participating in a research project.

Faculty research projects include:

(a) Ultrastructure and development of tadpole tails.

(b) Intercellular relationships in insect ovaries.

(c) The route of entry of foliar applied materials through the cuticle and outer epidermal wall of plants.

Application received by Commissioner of Customs: June 19, 1968.

Docket No. 68-00674-33-46040. Applicant: Jefferson Medical College, Department of Microbiology, 1020 Locust Street, Philadelphia, Pa. 19107. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used as follows:

(1) To train fellows, graduate students and medical students in the techniques of electron microscopy.

(2) It will be used as a research tool in the various areas under study, namely virus-cell interactions and the morphogenetic effect of various bacteria on the gastrointestinal tract.

(3) In a joint program with the division of gastroenterology, biopsy specimens from patients with maladsorption will be studied by electron microscopy as well as bacteriologically.

Application received by Commissioner of Customs: June 26, 1968.

Docket No. 68-00675-33-46500. Applicant: U.S. Department of Agriculture, Lab. No. 2—VBD-Agricultural Research Service, Fifth Street, Ames, Iowa 50010. Article: LKB 8800 Ultrotome III ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare long series of equal thickness serial sections between the values of 50 Angstroms to 2 microns for electron microscopy in studying problems concerning extraneous viral contaminants in live modified virus vaccines. In addition, the article will be used by bacteriological groups interested in the origins of the clostridial toxins within the cell. Application received by Commissioner of Customs: June 26, 1968.

Docket No. 68-00677-33-46500. Applicant: University of Minnesota, Box 198 Mayo, Minneapolis, Minn. 55455. Article: Ultramicrotome, Model "Om U2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for sectioning sections of epoxy embedded tissue from 200 Angstrom units to 1 micron in thickness for electron microscopy concerning three dimensional reconstructions in striated muscle of particular subcellular organelles, transverse tubules and sarcoplasmic rebiculum, and a quantitation of the portion of the total cell volume occupied by these organelles. Application received by Commissioner of Customs: June 26, 1968.

Docket No. 68-00678-63-46040. Applicant: U.S. Department of Agriculture, Agricultural Research Service, Southern Administrative Division, 701 Loyola Avenue, New Orleans, La. 70150. Article: Electron microscope, Model EM-300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for investigations of the submicroscopic structure of native and chemically modified cotton and other cellulosic fibers, and of cottonseeds, peanuts, and other agricultural commodities and related materials. Application received by Commissioner of Customs: June 26, 1968.

Docket No. 68-00679-66-46040. Applicant: National Bureau of Standards (U.S. Department of Commerce), Washington, D.C. 20234. Article: Electron microscope, Model EM-300, and accessories (Triangular Diffraction Aperture, 35mm Film Holder, Transport Mechanism, Goniometer Stage, and Anticontamination Device). Manufacturer: N. V. Philips Gloeilampenfabrieken, The Netherlands. Intended use of article: The article will be used primarily in a broad and continuing program aimed at furthering the elucidation, on a molecular basis, of the nature of the structure, morphology and mechanism of crystallization and annealing of synthetic organic polymers as well as some of their low molecular weight analogs. Among the principle goals of this program is the application of electron microscopy to determine the origins and characteristics of the diversity of crystallization habits which individual polymers exhibit. Application received by Commissioner of Customs: June 27, 1968.

Docket No. 68-00681-33-46500. Applicant: National Institutes of Health, Building 8, Room 210, Bethesda, Md. 20014. Article: LKB 8800A Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare serial sections of tissues of equal thickness necessary to carry out a research program in Murine Leukemia-Sarcoma virus complexes using an immuno-electron microscopic approach.

Application received by Commissioner of Customs: June 27, 1968.

Docket No. 68-00682-33-46500. Applicant: University of Louisville School of Medicine, Medical-Dental Research Building, 511 South Floyd Street, Louisville, Ky. 40202. Article: LKB 8800 Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections of tissue in long series for studying mitochondrial structure. These tissues from diabetic and insulin treated animals are sectioned very thin for observation under the electron microscope to learn how structural changes of mitochondria from diabetic animals correlate with mitochondria from normal animals. Application received by Commissioner of Customs: June 27, 1968.

Docket No. 68-00684-33-46500. Applicant: City of Hope Medical Center, 1500 East Duarte Road, Duarte, Calif. 91010. Article: LKB 8800A Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for sectioning ultrathin sections of tumor cells in long series of equal thickness for observation under the electron microscope in studying the morphology of tumor cells under the influence of chemotherapeutic agents. Application received by Commissioner of Customs: June 27, 1968.

Docket No. 68-00687-33-46500. Applicant: Medical College of Ohio at Toledo, Post Office Box 6190, Toledo, Ohio 43614. Article: LKB 4800 Ultrotome I Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used by medical students, residents, and faculty in the preparation of ultrathin sections of biological material for examination on a high resolution electron microscope. It will also be used to provide serial sections of relatively invariant thickness for the systematic study of tissues, many of which will be assayed by quantitative cytochemical procedures. Application received by Commissioner of Customs: June 27, 1968.

EDWARD G. SMITH,
Director, Office of Producer Goods, Business and Defense Services Administration.

[F.R. Doc. 68-9092; Filed, July 30, 1968; 8:45 a.m.]

Maritime Administration

UNITED STATES LINES, INC.

Notice of Application

Notice is hereby given that United States Lines, Inc., has applied for a maximum of 55 subsidized sailings annually with freight ships to be operated on Trade Route No. 29 between U.S. Pacific Coast ports (Alaska, Washington, Oregon, California, U.S. islands lying between continental Pacific Coast United States and the Far East) and ports in the Far East (continent of Asia from the Union of Soviet Socialist Republics to Thailand, inclusive, Japan, Taiwan, Philippines, and other Pacific islands lying between continental Pacific Coast United States and the continent of Asia as heretofore described).

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c), 46 U.S.C. 1175, of the Merchant Marine Act, 1936, as amended (the "Act"), should by the close of business on August 13, 1968, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board/Maritime Administration (46 CFR Part 201).

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: July 26, 1968.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-9115; Filed, July 30, 1968; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CERTAIN OFFICIALS

Redelegations of Authority

Under the authority delegated to me by the Administrator, Consumer Protection and Environmental Health Service (33 F.R. 9911), I hereby reinstitute all previous delegations and redelegations of authority set forth in § 2.120 and § 2.121 (21 CFR 2.120, 2.121) that were in effect immediately prior to July 1, 1968.

Dated: July 22, 1968.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 68-9145; Filed, July 30, 1968; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Issuance of Provisional Construction Permit

Notice is hereby given, that pursuant to the initial decision of the Atomic Safety and Licensing Board, dated July 24, 1968, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-47 to Wisconsin Electric Power Co. and Wisconsin Michigan Power Co. for the construction of a pressurized water nuclear reactor at the applicants' site in the Town of Two Creeks, Manitowoc County, Wis. The reactor, known as the Point Beach Nuclear Plant Unit No. 2, is designed for initial operation at approximately 1,396 thermal megawatts with a net electrical output of approximately 454 megawatts.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street, Washington, D.C.

Dated at Bethesda, Md., this 25th day of July 1968.

For the Atomic Energy Commission.

F. SCHROEDER,
Deputy Director, Division of Reactor Licensing.

[F.R. Doc. 68-9087; Filed, July 30, 1968; 8:45 a.m.]

CIVIL SERVICE COMMISSION

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Notice of Grant of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the National Foundation on the Arts and the Humanities to fill by noncareer executive assignment in the excepted service, the position of Deputy Chairman, National Endowment of the Arts.

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

[F.R. Doc. 68-9136; Filed July 30, 1968; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

GREAT LAKES/SOUTH AND EAST AFRICA RATE AGREEMENT

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section

14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to modify approved dual rate contract filed by:

Mr. William L. Hamm, Secretary, Great Lakes/South and East Africa Rate Agreement, 25 Broadway, New York, N.Y. 10004.

There has been filed on behalf of the Great Lakes/South and East Africa Rate Agreement No. 9509 an application to modify its approved merchant's contract.

The proposed contract modification adds the phrase "currency devaluation by governmental action" to those conditions beyond the control of the carriers as outlined in Article 15(a) of the contract pursuant to which the carriers in the trade covered by the agreement may suspend the effectiveness of the contract with respect to the operations affected with notice to Merchant signatories. Under existing Article 15(b), currency devaluation will be one of the conditions beyond the control of the carriers under which they may increase rates on not less than 15 days written notice to the Merchant who retains the right to notify the carriers in writing of his intent to suspend the contract insofar as such increase is concerned.

Dated: July 26, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9123; Filed, July 30, 1968; 8:48 a.m.]

[Independent Ocean Freight Forwarder License 691]

HARDEN AGENCIES

Order of Revocation

Whereas, on June 20, 1968, the Aetna Casualty and Surety Co. notified the Commission that the Independent Ocean Freight Forwarder Surety Bond No. 23 S 9033, underwritten in behalf of A. L. Harden, doing business as Harden Agencies, Post Office Box 741, Jacksonville, Fla. 32201, would be canceled effective July 20, 1968; and

Whereas, A. L. Harden, doing business as Harden Agencies was notified that unless a new surety bond was submitted to the Commission its Independent Ocean Freight Forwarder License No. 691 would be revoked effective July 20, 1968, pursuant to General Order 4, amendment 12 (46 CFR 510.9); and

Whereas, A. L. Harden, doing business as Harden Agencies has failed to submit a valid surety bond in compliance with the above Commission rule:

It is ordered, That the Independent Ocean Freight Forwarder License No. 691 is revoked effective July 20, 1968; and

It is further ordered, That the Independent Ocean Freight Forwarder License No. 691 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 68-9124; Filed, July 30, 1968; 8:48 a.m.]

MARFUERZA COMPANIA MARITIMA S.A. ET AL.

Financial Responsibility To Meet Liability Incurred for Death or Injury To Passengers or Other Persons On Voyages; Notice of Application for Certificate (Casualty)

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, Amendment 2 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages:

Marfuerza Compania Maritima S.A., Operators: Australia Line S.A.
National Hellenic American Line S.A.
Klosters Rederi A/S

Dated: July 26, 1968.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9122; Filed, July 30, 1968; 8:48 a.m.]

MARFUERZA COMPANIA MARITIMA S.A. ET AL.

Indemnification of Passengers for Nonperformance of Transportation; Notice of Application for Certificate (Performance)

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation:

Marfuerza Compania Maritima S.A., Operators: Australia Line S.A.
National Hellenic American Line S.A.
Commodore Cruise Line, Ltd., and Pan Cruise, Inc. (previously reported as Commodore Cruise Line, Ltd., in FEDERAL REGISTER Vol. 33, No. 85, page 6676).
Princess Cruises Corp., Inc.
Klosters Rederi A/S.

Dated: July 26, 1968.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9121; Filed, July 30, 1968; 8:48 a.m.]

TRANS-ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreement 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 offices 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.

Notice of agreement filed for approval by:

Mr. D. I. Knowles, Chairman and Secretary, Trans-Atlantic Passenger Steamship Conference, 17 Battery Place, New York, N.Y. 10004.

Agreement No. 120-89, between the member lines of the Trans-Atlantic Passenger Steamship Conference, modifies the General Agreement, Sub-Agency Appointment Agreement and Regulations Governing Sub-Agencies:

(1) To authorize the Secretary to compile and issue to the Lines a Conference Master List of Authorized Sub-Agencies;

(2) To discontinue the Metropolitan Eligible List Territories although the Lines may establish in certain metropolitan territories lists to be known as the Metropolitan Eligible List which lists shall be an integral part of the Conference Master List of Authorized Sub-Agencies;

(3) To determine an applicant's eligibility for sub-agency appointment on the basis of objective uniform standards in effect and made known to the applicant;

(4) To provide for the release of promotional or public relations information by the Chairman/Secretary;

(5) To provide for a Sub-Agency Appointment Agreement to be entered into with the Trans-Atlantic Passenger

Steamship Conference through its Secretary on behalf of the Lines for the sale of steamship passage tickets or orders, railroad tickets or orders, money orders or drafts and/or other documents or forms relating to the business of the Lines and for no other purpose;

(6) To provide for the issuance of a revised Sub-Agency Appointment Agreement by the Secretary on behalf of the Member Lines and Allied Member Lines and the appointment of Sub-Agents by the Secretary on behalf of the Lines;

(7) To provide that each Line retains the right to decline payment of commission of any sub-agency which refuses to hold and/or issue the documents of the line;

(8) To provide for uniform regulations concerning the submission of requests for prior approval of changes by sub-agents;

(9) To provide that supplemental agency fees will be collected by the Secretary of the Trans-Atlantic Passenger Steamship Conference for each sub-agency location; and

(10) To provide for other changes affecting sub-agencies.

The stated purpose of the proposed modifications is the creation of uniform objective standards throughout the United States (and Canada) which will permit any individual, firm or corporation, meeting such standards, the opportunity of becoming an authorized agent of the Lines. The Agreed Metropolitan Eligible List Territories is being discontinued and the Productivity Standards heretofore required for those areas will be abolished.

With the proposed modification, the sub-agency appointment will become a bilateral agreement between the Conference and the agent, and upon issuance will grant such agent the right to represent all Member and Allied Member Lines. These Lines will forego their autonomy with respect to both appointments of any applicants or cancellation of any sub-agency appearing on the Conference list.

Corresponding changes to be made in the Administrative Rules and Sub-Agency Standards have been filed with the Commission for information purposes.

Dated: July 26, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9125; Filed, July 30, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-8]

CITIES SERVICE GAS CO.

Notice of Application

JULY 24, 1968.

Take notice that on July 11, 1968, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP69-8 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation and operation of pipelines, measuring, regulating and appurtenant facilities and the sale of natural gas to The Gas Service Co. (Gas Service) for resale which will provide initial natural gas service to eight communities in Kansas and Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority herein to:

(1) Sell and deliver gas to Gas Service for resale and distribution by it to consumers in and about the cities of Osborn and Stewartsville, De Kalb County, Mo.

(2) Install approximately 1.43 miles of 2-inch pipeline and measuring and regulating facilities to serve in and about the community of Circleville, Jackson County, Kans.

(3) Install approximately 1 mile of 2-inch pipeline and measuring and regulating facilities to serve in and about the community of Netawaka, Jackson County, Kans.

(4) Install approximately 12.7 miles of 4½-inch pipeline and measuring and regulating facilities to serve in and about Michigan Valley, Overbrook, Scranton, and Carbondale, Osage County, Kans.

Total estimated cost of Applicant's proposed facilities is $266,246, which cost will be paid from treasury cash.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 19, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9097; Filed, July 30, 1968; 8:46 a.m.]

[Docket No. CP66-110, etc.]

GREAT LAKES GAS TRANSMISSION CO. ET AL.

Order on Remand, Establishing Procedure, and Fixing Date for Conference

JULY 24, 1968.

Great Lakes Gas Transmission Co., CP66-110, CP66-111, and CP66-112; Michigan Wisconsin Pipe Line Co., CP66-109; Midwestern Gas Transmission Co., CP66-119, CP66-120 and CP66-121; Northern Natural Gas Co., CP66-212; Northern Natural Gas Transportation Co., CP66-213, CP66-214 and CP66-215.

On June 20, 1967, the Commission granted a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, to Great Lakes Gas Transmission Co. (Great Lakes) for the construction and operation of a 989-mile natural gas pipeline beginning at a point on the international border near Emerson, Manitoba, and extending to St. Clair, Ontario. After an initial build-up period, the Great Lakes pipeline facility in the fifth year of operation, would be transporting 667,000 Mcf daily for Trans-Canada Pipe Lines, Ltd. (Trans-Canada) for redelivery at points near Sault Ste. Marie and St. Clair, Ontario. In addition, after the fourth year of operation, Great Lakes would make daily sales of gas to Michigan Consolidated Gas Co. (Michigan Consolidated) of 57,000 Mcf. Great Lakes was granted section 3 authority to import and export gas (Docket No. CP66-112) and permission to build facilities at the international border (Docket No. CP66-111).

During the first contract year Great Lakes contemplated that it would construct the so-called Phase I of the project consisting of 157 miles of pipeline between the Michigan-Wisconsin Pipeline Co. (Michigan Wisconsin)[1] central Michigan storage area and the St. Clair delivery point in eastern Michigan. These facilities, we have been apprised by Great Lakes' filed construction reports, have already been completed and are being used to transport 113 MMcf/d of gas. This gas, transported for the account of Trans-Canada, is purchased from Michigan Wisconsin through exchange purchase arrangements whereby Michigan Wisconsin purchases an equivalent volume of gas at Marshfield, Wis. from Midwestern Gas Transmission Co. which in turn purchases gas for that sale from Trans-Canada at Emerson. The necessary authority for this arrangement was granted Michigan-Wisconsin (Docket No. CP68-109 and Midwestern (Docket Nos. CP66-119, CP66-120, CP66-121).

It was contemplated that after the Phase II facilities of Great Lakes are completed, consisting of 832 miles of pipeline facilities between Emerson and the Michigan Wisconsin storage area in eastern Michigan, the 113,000 Mcf per day of gas purchased by Trans-Canada would be phased out, terminating by the

[1] The American Natural Gas Co. is the parent of both Michigan Consolidated and Michigan-Wisconsin.

end of the second contract year. The related importation of gas by Midwestern for resale of 113,000 Mcf per day to Michigan Wisconsin, however, would continue. Thus, total additional sales of gas in the United States, upon completion of the overall project, were estimated to be 170,000 Mcf per day.

Northern Natural Gas Co. (Northern) and its wholly owned subsidiary, Northern Natural Gas Transportation Co. (Transportation) intervened herein and, on December 30, 1965, filed certificate applications which sought to furnish a similar service with respect to transportation of gas from western to eastern Canada for Trans-Canada as the Great Lakes project through different pipeline facilities to be constructed. The disposition of the gas in the United States, however, would have been, in part, dissimilar. 37 FPC 1070, 1077.

After prolonged comparative proceedings we unanimously concluded that a certificate should be issued to Great Lakes and the two companies supporting its proposal, Michigan-Wisconsin and Midwestern. See Opinion No. 521, 37 FPC 1070, issued June 20, 1967. That order was affirmed on rehearing. 38 FPC ——, Opinion No. 521–A, issued August 9, 1967.

On Northern's petition for review, the U.S. Court of Appeals for the District of Columbia Circuit, on June 21, 1968, issued an opinion in which it found, inter alia, "that the Commission failed to apply proper standards to determine relevant antitrust policy and consequently ignored significant anticompetitive effects of the joint venture" and that the Commission had erred in certain of its factual findings. Northern Natural Gas Co. et al. v. Federal Power Commission (C.A.D.C. No. 21,333). The cause was remanded to the Commission for further proceedings in accordance with the views stated in the court's opinion.

Accordingly, we shall promptly schedule further proceedings herein, to determine the extent to which, if any, the certificate heretofore issued to Great Lakes should be modified or set aside in the light of the court's opinion. In order to expedite these proceedings, we are requiring each of the parties to file, on or before August 12, 1968, statements indicating the issues, both factual and legal, which they believe to be appropriate for Commission resolution in the light of the remand, and their position with respect to these issues. Further, each party should indicate which of these issues should be resolved on the basis of the present record, and which, in its view, justify supplementary evidentiary hearings. If a party believes that supplementary hearings are required with respect to any issue, it shall submit an outline of the evidence it proposes to adduce. We shall provide that, following such submissions, there will be a formal conference before the hearing examiner to explore possible areas of agreement on these questions among the parties. We are directing the hearing examiner, at the conclusion of such conference, to make a detailed report thereon, with his recommendations, to the Commission, and we will then issue an order specifying the nature of the further proceedings.

We also believe it appropriate for the Commission to consider the extent to which the public interest requires the continued operation and construction of the Great Lakes' facilities certificated in our order of June 20, 1967, while the cause is before us on remand. In this regard we need to obtain current information as to the existing and anticipated needs of consumers for the gas proposed to be furnished by Great Lakes both to eastern Canada and in the United States, and as to the present stage of completion of the Great Lakes' facilities.

Accordingly, we shall require Great Lakes to present a detailed statement, on or before August 5, 1968, of the present and projected Trans-Canada market requirements in eastern Canada and the other market requirements which were to be supplied by Great Lakes during the winter seasons of 1968–69 and 1969–70 respectively, the ability of Great Lakes' constructed facilities as of August 1, 1968 (both alone and in concert with other facilities), to meet these needs and why other means are not available or cannot be made available to transport sufficient volumes of gas to meet such requirements pending further proceedings in this case. That statement shall include a breakdown of gas between firm and interruptible customers, between existing and increased users of gas and, to the extent available, among that to be used by different types of end customers. The statement of Great Lakes shall also advise us of the current stage of completion of its certificated facilities.

Northern, and any other party who desires to do so, may, on or before August 12, 1968, file a like statement with respect to availability of alternative facilities to meet those needs. After consideration of all relevant facts, the Commission will take such action as may be appropriate.

The Commission finds: The processing of the reopened proceeding will be expedited by the filing of statements as hereinabove described and by thereafter convening a conference before the presiding examiner.

The Commission orders:

(A) Parties to the proceeding shall submit in writing, on or before August 12, 1968, a statement specifying the issues which they intend to raise in the proceedings upon remand in the above docketed applications. This statement of issues and comments shall be served on other parties to the proceeding and the Commission staff in accordance with the Commission's rules.

(B) A conference shall be held on August 19, 1968, at 10 a.m., e.d.s.t., before a presiding examiner of the Commission in a hearing room of the Federal Power Commission, 441 G Street, Washington, D.C., for the purpose of discussion and limitation of issues, the stipulation of facts and the possible resolution of issues by stipulation, and such other means as may be available to expedite the proceeding. Upon conclusion of the conference, the presiding examiner shall file a detailed report with the Commission setting forth his recommendations with respect to the need of further evidentiary hearings, if any, and related procedures.

(C) On or before August 5, 1968, Great Lakes shall submit a written statement concerning the current and 2-year projected market requirements data of Trans-Canada for its eastern Canada customers for which Trans-Canada anticipates obtaining gas at the St. Clair and Sault Ste. Marie delivery points and whether there are alternative facilities available, or which can be made available, other than Great Lakes' certificated facilities, to satisfy these requirements. Other parties to this proceeding desiring to do so may file similar statements on or before August 12, 1968. These statements shall be served on all parties to the proceeding and the Commission staff in accordance with the Commission's rules.

By the Commission.

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

[F.R. Doc. 68-9098; Filed, July 30, 1968; 8:46 a.m.]

[Docket No. E-7430]

GULF STATES UTILITIES CO.

Notice of Application

JULY 24, 1968.

Take notice that on July 17, 1968, Gulf States Utilities Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $60 million principal amount of unsecured short-term promissory notes.

Applicant is incorporated under the laws of the State of Texas with its principal business office at Beaumont, Tex., and is engaged in the electric utility business in southeastern Texas and south central Louisiana.

Applicant proposes to issue the notes to commercial banks and to commercial paper dealers. Notes issued to commercial banks will be issued on various dates in 1968 and 1969. Those issued in 1968 will mature on December 31, 1968, and those issued in 1969 will mature on December 31, 1969. Notes issued to commercial paper dealers will be issued on various dates in 1968 and 1969 and for varying periods of time, but no note will have a maturity of more than 9 months from the date of its issuance.

The proceeds from the notes will be added to the general funds of the Applicant and will be used, among other things to provide part of the funds for construction expenditures made and to be made in 1968 and 1969. Among the principal items in this program are $48.6 million for construction work on a 580-mw generating unit at the Nelson station, Westlake, La.; $27.7 million for

construction work on a 580-mw generating unit at the Willow Glen Station near St. Gabriel, La.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 12, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9099; Filed, July 30, 1968; 8:46 a.m.]

[Docket No. CP69-9]

KENTUCKY GAS TRANSMISSION CORP.

Notice of Application

JULY 24, 1968.

Take notice that on July 15, 1968, Kentucky Gas Transmission Corp. (Applicant), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP69-9 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain measuring and regulating facilities in Morgan County, Ky., and the wholesale sale and delivery of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission to terminate the wholesale sale and delivery of natural gas to Mid-Continent Gas Production Corp. (Mid-Continent) and to abandon existing measuring and regulating facilities related to such sale. Applicant states that Mid-Continent has notified Applicant of its intention to terminate the purchase of natural gas effective as of September 1, 1968. Applicant further states that it is advised that Mid-Continent has secured the authorization of the Public Service Commission of Kentucky to terminate Mid-Continent's public utility operations in the Commonwealth of Kentucky.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 19, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9100; Filed, July 30, 1968; 8:46 a.m.]

[Docket No. RI69-13]

SUN OIL CO.

Order Providing for Hearing On and Suspension of Proposed Change in Rate

JULY 24, 1968.

On June 25, 1968, Sun Oil Co. (Southwest Division) (Sun) [1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

Description: Notice of change, dated June 24, 1968.
Purchaser and producing area: Northern Natural Gas Co. (Emperor Field, Winkler County, Tex.) (Railroad District No. 8) (Permian Basin Area).
Rate schedule designation: Supplement No. 8 to Sun's FPC Gas Rate Schedule No. 94.[2]
Effective date: July 26, 1968.[3]
Amount of annual increase: $18,000.
Effective rate: 17 cents per Mcf.[4 5]
Proposed rate: 18 cents per Mcf.[6]
Pressure base: 14.65 p.s.i.a.

Sun's proposed rate increase to 18 cents per Mcf is for a sale of old gas-well gas to Northern Natural Gas Co. in the Permian Basin Area of Texas and exceeds the applicable area ceiling rate of 14.36 cents per Mcf established by the related rate schedule quality statement previously accepted pursuant to Opinion No. 468, as amended, and should be suspended for 5 months from July 26, 1968, the proposed effective date.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 8 to Sun's FPC Gas Rate Schedule No. 94 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Sun's FPC Gas Rate Schedule No. 94.

(B) Pending such hearing and decision thereon, Supplement No. 8 to Sun's FPC Gas Rate Schedule No. 94 is hereby suspended and the use thereof deferred until December 26, 1968, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 11, 1968.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9101; Filed, July 30, 1968; 8:46 a.m.]

[Docket No. CP69-10]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JULY 24, 1968.

Take notice that on July 15, 1968, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP69-10 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Western Kentucky Gas Co. (Western), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to increase the Contract Demand of Western, in Applicant's Zone 2, by 4,000 Mcf per day effective November 1, 1968. Applicant states that the proposed increase will result in the Contract Demand of Western being 41,615 Mcf effective November 1, 1968 and 42,545 Mcf as of November 1, 1969. Applicant further states that no additional facilities are required in order to render the proposed service.

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[1] Address is: Post Office Box 2880, Dallas, Tex. 75221. Attention: Mr. R. L. Sullivan.

[2] Filing was submitted because the present effective rate of 18 cents is subject to rejection ab initio because of the affirmance of the Permian Basin Opinion.

[3] The stated effective date is the effective date proposed by Respondent.

[4] Rate effective subject to refund in Docket No. RI63-264.

[5] 18 cents rate filed on Nov. 17, 1967, is subject to rejection ab initio because of the affirmance of Opinion No. 468 by the U.S. Supreme Court.

[6] Periodic rate increase.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 19, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9102; Filed, July 30, 1968; 8:46 a.m.]

[Docket No. CP69-7]

UNION GAS SYSTEM, INC., AND CITIES SERVICE GAS CO.

Notice of Application

JULY 24, 1968.

Take notice that on July 11, 1968, Union Gas System, Inc. (Applicant), Post Office Box 347, Independence, Kans. 67301, filed in Docket No. CP69-7 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent), to make physical connection between its transmission facilities and Applicant's facilities and to sell and deliver natural gas to Applicant for resale in the Linwood Area, Leavenworth County, Kans., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks an order requiring Respondent to physically connect to Applicant's proposed lateral line Respondent's 26-inch transmission line in Douglas County, Kans., and to sell and deliver natural gas as proposed herein. Applicant proposes to construct and operate a natural gas distribution system in the community known as Linwood Area, which will be an initial connection for this area. Applicant will also construct and operate lateral line facilities from which the requested service will be provided consisting of 5.28 miles of 3-inch I.D. 6.63 No. API-.188WT extending East from the point of intersection with Respondent's transmission line.

The estimated third year annual and peak day requirements of Applicant are 26,730 Mcf and 363 Mcf respectively.

The total estimated cost of construction is $60,000, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 19, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-9103; Filed, July 30, 1968; 8:46 a.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

CATEGORIES OF HOUSEHOLD PRODUCTS FOR STUDY AND INVESTIGATION

Notice is hereby given that, pursuant to Public Law 90-146 (81 Stat. 466), the National Commission on Product Safety proposes to study and investigate certain household products to determine the scope and adequacy of measures now employ to protect consumers against unreasonable risk of injury which may be caused by hazardous products used in or around the household. The Commission will report its findings and recommendations to Congress and the President. The Commission's investigation will consider, among other things:

(1) The identity of categories of household products which may present an unreasonable hazard to the health and safety of the consuming public;

(2) The extent to which self-regulation by industry affords protection against such hazardous products;

(3) The protection against such hazardous products afforded at common law in the States, including the relationship of product warranty to such protection;

(4) A review of Federal, State, and local laws relating to the protection of consumers against such hazardous products, including scope of coverage, effectiveness of sanctions, adequacy of investigating powers, uniformity of application, and quality of enforcement of such laws.

Pursuant to section 2(b) of Public Law 90-146 the categories of household products which the Commission proposes to study and investigate are as follows:

I. General household appliances including but not limited to:

Clothes washers and dryers.
Electric fans.
Electric blankets.
Electric heating pads.
Sewing machines.
Water softeners and conditioners.
Floor buffers, waxers, rug cleaners, vacuum cleaners.
Electric sweepers.
Intercommunication devices.
Automatic door openers.
Water heaters including immersible water heaters.

II. Kitchen appliances including but not limited to:

Ranges.
Ovens (electric, gas, and microwave).
Refrigerators.
Freezers.
Dishwashers.
Electric fry pans and skillets.
Electric hot plates and grills.
Cutlery and openers.
Electric coffeemakers and kettles.
Electric toasters.
Rotisseries.
Electric steam and travel irons.
Electric mixers.
Electric blenders.
Knife sharpeners.
Electric broilers.
Garbage disposers.
Griddles.
Electric waffle irons.
Faucet water heaters.
Electric ice crushers.
Electric ice makers.
Electric ice-cream makers.
Electric slicers.
Electric scissors.
Electric defroster devices.

III. Space heating, cooking, and ventilating appliances including but not limited to:

Air conditioners.
Fans.
Humidifiers.
Vaporizers.
Dehumidifiers.
Ionizers.
Boilers.
Furnaces including floor furnaces.
Space heaters.
Fireplaces.
Incinerators.

IV. Housewares including but not limited to:

Cooking utensils and ovenware.
Meat grinders.
Pressure cookers.
Ironing boards and covers.
Waste containers.
Coffee makers and teapots.

V. Home entertainment appliances and equipment including but not limited to:

Television sets.
Radios.
Sound and video recording and reproducing equipment.
Electrical musical instruments.
Picture projectors.
TV and radio antennas.

VI. Home furnishings, fixtures, and construction materials including but not limited to:

Furniture including convertible and lawn furniture.
Electric fixtures, wiring devices, generators and distribution systems for use in or around the household.
Gas equipment, pipes, tubing, fittings and distribution systems for use in or around the household.
Plumbing fixtures and systems for use in or around the household.
Structural glass and glass doors.
Stairs and handrails.
Runners.
Ladders and stepstools.
Indoor-outdoor carpeting.
Electrical cords.
Extension cords.

Gas and electric meters.
Insulation materials.
Lamps and accessories.
Medicine cabinets.
Bathtub and shower enclosures.

VII. Home alarm, escape, and protection devices including but not limited to:

Fire extinguishers.
Fire alarms.
Fire escape devices.
Burglar alarms.
Ground fault circuit interrupters.
Lightning arrestors, rods and grounding systems.

VIII. Home workshop apparatus, tools, and attachments including but not limited to:

Power saws.
Power drills.
Power sanders.
Power routers.
Power lathes.
Power grinders.
Other portable and stationary power tools.
Torches.
Welding equipment.
Soldering guns and irons.
Hoists and lifts.
Test equipment.
Battery chargers and batteries.
Portable lights and power supplies.
Motors.
Hand tools.

IX. Home and family maintenance products including but not limited to:

Cleaning agents and compounds.
Bleaches.
Solvent based cleaning and sanitizing compounds.
Waxes.
Polishes.
Fumigants.
Paints and thinners.

X. Farm household equipment including but not limited to:

Electric fences.
Home pasteurizers.
Garden tractors.
Machinery for use in or around the farm household.

XI. Packaging and containers for household products including but not limited to:

Pressurized containers.
Vacuum containers.
Self-contained openers and resealable closures.
Storage containers for liquids and gases.
Glass bottles and containers.
Plastic packaging products.
Child-resistant closures.

XII. Sports and recreational equipment including but not limited to:

Playground equipment, swings, slides and associated hardware.
Bicycles and other cycles.
Boats, motors and accessories for recreational use.
Protective head gear and other body protective sports equipment.
Fishing equipment.
Underwater equipment.
Winter sports equipment including skiis, sleds, and hockey equipment.
Golf carts.
Snowmobiles.
Beach equipment.
Picnic equipment, coolers, cooking devices.
Camping trailers.
Camping equipment.
Stationary and portable grills (charcoal and gas).
Swimming and wading pools, and associated equipment.
Photographic equipment and accessories.
Charcoal ignitors.
Rebound tumbling devices.
Play houses and tree houses.
Archery equipment.
Scooters and motors.
Gas, air, and spring operated guns.

XIII. Toys including but not limited to:

Wheeled toys, powered and unpowered.
Dolls.
Kites.
Toy guns and other toy weapons.
Skates and skateboards.
Games and kits including rocketry sets, electric toys, and chemistry sets.
Fireworks and explosives.

XIV. Yard and garden equipment including but not limited to:

Power mowers of all types.
Other power garden tools.
Hand mowers.
Hand tools.
Trimmers and edgers.
Tractors.
Snow throwers and plows.
Garden sprayers.
Outdoor lighting equipment and power supplies.
Chain saws.
Pumps.
Greenhouse equipment.

XV. Nursery equipment and supplies including but not limited to:

Highchairs.
Cribs.
Carriages.
Gates.
Blankets.
Walkers.
Bottle warmers.
Sterilizers.
Disposable diapers.
Furniture.

XVI. Personal use items including but not limited to:

Razors and shavers.
Hair dryers.
Hair curlers.
Cigarette, cigar and pipe lighters.
Wigs.
Eyeglass frames.

XVII. Other products including but not limited to:

Metallic yarn (may be used for kites).
Footwear.
Christmas and other seasonal decorations (including trees).
Internal combustion engines, for use in or around the household.
Switchblade and gravity knives.
Mobile homes and related equipment.
Matches.

In investigating the foregoing categories of household products, the Commission will consider such products in terms of the nature of energy exchange constituting hazards to consumers. Examples of such hazards are:

Electromagnetic radiation.
Thermal.
Mechanical.
Explosive.
Electrical.
Chemical and biological.

Interested persons are invited to submit their views or comments, in writing, to the National Commission on Product Safety, 1016 16th Street NW., Washington, D.C. 20036, concerning any risk of injury or the absence of risk of injury with respect to any category of household product included in this list. The Commission desires to emphasize that the inclusion of a category of household product on this list does not indicate that the Commission has reached any conclusion with respect to the existence or nonexistence of any unusual hazard to the consumer, but merely that the Commission will study and investigate such products to the extent that time and the Commission's resources permit.

The Commission may from time to time publish additional categories of household products which it intends to study and investigate pursuant to Public Law 90-146.

Dated: July 26, 1968.

ARNOLD B. ELKIND,
Chairman, National Commission on Product Safety.

[F.R. Doc. 68-9173; Filed, July 30, 1968; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 26, 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. 41402—*Class and commodity rates from and to Indian Trail, N.C.* Filed by O. W. South, Jr., agent (No. A6037), for interested rail carriers. Rates on property moving on class and commodity rates, between Indian Trail, N.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 41403—*Class and commodity rates from and to Poplar Corner, Tenn.* Filed by O. W. South, Jr., agent (No. A6038), for interested rail carriers. Rates on property moving on class and commodity rates, between Poplar Corner, Tenn., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-9129; Filed, July 30, 1968; 8:48 a.m.]

[Notice 509]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 26, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 28956 (Deviation No. 1), G. P. RYALS, doing business as RYALS TRUCK SERVICE, Post Office Box 634, Albany, Oreg. 97321, filed July 18, 1968. Carrier's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Portland, Oreg., and Albany, Oreg., over Interstate Highway 5, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Portland, Oreg., and Albany, Oreg., over U.S. Highway 99E.

No. MC 39300 (Deviation No. 2), MIDDLE STATES MOTOR FREIGHT, INC., 5723 Este Avenue, Cincinnati, Ohio 45232, filed July 16, 1968. Carrier's representative: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio 45202. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 50 and 421 over U.S. Highway 421 to junction Indiana Highway 107, thence over Indiana Highway 107 to junction Indiana Highway 56, thence over Indiana Highway 56 to junction Indiana Highway 3, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Salem, Ind., over Indiana Highway 56 to junction Indiana Highway 3, thence over Indiana Highway 3 to junction U.S. Highway 50, thence over Indiana Highway 50 to Cincinnati, Ohio, and return over the same route.

No. MC 69116 (Deviation No. 37), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606, filed July 15, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Auburn, N.Y., and Albany, N.Y., over U.S. Highway 20, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 6, thence over U.S. Highway 6 to Cleveland, Ohio, thence over U.S. Highway 20 to Silver Creek, N.Y., thence over New York Highway 5 to Buffalo, N.Y., thence over New York Highway 33 to Rochester, N.Y., thence over New York Highway 31 to Weedsport, N.Y., thence over New York Highway 31B to junction New York Highway 5, thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 9 to New York, N.Y. (also from Albany over U.S. Highway 9W and bridge or ferry to New York), (2) from Chicago, Ill., over U.S. Highway 20 to junction U.S. Highway 62, thence over U.S. Highway 62 to Buffalo, N.Y., thence over New York Highway 130 to junction U.S. Highway 20, thence over U.S. Highway 20 to Auburn, N.Y., thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 20 to Boston, Mass., and (3) from Syracuse, N.Y., over New York Highway 5 to Auburn, N.Y., thence over U.S. Highway 20 to Silver Creek, N.Y., and return over the same routes.

No. MC 110166 (Deviation No. 5), TENNESSEE CAROLINA TRANSPORTATION, INC., Post Office Box 7308, Nance Lane, Nashville, Tenn. 37210, filed July 15, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, of a deviation route as follows: From Hopkinsville, Ky., over U.S. Highway 68 to Paducah, Ky., thence over U.S. Highway 60 to Cairo, Ill., thence over Illinois Highway 3 to junction U.S. Highway Bypass 50, thence over U.S. Highway Bypass 50 to junction Interstate Highway 55, thence over Interstate Highway 55, thence over Interstate Highway 55 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Hopkinsville, Ky., over U.S. Highway 41 to junction Alternate U.S. Highway 41 (formerly portion U.S. Highway 41), near Madisonville, Ky., thence over Alternate U.S. Highway 41 to junction Kentucky Highway 56, thence over Kentucky Highway 56 to The Rocks, Ky., thence across the Ohio River to Shawneetown, Ill., thence over Illinois Highway 13 to Equality, Ill., thence over Illinois Highway 142 to junction U.S. Highway 460, thence over U.S. Highway 460 (portion formerly Illinois Highway 142) to Mount Vernon, Ill., thence over Illinois Highway 15 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., thence over city streets to St. Louis, Mo., and return over the same route.

No. MC 110166 (Deviation No. 6), TENNESSEE CAROLINA TRANSPORTATION, INC., Post Office Box 7308, Nance Lane, Nashville, Tenn. 37210, filed July 15, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, of a deviation route as follows: From Hopkinsville, Ky., over U.S. Highway 68 to Paducah, Ky., thence over U.S. Highway 60 to Cairo, Ill., thence over Illinois Highway 3 to East St. Louis, Ill., thence across the river to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Hopkinsville, Ky., over U.S. Highway 41 to junction Alternate U.S. Highway 41 (formerly portion U.S. Highway 41), near Madisonville, Ky., thence over Alternate U.S. Highway 41 to junction Kentucky Highway 56, thence over Kentucky Highway 56 to The Rocks, Ky., thence across the Ohio River to Shawneetown, Ill., thence over Illinois Highway 13 to Equality, Ill., thence over Illinois Highway 142 to junction U.S. Highway 460, thence over U.S. Highway 460 (portion formerly Illinois Highway 142) to Mount Vernon, Ill., thence over Illinois Highway 15 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Mo., and return over the same route.

No. MC 110166 (Deviation No. 7), TENNESSEE CAROLINA TRANSPORTATION, INC., Post Office Box 7308, Nance Lane, Nashville, Tenn. 37210, filed July 15, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, of a deviation route as follows: From Hopkinsville, Ky., over U.S. Highway 68 to Paducah, Ky., thence over U.S. Highway 45 to junction Illinois Highway 146, thence over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to junction U.S. Highway Bypass 50, thence over U.S. Highway Bypass 50 to junction Interstate Highway 55, thence over Interstate Highway 55 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Hopkinsville, Ky., over U.S. Highway 41 to junction Alternate U.S. Highway 41 (formerly portion U.S. Highway 41), near Madisonville, Ky., thence over Alternate U.S. Highway 41 to junction Kentucky Highway 56, thence over Kentucky Highway 56 to The Rocks, Ky., thence across the Ohio River to Shawneetown, Ill., thence over Illinois Highway 13 to Equality, Ill., thence over Illinois Highway 142 to junction U.S. Highway 460, thence over U.S. Highway 460 (portion formerly Illinois Highway 142) to Mount Vernon, Ill., thence over Illinois Highway 15 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Mo., and return over the same route.

No. MC 112188 (Deviation No. 1), GEORGE McBREEN CO., INC., 12970 Southwest Highway 217, Post Office Box 23325, Tigard, Oreg. 97223, filed July 19, 1968. Carrier's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *motion picture films, theater advertising matter*, and *motion picture machine parts and accessories*, over a deviation route as follows: Between Portland, Oreg., and Ashland, Oreg., over Interstate Highway 5, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Portland, Oreg., over U.S. Highway 99E (also over U.S. Highway 99W) to junction U.S. Highway 99, thence over U.S. Highway 99 to Ashland, Oreg., and return over the same route.

By the Commission.

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

[F.R. Doc. 68-9130; Filed, July 30, 1968; 8:48 a.m.]

[Notice 1203]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 26, 1968.

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

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not be necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 906 (Sub-No. 53) (Republication), filed December 15, 1965, published in the FEDERAL REGISTER issue of January 13, 1966, and republished this issue. Applicant: CONSOLIDATED FORWARDING CO., INC., 1300 North 10th Street, St. Louis, Mo. 63106. By application filed December 15, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of, frozen foods, from the plantsite and warehouse facilities utilized by American Home Foods, located at or near La Porte, Ind., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Ohio and the Lower Peninsula of Michigan, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 2136 (Sub-No. 21) (Republication), filed May 16, 1966, published in the FEDERAL REGISTER issue of May 25, 1966, and republished this issue. Applicant: CLEMANS TRUCK LINE, INC., 815 West Sample Street, South Bend, Ind. Applicant's representative: Walter F. Jones, Jr., 1017-19 Chamber of Commerce Building, Indianapolis, Ind. By application filed May 16, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of, foodstuffs, from the plantsite of American Home Foods Corp. located at or near La Porte, Ind., to points in Illinois, Wisconsin, Ohio, Michigan, Kentucky, West Virginia, and Indiana. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Ohio and the Lower Peninsula of Michigan, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 10761 (Sub-No. 190) (Republication), filed February 11, 1966, published in the FEDERAL REGISTER issue of March 3, 1966, and republished this issue. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. Applicant's representative: Howell Ellis, Suite 616-618 Fidelity Building, Indianapolis, Ind. By application filed February 11, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of foodstuffs, from the plantsite of American Home Products located at or near La Porte, Ind., to points in Missouri, Kansas, Oklahoma, Texas, Nebraska, Iowa, and points in Wisconsin south of Wisconsin Highway 29 to Manitowoc, and Green Bay on the east, to Hudson, Wis., on the west, and Minneapolis and St. Paul, Minn., in connection with applicant's present operating authority, and damaged and rejected shipments, on return. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public

convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Kansas, Missouri, Nebraska, Oklahoma, and Texas, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 21170 (Sub-No. 125) (Republication), filed October 29, 1965, published in FEDERAL REGISTER issue of November 11, 1965, and republished this issue. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158. By application filed October 29, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of foodstuffs, from La Porte, Ind., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display rack, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Iowa, Minnesota, Missouri, and Wisconsin, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above named states and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 52110 (Sub-No. 92) (Republication), filed February 1, 1966, published in FEDERAL REGISTER issue of February 25, 1966, and republished this issue. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's representative: Homer E. Bradshaw, Fifth Floor Central National Building, Des Moines, Iowa 50309. By application filed February 1, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of, foodstuffs, from the plantsite and warehouse facilities of American Home Foods at or near La Porte, Ind., to points in Missouri, Iowa, Kansas, Nebraska, South Dakota, and Minnesota. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Iowa, Minnesota, and Nebraska, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 71106 (Sub-No. 3) (Republication), filed October 13, 1967, published FEDERAL REGISTER issue of November 2, 1967, and republished this issue. Applicant: MUNCE BROS. TRANSFER & STORAGE CO., a corporation, 221 South Franklin Avenue, Sioux Falls, S. Dak. 57103. Applicant's representative: R. G. May, 412 West Ninth Street, Sioux Falls, S. Dak. 57104. By application filed October 13, 1967, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of commodities, the transportation of which, by reason of size or weight, require the use of special equipment and related contractors' materials, equipment, and supplies when transported in connection with such commodities, between Sioux Falls, S. Dak., and points within 75 miles thereof, on the one hand, and, on the other, points in Minnesota south of U.S. Highway 12, extending from the South Dakota-Minnesota State line near Ortonville, Minn., through Willmar and Minneapolis, Minn., to the Minnesota-Wisconsin State line (excluding points in the Minneapolis-St. Paul, commercial zone, as defined by the Commission) and points in Iowa and Nebraska within 150 miles of Sioux Falls, S. Dak.

A report and order recommended by David H. Allard, Hearing Examiner, served May 8, 1968, corrected June 3, 1968, and served June 12, 1968, effective July 15, 1968, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of commodities, the transportation of which, by reason of size or weight, require the use of special equipment and related contractors' materials, equipment, and supplies when transported in connection with such commodities between points in Brookings, Moody, Minnehaha, Lincoln, Union, Clay, Turner, McCook, Lake, Miner, Hanson, Hutchinson, Yankton, Deuel, Kingsbury,

Bon Homme, Douglas, Davison, and Sanborn Counties, S. Dak., on the one hand, and, on the other, points in Minnesota south of U.S. Highway 12 extending from the South Dakota-Minnesota State line near Ortonville, Minn., through Willmar and Minneapolis, Minn., to the Minnesota-Wisconsin State line (excluding points in the Minneapolis-St. Paul commercial zone, as defined by the Commission) and points in Iowa and Nebraska within 150 miles of Sioux Falls, S. Dak., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application, as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted, therefore, will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 93393 (Sub-No. 8) (Republication), filed March 29, 1966, published in FEDERAL REGISTER issue of April 21, 1966, and republished this issue. Applicant: EDWIN H. NELSON AND ALFRED S. NELSON, a partnership, doing business as NIGHTWAY TRANSPORTATION CO., 4106 South Emerald Avenue, Chicago, Ill. 60609. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. By application filed March 29, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of foodstuffs, from the plantsite of American Home Foods, Inc., at or near La Porte, Ind., to points in Illinois, Michigan, and Ohio. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Illinois, Ohio and the Lower Peninsula of Michigan, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corporation at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111812 (Sub-No. 330) (Republication), filed February 14, 1966, published in FEDERAL REGISTER issue of March 10, 1966, and republished this issue. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Box 747, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. By application filed February 14, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, of foodstuffs, from the plantsite of American Home Foods, Inc., at or near La Porte, Ind., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Milan, Ill. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Minnesota, Nebraska, North Dakota, South Dakota, and Iowa, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113362 (Sub-No. 96) (Republication), filed November 4, 1965, published in FEDERAL REGISTER issue of November 18, 1965, and republished this issue. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 30 North La Salle Street, Chicago, Ill. 60602. By application filed November 4, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of foodstuffs, from the plantsite of American Home Foods, Division of American Home Products Corp., located at La Porte, Ind., to points in Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Missouri, and Kansas. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Iowa, Wisconsin, Minnesota, and Missouri restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., and destined to points in the above named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's

rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113434 (Sub-No. 23) (Republication), filed April 6, 1966, published FEDERAL REGISTER issue of April 27, 1966, and republished this issue. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, Mich. 48226. By application filed April 6, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of foodstuffs (except in bulk, in tank vehicles), from the plantsite of American Home Foods Corp., at or near La Porte, Ind., to points in Michigan, Ohio, Illinois, West Virginia, and Pennsylvania, and damaged, rejected and refused shipments on return. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums*, when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Michigan, Ohio, West Virginia, and Pennsylvania, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113651 (Sub-No. 100) (Republication), filed December 23, 1965, published in FEDERAL REGISTER issue of January 27, 1966, and republished this issue. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's representative: Henry A. Dillon (same address as applicant). By application filed December 23, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of foodstuffs, from the plantsite of American Home Foods, located at or near La Porte, Ind., to points in Iowa, Kansas, Missouri, Wisconsin, Minnesota, and Nebraska. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Minnesota and Wisconsin, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., and destined to points in the above named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113651 (Sub-No. 110) (Republication), filed April 7, 1966, published in FEDERAL REGISTER issue of April 27, 1966, and republished this issue. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. By application filed April 7, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of foodstuffs, from the plantsite of American Home Foods, at or near La Porte, Ind., to points in Ohio, Kentucky, and Illinois. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *nonfrozen foodstuffs* (except in bulk) and *advertising matter, display racks and premiums* when moving at the same time and in the same vehicle with nonfrozen foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Illinois, Kentucky, and Ohio, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113678 (Sub-No. 200) (Republication), filed November 26, 1965, published in FEDERAL REGISTER issue of December 16, 1965, and republished this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. By

application filed November 26, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of: Foodstuffs, from the plantsite of American Home Foods, Inc., located at or near La Porte, Ind., to points in Iowa, Nebraska, Kansas, and Colorado. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Nebraska and Colorado, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 114457 (Sub-No. 47) (Republication), filed January 10, 1966, published in FEDERAL REGISTER issue of February 3, 1966, and republished this issue. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior, St. Paul, Minn. Applicant's representative: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill. 60602. By application filed January 10, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of foodstuffs, from the plantsite of American Home Foods, La Porte, Ind., to points in North Dakota, South Dakota, Minnesota, Iowa, Kansas, Missouri, Nebraska, and Wisconsin. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums*, when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Minnesota, Missouri, Nebraska and Wisconsin, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind. and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 115841 (Sub-No. 280) (Republication), filed February 17, 1966, published in FEDERAL REGISTER issue of March 10, 1966, and republished this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. By application filed February 17, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier over irregular routes of foodstuffs, from the plantsite and warehouses of American Home Foods, Inc., located at or near La Porte, Ind., to points in Iowa, Kansas, Missouri, Nebraska, Oklahoma, Arkansas, Texas, Mississippi, Louisiana, Alabama, Tennessee, Georgia, and Kentucky (except frozen foods, unless in mixed shipments, to points in Alabama, Arkansas, Louisiana, Mississippi, Tennessee, Georgia, and Texas). The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Kentucky, Missouri, and Oklahoma; and (2) *nonfrozen foodstuffs* (except in bulk), when moving at the same time and in the same vehicle with frozen foods, and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with nonfrozen foodstuffs and frozen foods, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Tennessee, and Texas, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above-named states and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulation thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be witheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 117119 (Sub-No. 295) (Republication), filed November 29, 1965, published in FEDERAL REGISTER issue of December 16, 1965, and republished this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. By application filed November 29, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of foodstuffs, from the plantsite of American Home Foods, Inc., located at or near La

Porte, Ind., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Wisconsin. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce over irregular routes, transporting (1) *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Kansas, Missouri, Nebraska, and Oklahoma; and (2) *nonfrozen foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums,* when moving at the same time and in the same vehicle with nonfrozen foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Alabama, Arkansas, Louisiana, Mississippi, and Tennessee, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 117815 (Sub-No. 81) (republication), filed January 6, 1966, published in FEDERAL REGISTER issue of January 27, 1966, and republished this issue. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa. By application filed January 6, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle over irregular routes of foodstuffs, from the plantsite of American Home Foods, Inc., at or near La Porte, Ind., to points in Iowa, Wisconsin, Minnesota, Nebraska, Missouri, and Kansas. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Iowa, Missouri, Minnesota, and Wisconsin, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119864 (Sub-No. 23) (Republication), filed March 7, 1966, published in FEDERAL REGISTER issue of March 31, 1966, and republished this issue. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26740 Eckel Road, Perrysburg, Ohio 43551. By application filed March 7, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of foodstuffs, from the plantsite and warehouse facilities of American Home Foods, at or near La Porte, Ind., to points in Kentucky, Illinois, Indiana, Michigan, Missouri, Minnesota, Ohio, West Virginia, and Wisconsin, and *damaged and rejected shipments,* on return. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *nonfrozen foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with nonfrozen foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Illinois and Ohio, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 123393 (Sub-No. 108) (Republication), filed December 6, 1965, republished in FEDERAL REGISTER issue of December 29, 1965, and republished this issue. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. By application filed December 6, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of, foodstuffs, from La Porte, Ind., and points within 5 miles thereof to points in Iowa, Missouri, Arkansas, Oklahoma, Kansas Nebraska, and Colorado. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at

the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Foods Products Corp., at La Porte, Ind., to points in Arkansas, Kansas, Missouri, and Oklahoma, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 123639 (Sub-No. 62) (Republication), filed January 10, 1966, published in FEDERAL REGISTER issue of February 3, 1966, and republished this issue. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. Applicant's representative: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill. By application filed January 10, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of, foodstuffs, from the plantsite of American Home Foods, Inc., at or near La Porte, Ind., to points in Iowa, Kansas, Nebraska, and Colorado. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966 at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Colorado, Kansas, and Nebraska, restricted to the transporting of shipments originating at the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124211 (Sub-No. 83) (Republication), filed January 5, 1966, published in FEDERAL REGISTER issue of January 27, 1966, and republished this issue. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln, Nebr. By application filed January 5, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of *foodstuffs*, from the plantsite and storage facilities of American Home Foods Division at or near La Porte, Ind., to points in Colorado, Kansas, Nebraska, and Wyoming. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Kansas, Nebraska, and Wyoming, restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127274 (Sub-No. 11) (Republication), filed May 16, 1966, published in the FEDERAL REGISTER issue of May 25, 1966, and republished this issue. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Post Office Box 2189, Muncie, Ind. 47302. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. By application filed May 16, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of foodstuffs, from the plantsite and warehouses of American Home Foods, Inc., located at or near La Porte, Ind., to points in Georgia, Alabama, Mississippi, Louisiana, Tennessee, Arkansas, and Texas. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held on June 9, 1966, at Indianapolis, Ind. A report and order of the Commission, Division 1, decided January 12, 1968, served February 7, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), and *advertising matter, display racks, and premiums* when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to points in the above-named States and subject to the condition that such duplicating authority as is granted herein shall be construed as authorizing only a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any

proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128893 (Republication), filed February 6, 1967, published FEDERAL REGISTER issue of March 9, 1967, and republished this issue. Applicant: SAM W. CARROLL AND GROVER C. CARROLL, a partnership, doing business as CARROLL BROTHERS TRUCKING, Rural Delivery Box 1058, Umatilla, Fla. 32784. Applicant's representative: Harry Ross, Warner Building, Washington, D.C. In the above-entitled proceeding the examiner recommended the granting to applicant a permit, authorizing operations, interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) glass containers from Alton, Ill., and from Ada, Okmulgee, and Sand Springs, Okla., to Lima, Ohio, and Sioux City, Iowa; from Huntington, W. Va., to Lima, Ohio; from Lakeland, Fla., to Waycross, Ga.; from Montgomery, Ala., to Summerfield and Umatilla, Fla., and Waycross, Ga.; (2) 60-pound cans, from Conneaut, Ohio, to Waycross, Ga., Summerfield and Umatilla, Fla., and Sioux City, Iowa, and to apiaries located in Florida, Georgia, Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota; (3) 55-gallon drums from Dolton and Peotone, Ill., to (a) Summerfield and Umatilla, Fla., Waycross, Ga., Wendell, Idaho, Lima, Ohio, and Temple, Tex.; and (b) to apiaries located in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa (except Sioux City), Kansas, Louisiana, Minnesota, Missouri, Mississippi, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wyoming; (4) 55-gallon drums, used, from Summerfield and Umatilla, Fla., Waycross, Ga., Wendell, Idaho, Sioux City, Iowa, Lima, Ohio, and Temple, Tex., to Minneapolis, Minn.; (5) Fifty-five-gallon drums, reconditioned, from Minneapolis, Minn., to (a) Summerfield and Umatilla, Fla., Waycross, Ga., Wendell, Idaho, Sioux City, Iowa, Lima, Ohio, and Temple, Tex., and (b) apiaries located in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Minnesota, Missouri, Mississippi, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wyoming; (6) materials, equipment, and supplies used by honey processing, storing, and distributing plants, and by apiaries; honey, comb, granulated or strained, and/or beeswax, when moving in mixed shipments with materials, equipment, and supplies, between Summerfield and Umatilla, Fla., Waycross, Ga., Wendell, Idaho, Sioux City, Iowa, Lima, Ohio, and Temple, Tex.; (7) such supplies and equipment as are used by beekeepers exclusively in the tending or care of live bees and in the packaging or production of honey and beeswax, restricted to shipments originating or terminating at apiaries of members of the Sioux Honey Association, (a) between Sioux City, Iowa, and points in Alabama, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming; and (b) between Waycross, Ga., Umatilla, Fla., and Lima, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin; and (8) plastic containers, other than expanded, from Ligonier, Ind., to Lima, Ohio, Sioux City, Iowa, Temple, Tex., and Waycross, Ga., under contract with Sioux Honey Association, of Sioux City, Iowa.

A supplemental decision and order of the Commission, Review Board Number 4, dated July 12, 1968, and served July 18, 1968, as modified, finds that operation by applicant, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of (A) *glass containers* (1) from Alton, Ill., and Ada, Okmulgee, and Sand Springs, Okla., to Lima, Ohio, and Sioux City, Iowa; (2) from Huntington, W. Va., to Lima, Ohio. (B) *Cans*, from Conneaut, Ohio, to points in Florida, Georgia, Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota. (C) *Drums;* (1) from Dolton and Peotone, Ill., to Wendell, Idaho, and points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa (except Sioux City, Iowa), Kansas, Louisiana, Minnesota, Missouri, Mississippi, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wyoming; (2) between Summerfield and Umatilla, Fla., to Waycross, Ga., Wendell, Idaho, Sioux City, Iowa, Lima, Ohio, and Temple, Tex., on the one hand, and, on the other, Minneapolis, Minn.; (3) From Minneapolis, Minn., to points in Arkansas, Missouri, Ohio, Oklahoma, and Texas. (D) *Plastic containers*, except expanded plastic containers, from Ligonier, Ind., to Lima, Ohio, Sioux City, Iowa, Temple, Tex., and Waycross, Ga. (E) *Materials, equipment, and supplies* used in processing, storing, and distributing honey, and honey and beeswax when moving in mixed loads with materials, equipment, and supplies used in processing, storing, and distributing honey. Between Summerfield and Umatilla, Fla., Waycross, Ga., Wendell, Idaho, Sioux City, Iowa, Lima, Ohio, and Temple, Tex. (F) *Materials, equipment, and supplies* used in the operation of apiaries and the production and packaging of honey and beeswax (1) between Sioux City, Iowa, and points in Alabama, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

(2) Between Waycross, Ga., Umatilla, Fla., and Lima, Ohio, on the one hand, and, on the other, points in Arkansas, Oklahoma, and Texas, under contract with Sioux Honey Association, of Sioux City, Iowa. Any duplications of the authorities granted herein shall be construed as granting only a single operating right, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129403 (Republication), filed September 14, 1967, published FEDERAL REGISTER issue of January 18, 1968, and republished this issue. Applicant: A. N. R. TRUCKING CO., INC., 518 West 29th Street, New York, N.Y. 10001. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. By application filed September 14, 1967, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of furniture, glassware, earthenware, ceramics, flatware, housewares, house furnishings, stationery, and decorative items, and related articles, from points in the New York, N.Y., commercial zone as defined by the Commission, Port Newark and Port Elizabeth, N.J., to the plant and warehouse sites of George Jensen, Inc., at Mount Pleasant, N.Y., restricted to shipments having a prior movement by water. An order of the Commission, Operating Rights Board, dated June 28, 1968, and served July 10, 1968, finds that operation by applicant, in interstate or foreign commerce as a contract carrier, by motor vehicle, over irregular routes, of *general commodities* (except classes A and B explosives, commodities in bulk, and those requiring special equipment), from points in that portion of the New York, N.Y., commercial zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exceptions, provided by section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone) to the plantsites and storage facilities of George Jensen, Inc., at Mount Pleasant, N.Y., restricted to the transportation of traffic having a prior movement by water, under a continuing contract with George Jensen, Inc., of New York, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest

in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 127080 (Clarification) (Notice of Filing of Petition To Amend Permit), filed June 28, 1968, published FEDERAL REGISTER issue of July 17, 1968, and republished as clarified this issue. Petitioner: SPRINGDALE FARMS PRODUCE COMPANY, INC., Springdale, Ark. Petitioner's representatives: A. Alvis Layne, and Walter T. Evans, 915 Pennsylvania Building, Washington, D.C. 20004. Petitioner holds permit No. MC 127080 authorizing it to operate as a contract carrier by motor vehicle, over irregular routes, in the transportation of: *Frozen foods* (except dairy products) when moving in mixed loads with frozen or ice-packed poultry, and frozen or ice-packed poultry when moving in mixed loads with frozen food (except dairy products), from the plantsites and storage facilities of Springdale Farms Service Co., Inc., Springdale, Ark., to points in Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, with no transportation for compensation on return except as otherwise authorized. *Frozen meat*, from Kansas City, Kans., to plantsites and storage facilities of Springdale Farms Service Co., Inc., Springdale, Ark., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts, with Springdale Farms Service Co., Inc., of Springdale, Ark. By the instant petition, petitioner requests permission to add Springdale Farms, Inc., as a shipper. The instant petition also requests authority to allow service to the State of California in connection with the movement of frozen foods from Springdale, Ark., only. Any interested person desiring to participate, may file an original and six copies of his written representation, views or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER. NOTE: The purpose of this republication is to clarify the proposed service to the State of California.

No. MC 128950 (Republication) (Notice of Filing of Petition for Modification), published FEDERAL REGISTER, issue of June 5, 1968, and republished this issue. Petitioner: PROVINCIAL WAREHOUSES, INC., Ogdensburg, N.Y. By petition filed May 20, 1968, petitioner requests that its certificate in MC-128950 be modified in part for the purpose of authorizing the transportation of the commodities named in its certificate. Said certificate authorizes the transportation of liquor, malt beverages, tobacco, and perfumes, other than in bulk, between ports of entry on the international boundary line between the United States and Canada located at or near Ogdensburg, Massena, and Alexandria Bay, N.Y., Derby Line, Vt., Blaine, Wash., and Detroit, Mich., on the one hand, and, on the other, warehouses at Ogdensburg, Massena, and Alexandria Bay, N.Y., Derby Line, Vt., Blaine, Wash., and Detroit, Mich., restricted to the transportation of traffic originating at or destined to points in Canada. An order of the Commission, Operating Rights Board, dated July 19, 1968, finds that the present and future public convenience and necessity require operation by petitioner, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *liquor, malt beverages, tobacco, and perfumes*, other than in bulk, (a) between those ports of entry on the international boundary line between the United States and Canada, at or near Ogdensburg, Massena, and Alexandria Bay, N.Y., Derby Line, Vt., Blaine, Wash., and Detroit, Mich., on the one hand, and, on the other, Ogdensburg, Massena, and Alexandria Bay, N.Y., Derby Line, Vt., Blaine, Wash., and Detroit, Mich., and (b) between Ogdensburg, Massena, and Alexandria Bay, N.Y., Derby Line, Vt., Blaine, Wash., and Detroit, Mich., subject to the prior receipt of a request in writing by it for the cancellation of its certificate No. MC-128950; that petitioner is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder and that an appropriate certificate should be issued subject to the condition that a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9961 (Republication) (NATIONAL CITY LINES, INC.—Control—T.I.M.E. FREIGHT, INC.: T.I.M.E. FREIGHT, INC.—Merger—DC INTERNATIONAL, INC., and LOS ANGELES-SEATTLE MOTOR EXPRESS, INC.; T.I.M.E. FREIGHT, INC.—Control—RED BALL EXPRESS CO.), published in the December 6, 1967, issue of the FEDERAL REGISTER, on page 17506. This notice is to delete that portion of the transaction involving *control by T.I.M.E. FREIGHT, INC., of RED BALL EXPRESS CO.*, pursuant to the order by the Commission, Division 3, dated July 17, 1968.

No. MC-F-9989 (RYDER TRUCK LINES, INC.—Control—HELM'S EXPRESS, INC.), published in the January 4, 1968, issue of the FEDERAL REGISTER, on page 102. By petition filed July 18, 1968, Applicants seek modification of the order approving the transaction. (Order by Review Board No. 5, granting control May 21, 1968, and supplemental order dated June 19, 1968.) Applicants seeking also merger of HELM'S EXPRESS, INC., into RYDER TRUCK LINES, INC.

No. MC-F-10199. Authority sought for control and merger by CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Post Office Box 68, Cedar Rapids, Iowa 52406, of the operating rights and property of BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158, and for acquisition by HERALD A. SMITH, JR., and MIRIAM G. SMITH, both, also of Cedar Rapids, Iowa, of control of such rights and property through the transaction. Applicants' attorneys: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402, and Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be controlled and merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the United States (except Alaska and Hawaii), with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC 21170 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating in full, the entirety, thereof. CEDAR RAPIDS STEEL TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Illinois, Iowa, Wisconsin, and Indiana. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC-F-10010 (CONSOLIDATED FORWARDING CO., INC.—purchase (portion)—BOS LINES, INC.), published in the January 24, 1968, issue of the FEDERAL REGISTER, on page 870.

No. MC-F-10200. Authority sought for purchase by A. DUIE PYLE, INC., 144 Garfield Avenue, West Chester, Pa. 19380, of a portion of the operating rights of HARVEY H. WARFEL, doing business as BROWN'S EXPRESS, 204 Maryland

Avenue, Oxford, Pa. 19363, and for acquisition by ESTATE OF A. DUIE PYLE (MARY E. PYLE, and ELEANOR P. LATTA, EXECUTRIXES), JAMES LATTA, JR., ELEANOR P. LATTA, and MARY E. PYLE, all also of West Chester, Pa., of control of such rights through the purchase. Applicants' attorneys: V. Baker Smith and Alfred N. Lowenstein, both of 2107 Fidelity Building, 123 South Broad St., Philadelphia, Pa. 19109. Operating rights sought to be transferred: *General commodities*, excepting, among others household goods and commodities in bulk, as a *common carrier*, over regular routes, between Longwood, Pa., and Rising Sun, Md., serving all intermediate points; and the off-route points in Maryland within 10 miles of Rising Sun, those in Pennsylvania within 5 miles of U.S. Highway 1, and those in Pennsylvania within 10 miles of Oxford, Pa.; *furniture*, from Oxford, Pa., to Trenton and Camden, N.J., Baltimore, Md., Wilmington, Del., and points in the District of Columbia; and *builders' millwork* and *new furniture*, from Oxford, Pa., to Baltimore, Md., Washington, D.C., and Wilmington, Del. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Connecticut, Virginia, West Virginia, Massachusetts, Illinois, Indiana, Kentucky, Michigan, North Carolina, Rhode Island, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10201. Authority sought for purchase by CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 410 North 10th Street, Post Office Box 212, Billings, Mont. 59101, of the operating rights of H. F. LLOYD TRUCKING, INC., 410 Wicks Lane, Billings, Mont. 59102. Applicants' attorney: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Operating rights sought to be transferred: *Lumber, timbers, poles, posts and piling, and hardboard, as a contract carrier*, over irregular routes, from White Sulphur Springs, Mont., to points within 5 miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, Utah, and Wisconsin. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with the Vollstedt-Kerr Lumber Co., of White Sulphur Springs, Mont. Vendee is authorized to operate as a *contract carrier* in Wisconsin, Illinois, Minnesota, and Montana; and to temporarily operate as a common carrier in Wyoming and Montana. Application has not been filed for temporary authority under section 210a(b). NOTE: In MC–FC–70446 (CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, TRANSFEREE, and H. F. LLOYD TRUCKING, INC., TRANSFEROR) an order by Review Board Number 5, dated May 2, 1968, granted temporary authority under section 210a(b), and was consummated May 4, 1968.)

No. MC–F–10202. Authority sought for control and merger by DUNDEE TRUCK LINE, INC., 660 Sterling Street, Toledo, Ohio 43609, of the operating rights and property of C. H. RUMPF AND SONS TRUCK LINE, INC., 1130 Treat Road, Adrian, Mich. 49221, and for acquisition by DUNDEE MOTOR EXPRESS, INC., 107 Minneola Street, Hinsdale, Ill. 60531, of control of such rights and property through the transaction. Applicants' attorney: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Operating rights sought to be controlled and merged: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Sturgis, Mich., and Toledo, Ohio, between points in Michigan, serving all intermediate and certain off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Monroe County, Mich., on the one hand, and, on the other, points in Lucas County, Ohio, between points in Monroe County, Mich.; and *screens, screen doors, chairs and lawn furniture, window frames, and wood stock*, from Adrian, Mich., to points in Ohio. DUNDEE TRUCK LINE, INC., is authorized to operate as a *common carrier* in Michigan, Ohio, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10203. Authority sought for control and merger by DUFF TRUCK LINE, INC., Broadway and Vine Streets, Lima, Ohio 45802, of the operating rights and property of THE BROWN TRANSFER COMPANY, 900 Ninth Street SW., Canton, Ohio 44707, and for acquisition by L. EUGENE DUFF, also of Lima, Ohio, of control of such rights and property through the transaction. Applicants' attorney: James Muldoon, 88 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be controlled and merged: *Packinghouse products, as a common carrier*, over irregular routes, from Canton, Ohio, to points in Ohio within 75 miles of Canton; *packinghouse products and byproducts*, including fresh meats, from Canton, Ohio, to points in Mahoning, Stark, Summit, Tuscarawas, and Wayne Counties, Ohio; and *such merchandise* as is dealt in and sold by wholesale grocery firms, from Canton, Ohio, to points in Ohio within 50 miles of Canton. DUFF TRUCK LINE, INC., is authorized to operate as a *common carrier* in Ohio; and under a certificate of registration as a common carrier, in the State of Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10204. Authority sought for purchase by BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233, of a portion of the operating rights of ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue, South, Birmingham, Ala. 35233, and for acquisition by W. D. SELLERS, JR., 2 South 32d Street, Birmingham, Ala. 35233, of control of such rights through the purchase. Applicants' attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over irregular routes, between Mobile, Ala., on the one hand, and, on the other, points in Alabama. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska, California, Hawaii, Idaho, Nevada, and Oregon), and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC–F–9921 (BOWMAN TRANSPORTATION, INC.—purchase (portion)—ALABAMA HIGHWAY EXPRESS, INC.) and MC–F–10196 (OVERNIGHT TRANSPORTATION CO.—purchase (portion)—ALABAMA HIGHWAY EXPRESS, INC.), published in the November 1, 1967, republications June 19, 1968 and July 12, 1968, and July 24, 1968, issues of the FEDERAL REGISTER, on pages 15141, 9051, 10037, and 10549, respectively.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–9131; Filed, July 30, 1968; 8:49 a.m.]

[Notice 657]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 25, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 65802 (Sub-No. 40 TA), filed July 23, 1968. Applicant: LYNDEN TRANSFER, INC., doing business as LYNDEN TRANSPORT, INC., Box 433, Lynden, Wash. 98264. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *General commodities* (excluding household goods and commodities of unusual value), between ports of entry on the international boundary between British Columbia and Alaska via ferry, and points in Alaska, for 180 days. NOTE: Applicant intends to tack with its existing authority. Supporting shippers: Green Construction Co., 928 Securities Building, Seattle, Wash. 98101; C & R Builders Inc., Post Office Box 7397 (Bitter Lake Station), 11728 Aurora Avenue North, Seattle, Wash. 98133; Lindbrook Construction, Inc., Post Office Box 1076, 20215 64 West, Lynnwood, Wash. 98036; Alaska Traffic Consultants, 3466 East Marginal Way South, Seattle, Wash. 98134; Juneau Dam Constructors, 123 Seward Avenue, Juneau, Alaska 99801; The Carrington Co., 91 Columbia Street, Seattle, Wash. 98104; Mason-Osberg Co., 1132 North 128 Street, Seattle, Wash. 98133. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 109689 (Sub-No. 197 TA), filed July 23, 1968. Applicant: W. S. HATCH CO., 643 South 800 West Street, Post Office Box 1825, Salt Lake City, Utah 84110, Woods Cross, Utah 84087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal grease or tallow*, in bulk, from Twin Falls, Idaho, to Murray, Utah, for 180 days. Supporting shipper: Utah By-Products Co., 463 South Third West Street, Salt Lake City, Utah 84101. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 115871 (Sub-No. 2 TA), filed July 23, 1968. Applicant: EVART ISAAC, doing business as EVART ISAAC TRUCKING LINE, Fort Dodge Road, Dodge City, Kans. 67801. Applicant's representative: John J. Keller, 145 West Wisconsin Avenue, Neenah, Wis. 54956. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fat* (tallow), from Hyplains Dressed Beef, Inc., Dodge City, Kans., to Buffalo, Guymon, and Woodward, Okla., Amarillo, Dallas, and Perryton, Tex., for 150 days. Supporting shipper: Hyplains Dressed Beef, Inc., Box 539, Dodge City, Kans. 67801. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 116280 (Sub-No. 8 TA), filed July 23, 1968. Applicant: W. C. McQUAIDE, INC., 153 Macridge Avenue, Johnstown, Pa. 15904. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clothing*, between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, Duncansville, Pa., restricted to transportation having a prior or subsequent movement by air, for 150 days. Supporting shipper: The Puritan Sportswear Corp., Altoona, Pa. 16603. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 120442 (Sub-No. 2 TA) (Correction), filed July 1, 1968, published FEDERAL REGISTER issues of July 10 and July 24, 1968, and republished as corrected this issue. Applicant: NICK TOTONI & SONS, INC., 1373 West Hubbard Street, Chicago, Ill. 60622. Applicant's representative: Benjamin J. Schultz, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Illinois on and north of U.S. Highway 24 from the east bank of the Mississippi River to junction with U.S. Highway 136, and thence on and north of U.S. Highway 136 to the Illinois-Indiana State line, for 180 days. NOTE: Applicant intends to tack the authority applied for to other authority held by it in MC–120442 and also to interline with other carriers. The purpose of this republication is to clarify the territory proposed to be served. Supporting shipper: Dole Valve Co., 6201 Oakton Street, Morton Grove, Ill. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 126102 (Sub-No. 4 TA), filed July 17, 1968. Applicant: ANDERSON MOTOR LINES, INC., 37 Woodruff Road, Walpole, Mass. 02081. Applicant's representative: Sanford A. Kowal, 73 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold in drug stores, chain, discount, and department stores* (excluding commodities in bulk, in tank vehicles), (1) between the warehouses of Zayre Corp., in Florida, Georgia, Ohio, Illinois, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Pennsylvania, Illinois, Wisconsin, Minnesota, Kentucky, Maryland, South Carolina, Maine, Rhode Island, Ohio, Indiana, Michigan, Tennessee, Virginia, Georgia, and Florida; and (2) between the warehouses of Zayre Corp., in Massachusetts, on the one hand, and, on the other, points in Pennsylvania, Illinois, Wisconsin, Minnesota, Kentucky, Maryland, South Carolina, Ohio, Indiana, Michigan, Tennessee, Virginia, Georgia, and Florida; *all restricted against* providing transportation from points in Florida, Georgia, and South Carolina to points in Massachusetts other than traffic from the warehouses of Zayre Corp.; and against the movement of new furniture from points in Lycoming, Union, Northumberland, and Montour Counties, Pa., for 180 days. Supporting shipper: Zayre Corp., Mercer Road, Natick, Mass. Send protests to: Richard D. Mansfield, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 133039 TA, July 23, 1968. Applicant: COLLIER TRUCKING COMPANY INC., Rural Route No. 1, Coatesville, Ind. 46121. Applicant's representative: Richard M. Givan, 150 East Market Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients*, in bulk and in bags (except those moving in liquid form, in bulk, in tank vehicles) *livestock and poultry medication* (except in liquid form, in bulk, in tank vehicles); *grain*, from Lafayette, Ind., to points in Putnam, Lucas, Woods, Hancock, Hardin, Ottawa, Sandusky, Seneca, Wyandot, Marion, Erie, and Huron Counties, Ohio, for 180 days. Supporting shipper: Ralston Purina Co., Box 119, Lafayette, Ind. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 133040 TA (Amendment), filed June 17, 1968, and published under MC 124987 Sub 11 TA, issue of June 22, 1968, and republished as amended this issue. Applicant: EARL L. BONSACK AND ELAINE M. BONSACK, a partnership, doing business as EARL L. BONSACK, 512 West Plainview Road, La Crosse, Wis. 54601. Applicant's representative: F. W. Liegois, 925 South Third Street, La Crosse, Wis. 54601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt liquors*, (1) from Newport, Ky., to points in Illinois; Indiana (except Delphi, Goodland, Monticello, and Rensselaer), Ohio, and Virginia; (2) from La Crosse, Wis., to Indianapolis, Ind., (3) *empty containers* in the reverse direction, for 180 days. NOTE: The purpose of this republication is to show applicant now seeks to conduct the proposed operation as a common carrier rather than as a contract carrier. Also, the application has been reassigned MC 133040 TA in lieu of MC 124987 (Sub-No. 11 TA). Supporting shipper: G. Heileman Brewing Co., Inc., 925 South Third Street, La Crosse, Wis. 54601. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 133041 TA, filed July 23, 1968. Applicant: GRANICO TRANSPORT LTD., Post Office Box 252, Alma, Lake St. John, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from United States-Canadian boundary line, ports of entry located in Maine, New Hampshire, Vermont, New York, and Michigan, to points in New Hampshire, New York, Maryland, Michigan, Illinois, Maine, Vermont, Rhode Island, Connecticut, Massachusetts, Pennsylvania, for 180

days. Supporting shipper: Columbia Granite, Inc., 74 Sacre-Coeur Street, Suite 15, Alma, Quebec. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

By the Commission.

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

[F.R. Doc. 68-9132; Filed, July 30, 1968; 8:49 a.m.]

[Notice 180]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 26, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's 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-70632. By order of July 23, 1968, the Transfer Board approved the transfer to Wm. Iffland Trucking & Supply, Inc., Toledo, Ohio, of the operating rights in certificate No. MC-113797 issued January 6, 1955, to C. E. Frost, doing business as C. E. Frost Sand Co., Toledo, Ohio, authorizing the transportation, over irregular routes, of sand from Tecumseh, Mich., and points within 5 miles of Tecumseh, to Silica, Ohio, and points in Lucas, Ottawa, and Fulton Counties, Ohio; and cement, sand, crushed stone, stone, concrete blocks, motar, lime, and stone aggregates from Silica, Ohio, to points in Lenawee and Monroe Counties, Mich. Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604, attorney for applicants.

No. MC-FC-70634. By order of July 23, 1968, the Transfer Board approved the transfer to Sted-Fast Trans., Inc., 24 County Road, Everett, Mass. 02149, of the certificate of registration in No. MC-98797 (Sub-No. 1) issued April 10, 1964, to Joseph Picariello, Inc., Middleton, Mass. 01949, evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Massachusetts, corresponding in scope to the service authorized by irregular route common carrier certificate No. 3519, issued November 9, 1954, by the Massachusetts Department of Public Utilities.

No. MC-FC-70643. By order of July 23, 1968, the Transfer Board approved the transfer to Hillsen's Holiday Tours, a corporation, Redlands, Calif., of Licenses in Nos. MC-12827, MC-12827 (Sub-No. 1), and MC-12827 (Sub-No. 2), issued November 7, 1963, August 24, 1964, and March 16, 1965, respectively, to California Educational Tours, a corporation, Redlands, Calif., and acquired by transferor herein, Jane Hillsen, doing business as Holiday Tours, pursuant to approval and consummation of No. MC-FC-70230, on June 17, 1968, authorizing the holder to engage in operations as a broker at Redlands, Calif., in the transportation of passengers and their baggage, in round-trip tours, beginning and ending at points in Fresno, Kern, San Bernardino, Contra Costa, San Mateo, Santa Clara, San Diego, Los Angeles, and Orange Counties, Calif., and extending to points in the United States, except Alaska and Hawaii. Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212, attorney for applicants.

No. MC-FC-70649. By order of July 23, 1968, the Transfer Board approved the transfer to L. N. Tolbert, doing business as Southern Missouri Freight, Branson, Mo., of the certificate of registration in No. MC-129207 (Sub-No. 1) issued October 9, 1967, to L. N. Tolbert & W. C. Short, a partnership, doing business as Southern Missouri Freight, Branson, Mo., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate No. T-25, 449 issued July 17, 1967, by the Missouri Public Service Commission. Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101, attorney for applicants.

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

[F.R. Doc. 68-9133; Filed, July 30, 1968; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during July.

3 CFR

Page

PROCLAMATIONS:
Aug. 3, 1901 (see PLO 4461) 9616
3857 10003
3858 10497
3859 10499

EXECUTIVE ORDERS:
May 4, 1907:
See PLO 4470 9709
Revoked in part by PLO 4497 10400
July 7, 1910 (revoked in part by PLO 4479) 10092
May 27, 1913 (revoked in part by PLO 4468) 9708
March 21, 1914 (revoked in part by PLO 4468) 9708
1664 (revoked by PLO 4466) 9618
3797–A (see PLO 4470) 9709
4806 (revoked in part by PLO 4501) 10401
6039 (revoked in part by PLO 4495) 10399
8579 (see PLO 4474) 9822
10973 (amended by EO 11417) 10625
11322 (see EO 11419) 10837
11353 (amended by EO 11418) 10783
11417 10625
11418 10783
11419 10837

5 CFR

179 10839
213 9581, 9645, 9865, 10133, 10183, 10501, 10839.
550 9703
1300 10785

7 CFR

1 10273
17 10005
51 10840
52 9582
53 9584
58 10385
81 10083
201 10840
215 10083
301 9749, 9751, 9755, 10273, 10275, 10276
354 10084, 10561
362 10561
401 10277
409 10561
601 10841
719 9755
725 10732
728 9584, 10627
777 10386
778 10183
811 9945
814 9946
842 9586, 10277
905 9592, 9756
908 9703, 9947, 10277, 10387, 10561, 10735
910 9592, 9757, 10084, 10387, 10735
915 10501
917 9948
919 10388
924 10736
944 9593, 10562
946 9756
947 9758
948 9645
953 10562
967 10736
1015 9646
1032 10278
1033 10133
1036 9646
1044 9647
1050 9647, 10841
1062 9647
1063 9647
1068 9648, 10278
1070 9647
1078 9647
1079 9647
1090 10278
1098 10279
1134 10133
1205 9703, 9874
1421 9948, 9951, 10502
1425 10639
1443 10313
1446 10503
1464 9759, 9809, 10640
1479 10184
1483 10185, 10186
1488 9593, 9594, 10085, 10641
1601 10186, 10279

PROPOSED RULES:
26 9825, 10284
51 10146
52 9711
319 10011
722 10804
725 9619
730 10093
906 10210
907 10867
908 10873
913 10879
915 10528
929 10738
932 10011
944 10880
945 10742
946 10880
948 10102, 10804
958 10881
965 10211
991 10211
993 10576, 10656
1001 10403
1002 10403
1003 10403
1004 10284, 10403
1009 10102, 10742
1015 10403
1016 10403
1030 10104, 10346
1032 10105, 10744
1033 9662
1036 10102, 10742
1040 10747
1041 10102, 10742
1044 10102, 10742
1047 10104, 10346
1049 10104, 10346
1050 10105, 10108, 10744
1062 10105, 10744
1063 10105, 10147, 10744
1064 10748
1067 10105, 10744
1068 10105, 10744
1070 10105, 10744
1076 10105, 10744
1078 10105, 10744
1079 10105, 10744
1090 9662
1098 9662
1099 10105, 10744
1136 10881
1202 10346

8 CFR

103 10504
235 10504
238 10504
299 10505
336 10505
499 10505

9 CFR

51 10785
56 10005
74 10006
78 10201
85 10280
97 10085, 10839
307 10085
340 10085
355 10086

PROPOSED RULES:
311 10577

10 CFR

50 9704
70 9809

12 CFR

1 9596
8 9598
9 9649
208 9865
217 9873
250 9865
265 10330
523 10331
526 10522
541 10523
544 10524
545 10523, 10524, 10526
563 10526
569 10526
640 9873

PROPOSED RULES:
561 9675

13 CFR

101 9649
121 9651, 10786

14 CFR

39 9598, 9706, 9810, 9874, 10133, 10280, 10388, 10389, 10644, 10798.
71 9599, 9706, 9810, 9875, 9876, 10202–10204, 10280, 10281, 10443, 10444, 10563–10566, 10799, 10800.
73 10204, 10444, 10800

14 CFR—Continued

Page

75—9707, 9810, 10204, 10205
77—10842
91—10505
95—10566
97—9760, 9811, 10318, 10645, 10649
121—10329, 10655, 10843
127—10329
137—9600
241—9651
298—9764
310—10444
389—10445

PROPOSED RULES:

25—10361
39—9712, 9905, 10528, 10656, 10805
43—10578
67—9905
71—9620, 9621, 9713, 9826, 9827, 9906, 9907, 10212, 10213, 10459, 10460, 10579, 10580, 10805, 10806.
73—9827
75—9622, 10460, 10579, 10580
91—10578
135—10578
151—10882
211—10108
288—10749
302—10108
389—9828
399—10108

15 CFR

0—9765
200—10627
368—10006
370—9602
371—9603
372—9602
373—9604, 9652
384—10331
385—9604, 10006

PROPOSED RULES:

7—9663
1000—10403

16 CFR

13—9813, 9814, 10205, 10505, 10506
15—9605, 9606, 9815, 9816, 10205, 10206
245—10332

PROPOSED RULES:

240—10616
241—10285

17 CFR

231—10086, 10134
240—10389
241—10086, 10134
249—10389

PROPOSED RULES:

230—10406

18 CFR

101—10135
104—10135
105—10136
141—10138
154—10138
201—10138
204—10136
205—10137
620—10138
9877

PROPOSED RULES:

260—10362
604—10574
704—10656

19 CFR

Page

1—10140
4—9707
12—9766
16—10445

PROPOSED RULES:

1—10210

20 CFR

404—9766
405—9767, 9768
422—9600
614—10086

PROPOSED RULES:

405—10149
602—10266
620—10266

21 CFR

1—10140, 10206, 10391, 10392
2—9608, 10713
3—9609
8—9952, 9953, 10844
15—10713
19—10141
27—10087, 10088, 10713
29—10392
46—10506, 10713
120—9609, 9610, 9707, 9774, 9880, 9953, 10568, 10713, 10714.
121—9610, 9775, 9954, 10207, 10569, 10714, 10844.
130—9954
146a—10393
147—10142
191—9880, 10715

PROPOSED RULES:

1—9960, 10149, 10283
3—9783, 9960
15—9783
16—9783
17—9783
18—9783, 10577
45—9783, 9904
120—9619, 10528
121—9783, 9904
125—9783
130—9711, 10283
131—9960
146—10283
166—9833

22 CFR

11—10845
51—10281
208—9952

23 CFR

255—10207

PROPOSED RULES:

256—10361

24 CFR

200—9775, 10317
203—9816
234—9816

25 CFR

32—9708
221—10846, 10847
500—10715

PROPOSED RULES:

221—10528

26 CFR

Page

1—9653, 9816, 10569, 10692
245—10510, 10802

PROPOSED RULES:

1—9781, 9830, 10700
212—9957

28 CFR

0—9817
45—10516, 10570
47—9819

29 CFR

0—10432
3—10186
4—9880
20—10008
101—9819
102—9819
525—10488
1600—9610

PROPOSED RULES:

4—9904

30 CFR

11—10336

31 CFR

7—10088
211—9611, 9708
240—10627
605—10142

32 CFR

1—10187
2—10187
3—10188
4—10188
5—10190
6—10190
7—10190
10—10196
12—10197
13—10198
14—10199
15—10200
16—10200
17—10201
18—10201
22—10201
163—10446
579—10453
888—9778

32A CFR

OEP (Ch. I):
DMO 8555.1A—10143
DMP 4—10393
OIA (Ch. X):
Reg. 1—9900, 10008

PROPOSED RULES:

OIA (Ch. X):
Reg. 1—10225

33 CFR

110—9778, 10393, 10454
207—9611, 10456
208—10801
402—10008

35 CFR

253—10281, 10802

36 CFR

PROPOSED RULES:

7—10346, 10803

38 CFR

Page

1 ---- 10516
2 ---- 10847
3 ---- 9956
18 ---- 10516
21 ---- 10847

39 CFR

137 ---- 10394
151 ---- 10342
742 ---- 10570
822 ---- 9657
824 ---- 10008

PROPOSED RULES:

126 ---- 10803
132 ---- 10803

41 CFR

1–1 ---- 10393
1–12 ---- 10715
1–16 ---- 10725
5–30 ---- 9820
6–1 ---- 10516
6–75 ---- 10516
8–1 ---- 10456
8–3 ---- 10456, 10847
8–10 ---- 10456
8–16 ---- 10849
8–52 ---- 10456
8–75 ---- 10849
9–1 ---- 9820
9–4 ---- 9820, 10457
9–5 ---- 9821
9–7 ---- 9820
9–9 ---- 9820, 9821
9–12 ---- 9776
9–15 ---- 9776
9–16 ---- 10457
12–1 ---- 10517
24–1 ---- 10725
101–11 ---- 9777
101–19 ---- 9777
101–38 ---- 10208
101–43 ---- 10009
101–44 ---- 10010
101–45 ---- 10010

42 CFR

52 ---- 9821
53 ---- 10145

PROPOSED RULES:

81 ---- 10882

43 CFR

1850 ---- 10394
3120 ---- 10343, 10570

PUBLIC LAND ORDERS:

238 (revoked by PLO 4491) ---- 10399
317 (modified by PLO 4490) ---- 10398
876 (revoked by PLO 4489) ---- 10398
922 (see PLO 4490) ---- 10398
1195 (revoked in part by PLO 4500) ---- 10401
1327 (see PLO 4482) ---- 10395
1358 (revoked in part by PLO 4467) ---- 9708
1624 (see PLO 4470) ---- 9709
1634 (revoked in part by PLO 4494) ---- 10399

43 CFR—Continued

Page

PUBLIC LAND ORDERS—Continued

2323 (amended by PLO 4470) ---- 9709
2557 (amended by PLO 4470) ---- 9709
2709 (revoked by PLO 4499) ---- 10401
2830 (revoked in part by PLO 4504) ---- 10727
3152 (revoked in part by PLO 4500) ---- 10401
3537 (revoked in part by PLO 4503) ---- 10726
3584 (see PLO 4500) ---- 10401
3594 (see PLO 4470) ---- 9709
3871 (revoked in part by PLO 4473) ---- 9822
4395 (corrected by PLO 4475) ---- 9822
4457 ---- 9614
4458 ---- 9614
4459 ---- 9614
4460 ---- 9615
4461 ---- 9616
4462 ---- 9616
4463 ---- 9616
4464 ---- 9617
4465 ---- 9617
4466 ---- 9618
4467 ---- 9708
4468 ---- 9708
4469 ---- 9709
4470 ---- 9709
4471 ---- 9709
4472 ---- 9902
4473 ---- 9822
4474 ---- 9822
4475 ---- 9822
4476 ---- 9822
4477 ---- 9823
4478 ---- 9823
4479 ---- 10092
4480 ---- 10394
4481 ---- 10394
4482 ---- 10395
4483 ---- 10396
4484 ---- 10396
4485 ---- 10397
4486 ---- 10398
4487 ---- 10398
4488 ---- 10398
4489 ---- 10398
4490 ---- 10398
4491 ---- 10399
4492 ---- 10399
4493 ---- 10399
4494 ---- 10399
4495 ---- 10399
4496 ---- 10400
4497 ---- 10400
4498 ---- 10400
4499 ---- 10401
4500 ---- 10401
4501 ---- 10401
4502 ---- 10725
4503 ---- 10726
4504 ---- 10727
4505 ---- 10802

44 CFR

PROPOSED RULES:

401 ---- 10805

46 CFR

Page

2 ---- 10047
42 ---- 10047
43 ---- 10075
44 ---- 10076
45 ---- 10077
46 ---- 10077
310 ---- 10281
355 ---- 10849
401 ---- 9823
510 ---- 10145
524 ---- 10089

PROPOSED RULES:

284 ---- 10459

47 CFR

0 ---- 10849
1 ---- 9657, 10343, 10345, 10570
2 ---- 9659, 10090, 10849
21 ---- 9657
73 ---- 10519
81 ---- 10849, 10863
83 ---- 10849
87 ---- 9659, 9779, 10345, 10863
89 ---- 10345
91 ---- 10345
93 ---- 10345
97 ---- 10641

PROPOSED RULES:

2 ---- 9665, 10807
15 ---- 10529, 10807
18 ---- 10807
21 ---- 10807
73 ---- 9713, 9829, 9960, 10019, 10224, 10531, 10581, 10807.
74 ---- 10807
81 ---- 9665
83 ---- 9665
87 ---- 10020
89 ---- 10807
91 ---- 10807
93 ---- 10807
97 ---- 10883

49 CFR

1033 ---- 9780, 10401, 10727, 10800, 10864
1043 ---- 10572
1048 ---- 9661
1084 ---- 10572

PROPOSED RULES:

180 ---- 10213
293 ---- 10152, 10362
294 ---- 10152
Ch. X ---- 10461

50 CFR

10 ---- 10727, 10865
32 ---- 9709, 10282, 10445, 10522, 10573, 10731, 10798, 10866.
33 ---- 10731

PROPOSED RULES:

32 ---- 10738