

# FEDERAL REGISTER

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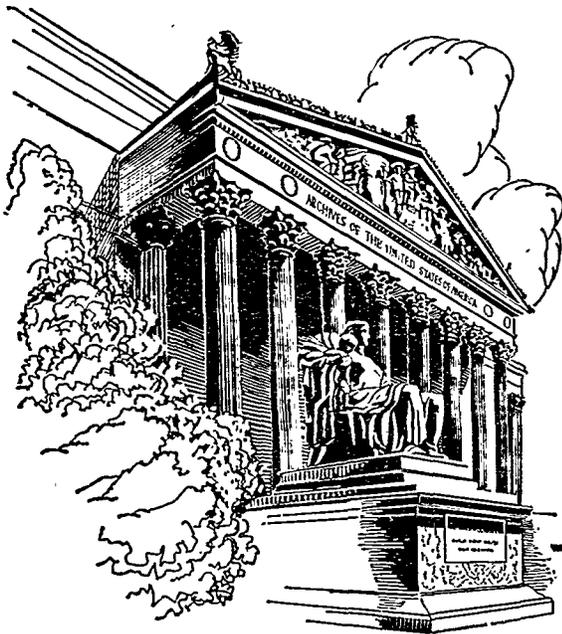
Tuesday, April 2, 1968 • Washington, D.C.

Pages 5247-5286

**Agencies in this issue—**

The President  
Agriculture Department  
Atomic Energy Commission  
Business and Defense Services Administration  
Coast Guard  
Engineers Corps  
Federal Aviation Administration  
Federal Communications Commission  
Federal Crop Insurance Corporation  
Federal Housing Administration  
Federal Maritime Commission  
Federal Power Commission  
Federal Register Administrative Committee  
Federal Trade Commission  
Food and Drug Administration  
Immigration and Naturalization Service  
Interstate Commerce Commission  
Land Management Bureau  
Packers and Stockyards Administration  
Public Health Service  
Securities and Exchange Commission  
Small Business Administration

Detailed list of Contents appears inside.



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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3838

NATIONAL SCHOOL SAFETY PATROL WEEK, 1968

By the President of the United States of America

#### A Proclamation

For nearly fifty years, voluntary school safety patrols have performed a distinguished service to other children going to and from school. The volunteer patrol has not only safeguarded countless young lives; it has, by example, taught obedience to traffic laws and the observance of safe pedestrian practices.

During this period of almost half a century, more than sixteen million youngsters have given freely of their time that their fellow students might walk to school safely.

With the encouragement and assistance of the schools, parent-teacher associations, police and traffic engineers, motor clubs, and others, the School Safety Patrol Program has helped bring about a significant improvement in the traffic death and injury rates of school children.

To give well-earned recognition to the accomplishments and efforts of school safety patrols, the Congress, by a joint resolution approved March 29, 1968, has designated the second week of May of 1968 as National School Safety Patrol Week, and has requested the President to issue a proclamation calling for its observance.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby call upon the people of the United States to observe the week of May 5 to 11, 1968, as National School Safety Patrol Week, with ceremonies and activities designed to give honor and recognition to school patrols. I urge that the future success of the patrol program be assured by the continuing support of the general public.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of March, in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-second.



[F.R. Doc. 68-3982; Filed, Mar. 29, 1968; 4:18 p.m.]



**Executive Order 11402****MAKING THE VICE PRESIDENT OF THE UNITED STATES THE CHAIRMAN OF THE PRESIDENT'S COUNCIL ON RECREATION AND NATURAL BEAUTY**

By virtue of the authority vested in me as President of the United States, Executive Order No. 11278 of May 4, 1966, entitled "Establishing a President's Council and a Committee on Recreation and Natural Beauty", as amended, is hereby further amended by substituting for section 101 thereof the following:

"SECTION 101. *Membership and chairmanship.* (a) There is hereby established the President's Council on Recreation and Natural Beauty (hereinafter referred to as the 'Council') which shall be composed of the Vice President of the United States, who shall be the Chairman of the Council, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Chairman of the Federal Power Commission, the Chairman of the Board of Directors of the Tennessee Valley Authority, and the Administrator of General Services. Each of the foregoing heads of departments and other agencies may appoint a delegate to represent him in Council activities.

"(b) When matters are to be considered by the Council which affect the interests of Federal agencies (including, as used in this order, executive departments and other executive agencies) the heads of which are not members of the Council, the Chairman of the Council shall invite such heads to participate in the deliberations of the Council."



THE WHITE HOUSE,  
March 29, 1968.

[F.R. Doc. 68-4043; Filed, Apr. 1, 1968; 11:32 a.m.]



# Rules and Regulations

## Title 1—GENERAL PROVISIONS

### Chapter I—Administrative Committee of the Federal Register

#### CFR CHECKLIST

##### 1968 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1968. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

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0-19 (Rev.) .....	1.00
70-79 (Rev.) .....	1.00

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

#### PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

#### PART 238—CONTRACTS WITH TRANSPORTATION LINES

##### Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. The first sentence of subparagraph (1) *Extension agreements; consent of surety; collateral security* of paragraph (a) *Posting of surety bonds* of § 103.6 *Surety bonds* is amended to read as follows: "All surety bonds posted in immigration cases shall be executed on Form I-352, a copy of which, and any rider attached thereto, shall be furnished the obligor."

2. The listing of transportation lines in subparagraph (1) *Canada* of paragraph (b) *Agreements with transportation lines* of § 238.2 *Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands* is amended by adding in alphabetical sequence the following transportation line: "Irish International Airlines."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (Public Law 89-554, 80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance because the amendment to § 103.6(a)(1) relates to agency procedure and the amendment to § 238.2(b)(1) adds a transportation line to the listing.

Dated: March 28, 1968.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[F.R. Doc. 68-3903; Filed, Apr. 1, 1968; 8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8300; Amdt. 39-573]

#### PART 39—AIRWORTHINESS DIRECTIVES

#### BAC 1-11 Model 212AR, 401AK, and 410AQ Series Airplanes

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-522 (32 F.R. 17515), AD 67-32-1, to include BAC 1-11 Model 212AR, 401AK, and 410AQ Series airplanes equipped with Thompson Ramo fuel pump P/N 248800/5 was published in 33 F.R. 2531.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-522 (32 F.R. 17515), AD 67-32-1, is amended by making the following changes:

1. By amending the applicability statement by inserting the reference "P/N 248800/5" after the reference "P/N 248800/4" and before the words "or pumps".

2. By amending paragraph (a) by striking the words "Issue 1" and inserting the words "Issue 2" in place thereof.

This amendment becomes effective May 2, 1968.

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

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

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

[F.R. Doc. 68-3895; Filed, Apr. 1, 1968; 8:47 a.m.]

[Docket No. 8276; Amdt. 77-5]

#### PART 77—OBJECTS AFFECTING NAVIGABLE AIRSPACE

##### Miscellaneous Amendments

The purpose of these amendments is to make minor substantive changes and editorial corrections to Part 77.

The FAA published a notice of proposed rule making in the FEDERAL REGISTER on July 14, 1967 (32 F.R. 10373), circulated as Notice No. 67-29 which proposed a number of minor substantive amendments and editorial corrections to Part 77 that would clarify the intent or would make the part consistent with the FAA's current practice or organization.

Comments received to the notice indicated a general endorsement of the proposal. A number of comments suggested changes or improvements that have been incorporated herein. Due consideration was given to all comments received.

One comment raised a question on whether this proposal would increase the protection for airports with at least one runway of 3,200 feet. The proposed revision of § 77.13(a)(2)(i) and (ii) would make no change to the current notice requirement criteria. It would merely add the term "actual length" to clarify the intent that the runway length referred to in that section is the actual and not the "corrected" runway length. The actual runway length is selected because this is the measurement provided in the FAA Airport Directory, the Alaska and the Pacific Airman's Guides and Chart Supplements and is the length that the construction sponsor would see on the airport. The general public would have no means of readily determining a corrected runway length, as referred to in the proposed revision of § 77.23(a)(8), and which is used by the FAA in applying its standards for determining obstructions.

The notice proposed to revoke § 77.13(a)(5) which requires a notice, when requested by FAA, for any construction proposal that would be in an instrument approach area and available information indicates that it may be an obstruction to air navigation. Information from the FAA's regional offices indicates that this provision has been used in a number of cases to obtain specific data on height and location after general information on the construction became available. This provision is therefore retained but is redesignated as § 77.13(a)(4).

A new § 77.2, *Definition of terms*, is included to clarify the meaning of certain terms used in this amendment.

Several comments objected to § 77.13(a)(5)(ii) as redesignated herein, which included a planned or proposed airport within the category of airports for which the notice criteria applies, pointing out that frequently sponsors would have no way of ascertaining the sites of planned airports without an inquiry to the agency each time, or consulting a currently maintained list of planned or proposed airports. There is merit to these comments and the amendment to that section has been revised to include only those airports under construction. Sponsors will be able to see work in progress on airports near the proposed construction and the benefits of this part will be available to those airports.

Some comments suggested that proposed § 77.15(c) should be revised to clarify the phrase "approved by the Administrator" and to list the facilities to

which that paragraph applies. The amendment has been revised to reflect the intent that the types of facilities and devices that have been approved by the Administrator are the subject of the reference. "Air Navigation facility" is defined in section 101(8) of the Federal Aviation Act of 1958. Therefore, it is unnecessary to again list those facilities to which the notice requirements do not apply.

The Air Line Pilots Association objected to exempting any object or structure from the notice requirements and obstruction standards. It is recognized that some of the structures exempted from the notice requirement may be obstructions to air navigation. However, these exemptions are based on the need to provide a reasonable notice that can be applied and complied with by a construction proponent. A notice requirement similar to the obstruction criteria of Subpart C of this part would be impracticable in application. The exemption of certain structures, e.g., antenna structures of 20 feet or less in height, and airport or FAA navigational aids, has been found advantageous to both the FAA and industry. Therefore, certain necessary structures, although they may be obstructions, are exempted because of their utility or the relative absence of any hazard associated therewith.

Editorial changes have been made to § 77.17 to reflect the current procedure of sending notices of proposed construction to the appropriate area office instead of a regional office. The identity and address of the appropriate FAA area or regional office may be obtained from any FAA facility, therefore a listing of the respective jurisdictions and addresses is omitted.

Editorial changes have been made to § 77.17(d) including the redesignation of paragraph (d) as paragraph (e), because of the intervening effectiveness of another amendment subsequent to the circularization of Notice No. 67-29.

Sections 77.11(b)(3) and 77.19(b) have been amended to refer to the current designation of the FAA advisory circular on "Obstruction Marking and Lighting".

The wording of § 77.21(a) has been rearranged for readability without making any substantive change. One comment made the same objection to § 77.21(c)(2) as to the notice criteria under § 77.13(a)(5)(ii) that the public would be unable to comply with that section since it could not be aware of airports existing only in the planning stage. This comment is not valid since the standards thereunder are applied by FAA specialists to whom this data would be available.

In consideration of the foregoing, Part 77 is amended, effective May 2, 1968, as hereinafter set forth.

1. The following new section is added after § 77.1:

**§ 77.2 Definition of terms.**

For the purpose of this part:

"Airport available for public use" means an airport that is open to the general public with or without a prior request to use the airport.

"A seaplane base" is considered to be an airport only if its sea lanes are outlined by visual markers.

**§ 77.11 [Amended]**

In § 77.11(b)(3) "FAA Manual entitled" is deleted and "FAA Advisory Circular AC 70/7460-1 entitled" is substituted therefor.

3. Section 77.13 is amended to read as follows:

**§ 77.13 Construction or alteration requiring notice.**

(a) Except as provided in § 77.15, each sponsor who proposes any of the following construction or alteration shall notify the Administrator in the form and manner prescribed in § 77.17:

(1) Any construction or alteration of more than 200 feet in height above the ground level at its site.

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in subparagraph (5) of this paragraph with at least one runway more than 3,200 feet in actual length, excluding heliports.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in subparagraph (5) of this paragraph with its longest runway no more than 3,200 feet in actual length, excluding heliports.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport specified in subparagraph (5) of this paragraph.

(3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for other highways, 25 feet for a railroad, and, for any other traverse way, an amount equal to the height of the highest unshielded mobile objects that would normally traverse it, would exceed a standard of subparagraph (1) or (2) of this paragraph.

(4) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed a standard of Subpart C of this part.

(5) Any construction or alteration on any of the following airports (including heliports):

(i) An airport that is available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.

(ii) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that that airport will be available for public use.

(iii) An airport that is operated by an armed force of the United States.

(b) Each sponsor who proposes construction or alteration that is the subject of a notice under paragraph (a) of this section and is advised by an FAA area office that a supplemental notice is required shall submit that notice on a prescribed form to be received by the FAA area office at least 48 hours before the start of the construction or alteration.

(c) Each sponsor who undertakes construction or alteration that is the subject of a notice under paragraph (a) of this section shall, within 5 days after that construction or alteration reaches its greatest height, submit a supplemental notice on a prescribed form to the FAA area office having jurisdiction over the area involved, if—

(1) The construction or alteration is more than 200 feet above the surface level of its site; or

(2) An FAA area office advises him that submission of the form is required.

4. Section 77.15(c) is amended to read as follows:

**§ 77.15 Construction or alteration not requiring notice.**

\* \* \* \* \*

(c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, the location and height of which is fixed by its functional purpose.

\* \* \* \* \*

5. In § 77.17 paragraphs (a) and (e) are amended to read as follows:

**§ 77.17 Form and time of notice.**

(a) Each person who is required to notify the Administrator under § 77.13 (a) shall send two executed copies of FAA Form 117, "Notice of Proposed Construction or Alteration," to the Chief, Air Traffic Branch, FAA Area Office (or, Chief, Air Traffic Division, for the Alaskan and Pacific Region) having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 117 may be obtained from the headquarters of the Federal Aviation Administration, the regional and the area offices.

\* \* \* \* \*

(e) Each person who is required to notify the Administrator by paragraph (b) or (c) of § 77.13, or both, shall send an executed copy of FAA Form 117-1, "Notice of Progress of Construction or Alteration" to the Chief, Air Traffic Branch, FAA Area Office (or, Chief, Air Traffic Division, for the Alaskan or Pacific Region) having jurisdiction over the area involved.

**§ 77.19 [Amended]**

6. In § 77.19(b) "FAA Manual on" is deleted and "FAA Advisory Circular AC 70/7460-1 entitled" is substituted therefor.

7. In § 77.21 the third sentence of paragraph (a) and paragraph (c) are amended and paragraph (d) is deleted as follows:

**§ 77.21 Scope.**

(a) \* \* \* The standards apply to the use of navigable airspace by aircraft and to existing air navigation facilities, such as an air navigation aid, airport, Federal airway, instrument approach procedure, approved off-airway route, control zone, or transition area. Additionally, they apply to a planned facility or use, or a change in an existing facility or use, if a proposal therefor is on file with the FAA or the Department of Defense on the date the notice required by § 77.13 (a) is filed.

\* \* \* \* \*

(c) The standards in this subpart apply to the effect of construction or alteration proposals upon an airport if, at the time of filing of the notice required by § 77.13(a), that airport is—

(1) Available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement; or,

(2) A planned or proposed airport or an airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that that airport will be available for public use; or,

(3) An airport that is operated by an armed force of the United States.

(d) [Deleted]

8. Section 77.23(a) (8) is amended and paragraph (c) is deleted as follows:

**§ 77.23 Standards for determining obstructions.**

(a) \* \* \*

(8) The surface of a takeoff and landing area of an airport or any imaginary surface established under § 77.25 § 77.27, § 77.28, or § 77.29. However, no part of the takeoff and landing area itself will be considered an obstruction. Each airport imaginary surface that is established for a civil airport is based on runway lengths corrected in accordance with the current FAA airport design standards to no gradient and standard conditions of temperature and elevation.

\* \* \* \* \*

(c) [Deleted]

**§ 77.27 [Amended]**

9. In § 77.27 the first sentence of paragraph (b), the introductory text of paragraph (c), paragraph (c) (1), and paragraph (c) (2) (i), (ii), and (iii) are amended by striking out the words "at the end of the primary surface" and inserting "at each end of the primary surface" in place thereof.

10. Section 77.39(b) is amended to read as follows:

**§ 77.39 Effective period of determination of no hazard.**

\* \* \* \* \*

(b) In any case, including a determination to which paragraph (d) of this section applies, where the proposed construction or alteration has not been started during the applicable period by actual structural work, such as the laying of a foundation, but not including excavation, any interested person may, at least 15 days before the date the final determination expires, petition the FAA official who issued the determination to:

(1) Revise the determination based on new facts that change the basis on which it was made; or

(2) Extend its effective period.

\* \* \* \* \*

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

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

WILLIAM F. MCKEE,  
Administrator.

[F.R. Doc. 68-3896; Filed, Apr. 1, 1968; 8:47 a.m.]

**Title 16—COMMERCIAL PRACTICES**

**Chapter I—Federal Trade Commission**

[Docket No. C-1305]

**PART 13—PROHIBITED TRADE PRACTICES**

**Carpet Yarn Mills, Inc., et al.**

Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-80 *Textile Fiber Products Identification Act*; 13.1185-90 *Wool Products Labeling Act*; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-80 *Textile Fiber Products Identification Act*; 13.1212-90 *Wool Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-70 *Textile Fiber Products Identification Act*; 13.1852-80 *Wool Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Carpet Yarn Mills, Inc., et al., Dallas, Ga., Docket C-1305, Mar. 4, 1968]

*In the Matter of Carpet Yarn Mills, Inc., a Corporation, and Lee B. Womelsdorf, Ivan A. Millender, and Sam Millender, Individually and as Officers of Said Corporation.*

Consent order requiring a Dallas, Ga., spinning mill to cease misbranding its wool and textile fiber products and failing to maintain proper fiber content records.

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

*It is ordered*, That respondents Carpet Yarn Mills, Inc., a corporation, and its

officers, and Lee B. Womelsdorf, Ivan A. Millender, and Sam Millender, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of constituent fibers contained therein.

2. Failing to securely affix to, or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

*It is further ordered*, That respondents Carpet Yarn Mills, Inc., a corporation, and its officers, and Lee B. Womelsdorf, Ivan A. Millender, and Sam Millender, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain and preserve proper records showing the fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

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

Issued: March 4, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 68-3881; Filed, Apr. 1, 1968;  
8:46 a.m.]

[Docket No. C-1306]

### PART 13—PROHIBITED TRADE PRACTICES

#### Playtime Girl Originals, Inc., and Albert Jemal

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties*; § 13.1053-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: § 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements*; § 13.1212-80 Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1715 *Quality*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: § 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Playtime Girl Originals, Inc., et al., New York, N.Y., Docket C-1306, Mar. 4, 1968]

*In the Matter of Playtime Girl Originals, Inc., a Corporation, and Albert Jemal, Individually and as an Officer of Said Corporation*

Consent order requiring a New York City wholesaler of hosiery to cease misbranding and falsely guaranteeing its textile fiber products and misrepresenting imperfect hosiery as first or perfect quality.

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

*It is ordered*, That respondents Playtime Girl Originals, Inc., a corporation, and its officers, and Albert Jemal, individually and as officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or in the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in

connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to affix labels to such textile fiber products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Failing to set forth all parts of the required information conspicuously and separately on the same side of the label in such a manner as to be clearly legible and readily accessible to the prospective purchaser.

3. Setting forth nonrequired information or representations on a label or elsewhere on the product in such a manner as to minimize, detract from, or conflict with information required by said Act and the rules and regulations promulgated thereunder.

B. Furnishing false guaranties that textile fiber products are not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

*It is further ordered*, That respondents Playtime Girl Originals, Inc., a corporation, and its officers, and Albert Jemal, individually and as an officer of said corporation, and respondents' agents, representatives, and employees directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of hosiery, or other related "industry products," which are "irregulars," "seconds," or otherwise imperfect, as such terms are defined in Rule 4(c) of the Amended Trade Practice Rules for the Hosiery Industry (16 CFR 152.4(c)), in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Selling or distributing hosiery products without clearly and conspicuously setting out, by transfer or other markings on each stocking, sock, or other unit, the words "irregulars" or "seconds," as the case may be, in such degree of permanency as to remain thereon until the consummation of the consumer sale and of such conspicuousness as to be easily observed and read by the purchasing public.

B. Using any advertisement or promotional material in connection with the offering for sale of any such product unless it is disclosed therein that such article is an "irregular" or "second," as the case may be.

C. Using the words "first quality" or words of similar import on the package in which such product is sold or in reference to any such product in any advertisement or promotional material.

D. Representing in any manner, directly or by implication, that such products are first quality or perfect quality.

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

Issued: March 4, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 68-3882; Filed, Apr. 1, 1968; 8:46 a.m.]

## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

#### PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

##### Subpart M—Regulations Concerning Conduct of Members and Employees and Former Members and Employees of the Commission

###### STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

Pursuant to and in conformity with sections 201 through 209 of Title 18 of the United States Code, Executive Order No. 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, subparagraph (2) of paragraph (c) of § 200.735-11 of this chapter is amended by inserting the language reading: "GS-12 and above," after the phrase: "(c) Legal Assistant to each Commissioner," under subdivision (i) thereof; and is further amended by changing the semicolon to a comma and inserting immediately thereafter the language reading: "GS-11" after the phrase: "(b) Chief, Section of Office Services" under subdivision (xii) thereof. As so amended, subparagraph (2) of paragraph (c) of § 200.735-11 shall read as follows:

§ 200.735-11 Statement of employment and financial interests.

\* \* \* \* \*  
(c) \* \* \* \* \*  
(2) \* \* \* \* \*

- (i) *Executive Staff.* (a) Executive Assistant to the Chairman;
- (b) Legal Assistant to the Chairman;
- (c) Legal Assistant to each Commissioner, GS-12 and above;
- (d) Chief Management Analyst;

- \* \* \* \* \*
- (xii) *Office of Records and Services.*
- (a) Records and Service Officer;
- (b) Chief, Section of Office Services, GS-11;

\* \* \* \* \*

The foregoing amendments to this Subpart M were approved by the Civil Service Commission on March 14, 1968, and by the Securities and Exchange Commission on March 26, 1968.

Since this Subpart M relates solely to the Commission's internal management and personnel, the Commission finds that the procedures specified in section 4 of the Administrative Procedure Act as codified in 5 U.S.C. 553 are unnecessary.

*Effective date.* The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

MARCH 26, 1968.

[F.R. Doc. 68-3885; Filed, Apr. 1, 1968; 8:46 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 D—Listing of Color Additives for Food Use Exempt From Certification

###### CONFIRMATION OF EFFECTIVE DATE OF ORDER REGARDING SPECIALLY DENATURED ALCOHOL 3A AS DILUENT IN FOOD-MARKING INKS

In the matter of amending § 8.300 to provide for the safe use under prescribed conditions of specially denatured alcohol 3A (alcohol, SDA-3A) as a diluent in inks for marking food supplements in tablet form and in inks for marking gum and confectionery:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c) (2), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c) (2), (d)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of February 10, 1968 (33 F.R. 2844). Accordingly, the amendments promulgated by that order will become effective April 10, 1968.

(Sec. 706 (b), (c) (2), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c) (2), (d).)

Dated: March 22, 1968.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 68-3914; Filed, Apr. 1, 1968; 8:48 a.m.]

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 121—FOOD ADDITIVES

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

###### PETROLEUM WAX

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7B2139) filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, and other relevant material, has concluded that the food additive regulations should be amended to provide for use of optional substances (identified below) as processing aids in the production of petroleum wax intended for use as a component of the food-contact surface of paper and paperboard. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2586 is amended by adding thereto a new paragraph (d), as follows:

§ 121.2586 Petroleum wax.

\* \* \* \* \*

(d) Petroleum wax used as provided under § 121.2526(a) (5) may contain a total of not more than 1 weight percent of residues of the following polymers when such residues result from use of the polymers as processing aids (filter aids) in the production of the petroleum wax: Homopolymers and/or copolymers derived from one or more of the mixed *n*-alkyl (C<sub>12</sub>, C<sub>14</sub>, C<sub>16</sub>, and C<sub>18</sub>) methacrylate esters where the C<sub>12</sub> and C<sub>14</sub> alkyl groups are derived from coconut oil and the C<sub>16</sub> and C<sub>18</sub> groups are derived from tallow.

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

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

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

Dated: March 22, 1968.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 68-3915; Filed, Apr. 1, 1968;  
8:48 a.m.]

## Title 24—HOUSING AND HOUSING CREDIT

### Chapter II—Federal Housing Admin- istration, Department of Housing and Urban Development

#### SUBCHAPTER A—GENERAL

#### PART 200—INTRODUCTION

##### Subpart D—Delegations of Basic Authority and Functions

###### MISCELLANEOUS AMENDMENTS

In Part 200 in the Table of Contents new §§ 200.81 and 200.93 are added as follows:

Sec.  
200.81 Procedures Officer and Deputies.  
200.93 Multifamily Participation Review  
Committee.

In § 200.77 paragraph (q) is amended to read as follows:

§ 200.77 Assistant Commissioner-Comp-  
troller and Deputy.

(q) To endorse checks and other negotiable instruments for deposit or collection, to endorse loss drafts relating to insurance coverage on Secretary-held home and project mortgages, and to execute assignments and other instruments pertaining to the sale or other disposition of stock or other securities received as a result of agreements between mortgagors or other depositors and FHA.

In Part 200 a new § 200.81 is added to read as follows:

§ 200.81 Procedures Officer and Deputies.

To the position of Procedures Officer, and under his general supervision to the position of Deputy Procedures Officer for Accounting Systems with respect to paragraphs (a), (b), (f), (g), (h), and (j) of this section and to the position of Deputy Procedures Officer for Automatic Data Processing with respect to paragraphs (c), (d), and (e) of this section, there is delegated the following basic authority and functions:

(a) To initiate, develop, and maintain an accounting systems and procedures program for the Administration.

(b) To coordinate and direct a program to preserve or reconstruct basic records of the Administration for Civil Defense purposes and in the event of a national emergency.

(c) To serve as a member of the Departmental ADP Services Management Advisory Committee.

(d) To advise the FHA Automatic Data Management Board with respect to data, information, and reports requirements of the Administration, recommending systems and procedures for gathering the input data for processing by the Departmental Office of ADP Systems Management and Operations.

(e) To maintain liaison with the Office of ADP Systems Management and Operations with respect to FHA fiscal and reporting operations.

(f) To prepare for the Assistant Secretary-Commissioner letters to FHA approved mortgagees and lenders pertaining to fiscal and accounting procedures.

(g) To provide advice within FHA concerning field office accounting, fiscal insurance servicing procedures, assessability of fees, and the interpretation of related procedures.

(h) To review for fiscal implications proposed agreements with other Government agencies establishing procedures pertaining to special-purpose programs.

(i) To provide liaison service with the Treasury Department pertaining to depository facilities for FHA field offices.

(j) To maintain archives files of the Administration.

In Part 200 a new § 200.93 is added to read as follows:

§ 200.93 Multifamily Participation Review Committee.

(a) *Members.* The Multifamily Participation Review Committee shall consist of the following officials or their deputies: General Counsel, Chairman; Assistant Commissioner for Field Operations; Assistant Commissioner for Technical Standards; Assistant Commissioner for Multifamily Housing; Director, Audit Division; Director, Compliance Coordination; Regional Operations Commissioner (on a rotating basis dependent upon location of specific proposals).

(b) *Functions.* The functions of the Multifamily Participation Review Committee are to review information provided by FHA Form No. 2530, Previous Multifamily Participation Certificate, and to make recommendations to the Executive Assistant Commissioner as to the acceptability of new multifamily proposals, taking into consideration all past FHA and HUD experience with the principals.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., March 27, 1968.

PHILIP N. BROWNSTEIN,  
Federal Housing Commissioner.

[F.R. Doc. 68-3897; Filed, Apr. 1, 1968;  
8:47 a.m.]

#### MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

#### SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

#### PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

##### Subpart A—Eligibility Requirements

Section 203.4 is amended by adding a new paragraph (e) to read as follows:

§ 203.4 Approval of other institutions.

(e) *Special requirements—investing mortgagees.* (1) An organization not subject to the inspection and supervision of a government agency as provided in paragraph (b) of this section may be approved as an investing mortgagee.

(2) To be approved as an investing mortgagee, an organization shall establish to the satisfaction of the Commissioner that it meets the following requirements:

(i) It has experience in making investments in mortgages.

(ii) It has a supply of capital funds sufficient to support a projected investment of \$1 million in real estate mortgages.

(iii) It has a sound financial condition.

(3) As a condition for receiving approval, an investing mortgagee shall agree as follows:

(i) To obtain insured mortgages, not by origination, but only by purchase from other investing mortgagees or from mortgagees authorized by the Commissioner to originate mortgages.

(ii) To arrange with mortgagees which are approved pursuant to § 203.1, § 203.2, or paragraph (b) or (c) of this section to service all mortgages acquired by the investing mortgagee and to hold all escrow funds collected in connection therewith.

(iii) To submit to the Commissioner annual reports of its financial condition so long as it is an approved investing mortgagee.

(iv) To submit at any time to such examination, as the Secretary may require, of that portion of its books and affairs relating to its mortgage investment activities.

(v) To comply with such other requirements as the Commissioner may impose.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

#### SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

#### PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

##### Subpart A—Eligibility Requirements—Low Cost Homes

In § 221.60 paragraph (b) is amended to read as follows:

§ 221.60 Eligibility requirements for low income purchasers.

(b) To qualify as a mortgagor, the purchaser shall be approved by the Commissioner as having an income that meets the requirements of section 221 (h) of the Act.

**Subpart C—Eligibility Requirements—  
Moderate Income Projects**

In § 221.510 paragraph (a) (3) (iii) is amended to read as follows:

**§ 221.510 Eligible mortgagors.**

(a) *Nonprofit, builder-seller, and rehabilitation sales mortgagors.* \* \* \*

(iii) Under an agreement with the Commissioner, undertake to sell the rehabilitated housing to individuals or families having an income that meets the requirements of section 221(h) of the Act.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

**SUBCHAPTER H—MORTGAGE INSURANCE FOR SERVICEMEN**

**PART 222—SERVICEMEN'S MORTGAGE INSURANCE**

**Subpart A—Eligibility Requirements**

Section 222.3 is amended to read as follows:

**§ 222.3 Maximum mortgage amount; dollar limitation.**

The mortgage shall involve a principal obligation in an amount not in excess of \$30,000, except as follows:

(a) A mortgage meeting the requirements of § 203.18(d) or § 221.10 of this chapter shall not exceed \$12,500.

(b) A mortgage meeting the requirements of § 221.11 of this chapter shall not exceed \$15,000.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 222, 68 Stat. 603; 12 U.S.C. 1715m)

Issued at Washington, D.C., March 27, 1968.

PHILIP N. BROWNSTEIN,  
*Federal Housing Commissioner.*

[F.R. Doc. 68-3898; Filed, Apr. 1, 1968; 8:47 a.m.]

**SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES**

**PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE**

**Subpart B—Contract Rights and Obligations—Low Cost Homes**

**Subpart C—Eligibility Requirements—Moderate Income Projects**

**MISCELLANEOUS AMENDMENTS**

Section 221.254 is amended to read as follows:

**MORTGAGE INSURANCE PREMIUMS AND MAXIMUM INTEREST RATE**

**§ 221.254 Mortgage insurance premiums, adjusted mortgage insurance premiums and voluntary termination charges.**

(a) All of the provisions of §§ 203.260 through 203.298 of this chapter relating to mortgage insurance premiums, adjusted mortgage insurance premiums and voluntary termination charges shall apply to mortgages insured under this subpart, except that as to the mortgages meeting the special requirements of § 221.60 such provisions shall only be applicable under the circumstances prescribed in paragraph (b) of this section.

(b) Whenever the interest rate on a mortgage, insured under this subpart as having met the special requirements of § 221.60, shall have been increased to the maximum rate in accordance with the mortgage provisions required by § 221.60 (c) (4), the provisions of §§ 203.260 through 203.298 of this chapter relating to mortgage insurance premiums, adjusted mortgage insurance premiums and voluntary termination charges shall apply, except that:

(1) References to the original principal amount shall be construed as the scheduled unpaid principal balance, without taking into account delinquent payments or prepayments, on the date of the change in interest rate required under the mortgage.

(2) References to the date of the issuance of a Mortgage Insurance Certificate or the date of the endorsement of the credit instrument or the date the insurance becomes effective shall be construed as the date of the change in interest required under the mortgage.

(3) References to the first year of amortization under the mortgage shall be construed as the period beginning on the date of the change in interest rate required under the mortgage and ending on the next anniversary of the beginning of amortization.

(4) References to the 120th scheduled monthly payment shall be construed as the 120th scheduled monthly payment following the effective date of the change in interest rate required under the mortgage.

In § 221.518 paragraph (b) is amended to read as follows:

**§ 221.518 Maximum interest rate.**

(b) In the case of a mortgage executed by other than a general mortgagor, as defined in § 221.510, the mortgage shall bear interest at a rate not exceeding that set forth in paragraph (a) of this section up to and including the date of final endorsement by the Commissioner, at which time the rate of interest may (with the approval of the Commissioner) be lowered to 3 percent per annum.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

Issued at Washington, D.C., March 27, 1968.

PHILIP N. BROWNSTEIN,  
*Federal Housing Commissioner.*

[F.R. Doc. 68-3899, Filed, Apr. 1, 1968; 8:47 a.m.]

**Title 33—NAVIGATION AND NAVIGABLE WATERS**

**Chapter I—Coast Guard, Department of Transportation**

**SUBCHAPTER I—ANCHORAGES**

[CGFR 68-9]

**PART 110—ANCHORAGE REGULATIONS**

**Anchorage Grounds; Los Angeles and Long Beach Harbors, Calif.**

*Correction*

In F.R. Doc. 68-3340 appearing at page 4738 in the issue of Wednesday, March 20, 1968, the figures in the sixth line of § 110.214(a) (10) should read "33°43'42" ."

**SUBCHAPTER J—BRIDGES**

[CGFR 68-41]

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

**Big Carlos Pass, Fla.**

1. The Florida State Road Department by letter dated June 9, 1967, requested the Jacksonville District, Corps of Engineers, to permit the closing of the Bonita Causeway bridge on State Road S-865 from 7 p.m. to 7 a.m. daily. A public notice dated December 4, 1967, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Jacksonville District, Corps of Engineers, and was made available to all persons known to have an interest in this subject. After consideration of all comments submitted in response to this proposal the revision is accepted. The purpose of this document is to set forth the requirements in 33 CFR 117.245(i) (2-a) and to prescribe special regulations for the operation of the Bonita Beach—Estero Island Causeway bridge across Big Carlos Pass, State Road S-865, Lee County, Fla.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and 49 CFR 1.4(a) (3), the text of 33 CFR 117.245(i) (2-a) shall read as follows and shall be effective on and after 30 days after date of publication of this document in the FEDERAL REGISTER:

**§ 117.245** Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(1) *Waterways discharging into Gulf of Mexico east of Mississippi River.* \* \* \*

(2-a) Big Carlos Pass, Fla.; Florida State Road Department highway bridge on Bonita Beach—Estero Island Causeway, State Road S-865, in Lee County. The draw need not be opened for the passage of vessels between 7 p.m. and 7 a.m. daily.

(Sec. 5, 28 Stat. 362, as amended; 33 U.S.C. 499; 49 CFR 1.4(a)(3)(v); 32 F.R. 5606)

Dated: March 26, 1968.

W. J. SMITH,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 68-3893; Filed, Apr. 1, 1968; 8:47 a.m.]

[CGFR 68-36]

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

**Matlacha Pass, Fla.**

1. The Florida Highway Department by letter dated June 9, 1967, requested the Jacksonville District, Corps of Engineers, to permit the Pine Island bridge, State Road 78, Lee County, Fla., to operate on signal between 7 a.m. and 7 p.m. daily. A public notice dated December 4, 1967, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Jacksonville District, Corps of Engineers, and was made available to all persons known to have an interest in this subject. After consideration of all comments submitted in response to this proposal the revision is accepted. The purpose of this document is to set forth the requirements in 33 CFR 117.245(i)(2-b) and to prescribe special regulations for the operation of the Pine Island bridge over Matlacha Pass, State Road 78, Lee County, Fla.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and 49 CFR 1.4(a)(3), the text of 33 CFR 117.245(i)(2-b) shall read as follows and shall be effective on and after 30 days after date of publication of this document in the FEDERAL REGISTER:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* \* \* \*

(2-b) Matlacha Pass, Fla.; Florida State Road Department bridge on State Road 78 in Lee County. The draw need

not be opened for the passage of vessels between 7 p.m. and 7 a.m. daily.

(Sec. 5, 28 Stat. 362, as amended; 33 U.S.C. 499; 49 CFR 1.4(a)(3)(v); 32 F.R. 5606)

Dated: March 26, 1968.

W. J. SMITH,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 68-3894; Filed, Apr. 1, 1968; 8:47 a.m.]

**Chapter II—Corps of Engineers, Department of the Army**

**PART 206—FISHING AND HUNTING REGULATIONS**

**Hudson River, N.Y.**

Pursuant to the provisions of section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), § 206.45 is hereby amended with respect to paragraph (c) revising subparagraph (6) describing fishing Area No. 5 in the Hudson River between Dobbs Ferry and Irvington, N.Y., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 206.45 Hudson River, N.Y., and N.J., south of Stony Point, Stony Point, N.Y.: fishing.

(c) *Approved fishing areas.* \* \* \*

(6) *Area No. 5.* An area in the westerly portion of the river, between Dobbs Ferry, N.Y., and Irvington, N.Y., described as follows: North of a line passing through points Nos. 32 and 33 and extending to the westerly shoreline; east of the westerly shoreline; south of a line passing through points Nos. 34 and 35 and extending due west from point 34 to the westerly shoreline; and west of a line passing through points Nos. 32 and 35.

Point No.	Latitude			Longitude		
	°	'	"	°	'	"
32	41	01	09.2	73	53	17.0
33	41	01	12.8	73	53	47.0
34	41	02	24.0	73	53	48.5
35	41	02	09.0	73	53	03.0

[Regs., Mar. 20, 1968, 1507-32 (Hudson River, N.Y.)-ENGOW-ON] (Sec. 10, 30 Stat. 1151; 10 U.S.C. 403)

For the Adjutant General.

J. W. HURD,  
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 68-3870; Filed, Apr. 1, 1968; 8:45 a.m.]

**Title 42—PUBLIC HEALTH**

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

**SUBCHAPTER D—GRANTS**

**PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS**

**Subpart I—Grants for Construction of Teaching Facilities for Allied Health Professions Personnel**

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following Subpart I—Grants for Construction of Teaching Facilities for Allied Health Professions Personnel, which relates solely to grants. This addition shall become effective on the date of publication in the FEDERAL REGISTER.

New Subpart I is added as follows:

**Subpart I—Grants for Construction of Teaching Facilities for Allied Health Professions Personnel**

- Sec. 57.801 Definitions.
- 57.802 Determination of number of students for qualification as a "Training Center for the Allied Health Professions".
- 57.803 Specified curriculums.
- 57.804 Equivalents of degrees.
- 57.805 Eligibility.
- 57.806 Grant awards; priority.
- 57.807 Percentage of participation; major expansion; amount of construction grant.
- 57.808 Terms and conditions.
- 57.809 Nondiscrimination.
- 57.810 Good cause for other use of completed facility.
- 57.811 Acquisition of facilities.
- 57.812 Minimum standards of construction and equipment.

**AUTHORITY:** The provisions of this Subpart I issued under secs. 215, 791, 795, Public Health Service Act, as amended, 58 Stat. 690, 80 Stat. 1226-1229; 42 U.S.C. 216, 295h, 295h-4.

**§ 57.801 Definitions.**

All terms not defined herein shall have the same meaning as given them in the Act. As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Surgeon General" means the Surgeon General of the Public Health Service or an official of the Public Health Service to whom the Surgeon General has delegated authority to act in his behalf to carry out the purposes of Part G of Title VII of the Act.

(c) "Training Center for the Allied Health Professions" or "center" means a junior college, college, or university

which provides or can provide training in one or more of the allied health professional or technical curriculums specified in § 57.803 (a) or (b) and which meets the requirements of section 795(1) of the Act.

(d) "Curriculum" means that portion of a program of study leading to an associate or baccalaureate degree or to the equivalent of either or to a higher degree, which the center demonstrates to be the professional or technical component of the program of study.

(e) "Full-time student" means a student who (1) is enrolled in a baccalaureate or higher degree curriculum as defined in paragraph (d) of this section and specified in § 57.803(a) not exceeding the last two academic years plus a period of clinical experience not longer than 24 months required for professional certification, registration or licensure, or in the last academic year of a curriculum specified in § 57.803(b); and (2) is enrolled for a sufficient number of credit hours or their equivalent to complete the requirements for such degree within the number of semesters or other academic terms usually required therefor by the center in which he is enrolled.

(f) "Junior college" means an academic institution providing programs of post high school education and offering the associate degree as the highest earned academic award.

(g) "Council" means a national advisory council appointed to advise the Surgeon General on matters pertaining to the training of allied health professions personnel.

(h) "Construction" shall have the same meaning as given it in section 795(4) of the Act, except that in paragraphs (b), (c), (l), and (m) of § 57.808 such term does not include projects for the acquisition of facilities except to the extent that such projects involve remodeling, renovation, alteration, or other actual construction work. (For additional provisions related specifically to the acquisition of facilities, see § 57.811.)

**§ 57.802 Determination of number of students for qualification as a "Training Center for the Allied Health Professions".**

(a) *Determination of minimum number of students.* In determining the minimum number of students in a center (i.e., 20 persons) for purposes of section 795(1) (B) of the Act, only those full-time students enrolled in curriculums which are specified in § 57.803 (a) or (b) and which contain a minimum of six full-time students shall be counted.

(b) *Date for counting students.* For purposes of this subpart, the number of students in a center for any particular fiscal year shall be the number of full-time students enrolled on October 15 of such fiscal year in curriculums which are specified in § 57.803 (a) or (b).

**§ 57.803 Specified curriculums.**

Grant funds authorized under section 791(a) of the Act may be used for the construction of facilities to provide training in any of the following curriculums:

(a) *Baccalaureate or higher degree.* Curriculums which qualify students for the baccalaureate degree or its equivalent or a higher degree to the extent required to meet the basic professional requirements for employment as one of the following:

- (1) Medical technologist.
- (2) Optometric technologist.
- (3) Dental hygienist.
- (4) Radiologic technologist.
- (5) Medical record librarian.
- (6) Dietitian.
- (7) Occupational therapist.
- (8) Physical therapist.

(b) *Associate degree.* Curriculums which qualify students for the associate degree or its equivalent and for employment as one of the following:

- (1) X-ray technician.
- (2) Medical record technician.
- (3) Inhalation therapy technician.
- (4) Dental laboratory technician.
- (5) Dental hygienist.
- (6) Dental assistant.
- (7) Ophthalmic assistant.
- (8) Occupational therapy assistant.
- (9) Dietary technician.
- (10) Medical laboratory technician.
- (11) Optometric technician.

Curriculums which lead to an associate degree or its equivalent must be fully creditable toward a baccalaureate degree or designed to prepare students for employment in the categories specified in this paragraph. Fully creditable toward a baccalaureate degree means that the associate degree or its equivalent is acceptable as 2 academic years of college credit as determined by one or more institutions which offer the baccalaureate degree in the relevant curriculum.

(c) *Advanced training.* Programs of advanced training authorized under section 793 of the Act in any of the curriculums specified in paragraphs (a) and (b) of this section.

**§ 57.804 Equivalents of degrees.**

(a) *Associate degree.* A certificate, diploma, or other document awarded by the center which signifies satisfactory completion of a program of study of not less than 2 academic years shall be considered to be the equivalent of an associate degree.

(b) *Baccalaureate degree.* In a curriculum which includes a clinical component that is undertaken, in whole or in part, after the awarding of the baccalaureate degree, but not creditable to a higher degree, the certificate or document which signifies satisfactory completion of the clinical experience shall be considered to be the equivalent of a baccalaureate degree.

**§ 57.805 Eligibility.**

To be eligible for a construction grant under the Act, the applicant shall:

(a) *Accreditation and other requirements.* Meet the applicable requirements of sections 791(b) and 795 of the Act and of the regulations of this subpart. The requirements in section 795(1) (D) of the Act (relating to accreditation) shall be deemed to have been met (1) in the case of a new college or university (which

shall include one which has not had a sufficient period of time to be eligible for accreditation), if the Commissioner of Education finds, after consultation with the accreditation body or bodies, that there is reasonable assurance that the applicant will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the graduation date of the first entering class in the center, or, if later, upon completion of the project for which assistance is requested and other projects (if any) under construction or planned and to be commenced within a reasonable time; or (2) in the case of a junior college, if there is satisfactory assurance afforded by the appropriate accrediting body or bodies to the Surgeon General that reasonable progress is being made toward accreditation by such junior college;

(b) *Location.* Be located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, or Guam; and

(c) *Hospital affiliation.* Have as one of its institutional components a teaching hospital which provides the clinical component of the training required for completion of the curriculums listed in § 57.803 which are or will be, after completion of the project, offered by the center, or be affiliated with one or more such hospitals by means of an agreement which provides for effective coordination and supervision by the faculty of the center of academic and clinical components of the curriculums.

**§ 57.806 Grant awards; priority.**

After consultation with the Council, the Surgeon General may award a construction grant to any applicant whose application he has approved after determining that it meets the requirements of the Act and the regulations of this subpart. The order of priority in approving applications for construction grants shall be determined on the basis of those factors specified in section 791(b) (5) of the Act, and the following:

(a) *Number of curriculums.* The extent to which the applicant demonstrates in its application that the project for which the grant is sought will aid in increasing the number of centers providing training in three or more of the curriculums which are specified in § 57.803 (a) or (b) and which will be administered as a school, department, division, or other administrative unit under the direction of a dean or other comparable official;

(b) *Enrollment needs.* The relative need for increased enrollment and the availability of qualified students;

(c) *Effectiveness.* The relative effectiveness of the project in accomplishing the purposes of the Act at the least relative cost to the Federal Government;

(d) *Financial commitment.* The relative extent to which financial support is committed by the applicant for the construction and operation of the facility; and

(e) *Utilization.* The relative ability of the applicant to make efficient and productive use of the facility constructed.

**§ 57.807 Percentage of participation; major expansion; amount of construction grant.**

(a) *Percentage of participation.* The amount of the construction grant may not exceed 50 percentum of the necessary cost of construction except that in the case of a project for a new center or for major expansion of training capacity of an existing center, it may not exceed 66 $\frac{2}{3}$  percentum of such cost.

(b) *Major expansion—curriculum specified in § 57.803 (a) or (b).* For purposes of this subpart a major expansion of training capacity of an existing center occurs or will occur when the Surgeon General determines, on the basis of such information or assurance as he may require, that:

(1) In the case of a center which at the time of application offers training in three or more of the curriculums specified in § 57.803 (a) or (b), the number of full-time students enrolled in such curriculums at the center for each of the 10 full school years after the completion of the construction will exceed the highest enrollment in such curriculums at such center for any of the 5 full school years preceding the year in which the application is made by at least 20 percentum of such highest enrollment, or by 20 full-time students, whichever is greater: *Provided, however,* That where the Surgeon General finds, with respect to a particular center, that such increased enrollment cannot be achieved until a later school year (but not later than the first school year after the normal graduation date of the first class which enters the center after completion of construction), he may determine that a major expansion will occur during the first full school year after completion of construction if the increased enrollment will equal such amount in excess of 5 percentum of such highest enrollment as the Surgeon General may specify; or

(2) In the case of a center which at the time of application offers training in less than three of the curriculums specified in § 57.803 (a) or (b), (i) the center will offer training in three or more of such curriculums not later than the first full school year following the completion of the construction, and (ii) the number of full-time students enrolled in such curriculums at the center for each of the 10 full school years after the completion of the construction will exceed the highest enrollment in such curriculums at such center for any of the 5 full school years preceding the year in which the application is made by at least 20 percentum of such highest enrollment, or by 20 full-time students, whichever is greater: *Provided, however,* That where the Surgeon General finds, with respect to a particular center, that such additional curriculums or increased enrollment cannot be achieved until a later school year (but not later than the first school year after the normal graduation date of the first class which enters the center after completion of the construction), he may determine that major expansion will occur during the first full school year after completion of construction if the in-

creased enrollment will equal such amount in excess of 5 percentum of such highest enrollment as the Surgeon General may specify.

(c) *Amount of construction grant—less than maximum.* In determining the extent to which less than the maximum allowable construction grant may be made, the Surgeon General shall take into consideration the most effective use of available Federal funds to further the purposes of the Act.

**§ 57.808 Terms and conditions.**

In addition to any other requirements imposed by law or determined by the Surgeon General to be reasonably necessary with respect to particular projects to fulfill the purpose of the grant, each grant shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Surgeon General may at any time approve exceptions to these terms and conditions where he finds that such exceptions are not inconsistent with the Act and the purposes of the program, and may require additional assurances where he finds that such additions are necessary to carry out the purposes of the Act.

(a) *Title.* That applicant has or will have a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 20 years undisturbed use and possession for the purpose of the construction, equipment and operation of the facility;

(b) *Approval of drawings and specifications.* That the Surgeon General's approval of the final working drawings and specifications, which conform to the minimum standards of construction and equipment as specified in § 57.812, will be obtained before the project is advertised or placed on the market for bidding (see § 57.811(a) with respect to the acquisition of facilities);

(c) *Competitive bids.* That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid; and will purchase all fixed equipment (including such fixed equipment as is not purchased through the construction contract) by adequate methods of competitive bidding and award the contract to the responsible bidder submitting the lowest acceptable bid, except that competitive bidding procedures need not be employed for the purchase of specific fixed equipment items which are not included in the construction contract where such action is found by the Surgeon General, upon written justification by the applicant, to be required by the needs of the program (see § 57.811(c) with respect to the acquisition of facilities);

(d) *Approval of estimated cost.* That applicant will enter into no contract or

contracts for construction, for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Surgeon General;

(e) *Costs in excess of approved costs.* That applicant will finance all costs in excess of the estimated costs approved by the Surgeon General and submit to the Surgeon General for prior approval changes that substantially alter the scope of work, functions, utilities, or safety of the facility;

(f) *Completion responsibility.* That applicant will be responsible for the completion of the project in accordance with the grant application and approved plans and specifications;

(g) *Records and accounts.* That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable time;

(h) *Progress reports.* That applicant will furnish progress reports and such other information as the Surgeon General may require;

(i) *Construction supervision.* That applicant will provide and maintain competent and adequate architectural and engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications;

(j) *Non-Federal share.* That sufficient funds will be available to meet the non-Federal share of the cost of construction;

(k) *Funds for operation.* That sufficient funds will be available when construction is completed for effective use of the facility for the purpose for which it is being constructed;

(l) *Authorized uses.* That for not less than 10 years after completion of construction, the facility will be used for the purposes of the training for which it is to be constructed, and will not be used for secretarian instruction or as a place for religious worship;

(m) *Labor standards; insurance; inspection.* (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276 et seq.), and will receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any work week in excess of 8 hours in any calendar day or 40 hours in the work week (40 U.S.C. 327-332); and

(2) That the following conditions and provisions will be included in all contracts for such construction work:

(i) The provisions set forth in Labor Standards Provisions for Construction Grant Programs (issued by the Architectural, Engineering and Equipment Branch, Division of Hospital and Medical Facilities, Public Health Service, U.S.

Department of Health, Education and Welfare) pertaining to the Davis-Bacon Act, the Contract Work Hours Standards Act, and the Copeland Act (Anti-Kickback) Regulations, except in the case of contracts in the amount of \$2,000 or less; and, except in the case of contracts in the amount of \$10,000 or less, the provisions pertaining to Executive Order No. 11246, September 24, 1965 (30 F.R. 12319), relating to nondiscrimination in construction contract employment;

(ii) The contractor shall furnish performance and payment bonds in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workman's compensation, public liability and property damage insurance;

(iii) Representatives of the Public Health Service and such other persons as the Surgeon General may designate will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(n) *Expansion of training capacity.* That, in the case of an application to expand the training capacity of an existing training center for allied health professions personnel, for the first full school year after the completion of the project and for each of the 9 school years thereafter, the enrollment of full-time students at such center will exceed the highest enrollment at such center for any of the 5 full years preceding the year in which application is made by at least 5 percentum of such highest enrollment. The requirements of this paragraph shall be in addition to the increase required under section 792(b) (2) of the Act with respect to a basic improvement grant application, where assurance of such increase has been given by the center;

(o) *Professional certification.* That with respect to any project relating to facilities for curriculums which lead to the baccalaureate or equivalent degree or to a higher degree, such curriculums will qualify graduates for eligibility for professional certification, registration or licensure, or such other professional recognition as the Surgeon General may find acceptable.

**§ 57.809 Nondiscrimination.**

(a) *Executive Order 11246.* Each construction grant is subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, September 24, 1965 (30 F.R. 12319), and the applicable rules, regulations, and procedures prescribed pursuant thereto (see § 57.808(m) (2) (i)).

(b) *Civil Rights Act of 1964.* Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252), which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such

Title VI, applicable to grants for construction of teaching facilities, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (Part 80 of this chapter).

**§ 57.810 Good cause for other use of completed facility.**

If, within 10 years after completion of any construction for which a construction grant has been made, the facility shall cease to be used for the training purposes for which it was constructed, the Surgeon General, in determining whether there is good cause, pursuant to section 791(d) (2) of the Act, for releasing the applicant or other owner of the facility from the obligation so to use the facility, shall take into consideration the extent to which:

(a) *Other teaching use.* The facility will be devoted by the applicant or other owner to the teaching of other medical, dental health, or allied health personnel covered by the Act;

(b) *Utilization of other facilities.* There are reasonable assurances that for the remainder of the 10-year period other facilities not previously utilized for teaching allied health professions personnel will be so utilized and are substantially the equivalent in nature and extent for such purposes.

**§ 57.811 Acquisition of facilities.**

In addition to the other requirements of this subpart, the following provisions are also applicable to the acquisition of existing facilities, including the acquisition of land in connection therewith.

(a) *Minimum standards of construction; exceptions.* The Surgeon General's approval of the architectural program and structural description which conform (or upon completion of any necessary construction will conform) to the minimum standards of construction and equipment as specified in § 57.812, shall be obtained before entering into a final or unconditional contract for such acquisition. Where the Surgeon General finds that exceptions to or modifications of any of such minimum standards of construction and equipment would be consistent with the purposes of the Act and of the program, he may authorize such exceptions or modifications.

(b) *Estimated cost of acquisition and remodeling; suitability of facility.* Each application for a project involving the acquisition of existing facilities shall include in the detailed estimates of the cost of the project the cost of acquiring such facilities and the cost of remodeling, renovating or altering such facilities to serve the purposes for which they are acquired. Such application shall demonstrate to the satisfaction of the Surgeon General that the architectural, structural and other pertinent features of the facility, as modified by any proposed expansion, remodeling, renovation, or alteration, will be clearly suitable for the purposes of the program, and, to the extent of the costs in which Federal participation is requested, are not in excess of what is necessary for the services proposed to be provided in such facilities.

(c) *Determination of necessary cost.* The necessary cost of acquisition of existing facilities will be determined on the basis of such documentation submitted by the applicant as the Surgeon General may prescribe (including the reports of such real estate appraisers as the Surgeon General may approve) and other relevant factors.

(d) *Bona fide sale.* Federal participation in the acquisition of existing facilities is on condition that such acquisition constitutes a bona fide sale involving an actual cost to the applicant and will result in additional or improved facilities for purposes of the program.

(e) *Facility which has previously received Federal grant.* No grant for the acquisition of a facility which has previously received a Federal grant for construction, acquisition, or equipment shall serve either to reduce or restrict the liability of the applicant or any other transferor or transferee of the facility with respect to any right of recovery on the part of the Federal government or to relieve such applicant or other transferor or transferee from any obligation of accountability imposed by the Federal government by reason of such prior grant.

**§ 57.812 Minimum standards of construction and equipment.**

(a) *Introduction.* (1) The standards set forth in this subpart have been established by the Surgeon General as required by the Act. These standards constitute minimum requirements for construction and equipment and shall apply to all projects (including those for the purchase or renovation of existing buildings) for which Federal assistance is requested under the Act. The Surgeon General may approve plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that the project will have to meet the requirements of local codes and ordinances relating to construction.

(2) Hospital teaching facilities constructed under this Act shall comply with the requirements of "General Standards of Construction and Equipment for Hospital and Medical Facilities" (PHS No. 930-A-7), and any amendments or revisions thereof, which document is incorporated by reference in § 53.101(a) of this chapter. Said document will be provided to all applicants for the construction of such hospital teaching facilities, and is available to any interested person, whether or not affected by the provisions of this part, upon request to the Regional Office of the Department of Health, Education, and Welfare, or the Public Inquiries Branch, Public Health Service, Washington, D.C.

(b) *Architectural.* The following requirements have been established to assure an orderly development of the project and to provide a uniform method for the preparation and review of drawings, specifications, and estimates:

(1) Facilities shall be fire safe, structurally safe, and so planned as to carry out effectively the proposed program.

(2) Appropriate public facilities including entrances, toilet rooms, and elevators shall be designed to provide easy access for physically handicapped persons needing wheelchairs, walkers, and other aids. Minimum requirements shall be those set forth in the United States of America Standards Institute Standard No. A117.1961, "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped."

(c) *Construction including fire-resistive requirements*—(1) *Foundations*. Foundations shall rest on natural solid ground if a satisfactory soil is available at reasonable depths. Proper soil bearing values shall be established in accordance with recognized standards. If solid ground is not encountered at practical depths, the structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement, except that one-story buildings may rest on a fill designed by a soils engineer. When engineered fill is used, site preparation and all grading shall be done under the direct full-time supervision of the soils engineer. The soils engineer shall issue a final report on the grading operation and a certification of compliance with the job specifications. Special review and approval by the Public Health Service will be required for foundations supported on engineered fill. All footings shall extend to a depth not less than 1 foot below the estimated maximum frost line.

(2) *One-story buildings*. One-story buildings shall be of not less than 1-hour fire-resistant construction throughout, with the following exceptions:

(i) Walls enclosing stairways, elevator shafts, chutes, and other vertical shafts, boiler rooms, and storage rooms of 100 square feet or greater area shall be of 2-hour fire-resistive construction.

(ii) If non-load-bearing partitions other than corridor partitions are of nonflammable construction, they may be nonfire rated.

(iii) Heavy timber construction may be used in auditoriums and administration areas, provided that these areas are so located as to be freestanding buildings or, if attached to the main building, are suitably fire separated therefrom, do not form a major circulation element in the facility, and do not serve as a required means of egress.

(3) *Multistory buildings*. (i) For all buildings more than one story in height, the structural framework and building elements shall be an appropriately fire-resistive combination of materials using steel, concrete, or masonry, except that load-bearing masonry walls may be used for buildings up to and including three stories in height.

(ii) Bearing walls and walls enclosing stairways, elevator shafts, chutes, and other vertical shafts, boiler rooms, and storage rooms of 100 square feet or greater area shall be of 2-hour fire-resistive construction.

(iii) Corridor partitions shall be of 1-hour fire-resistive construction.

(iv) Columns, girders, trusses, floor construction including beams, and roof construction including beams shall be of not less than 1½-hour fire-resistive construction.

(v) Beams supporting masonry shall be individually protected with not less than 2-hour fire-resistive construction.

(vi) Non-load-bearing partitions other than corridor partitions may be of 1-hour fire resistive construction utilizing fire-retardant-treated wood studs or if of nonflammable construction, they may be nonfire rated.

(4) *Fire ratings*. Fire resistive ratings shall be determined in accordance with American Society for Testing and Materials Standard No. E-119;

(i) Interior finish of walls and ceilings of all exitways, storage rooms, and areas of unusual fire hazard shall have a flame spread rating of not more than 25;

(ii) All other areas shall have a flame spread rating of not more than 75, except that up to 10 percent of the aggregate wall and ceiling area may have a finish with a rating up to 200;

(iii) Floor finish materials shall have a flame spread rating of not more than 75;

(iv) Flame spread ratings for each specific product shall be determined by an independent testing laboratory in accordance with American Society for Testing and Materials Standard No. E-84.

(5) *Exits*. Exit facilities shall comply with the requirements of the Life Safety Code, National Fire Protection Association Standard No. 101.

(d) *Mechanical*. All installations of fuel burning equipment, steam, heating, air conditioning and ventilation, plumbing, and other piping systems shall comply with the recommendations of the following:

National Board of Fire Underwriters, 85 John Street, New York, N.Y. 10038.  
American Standards Association, 70 East 45th Street, New York, N.Y. 10017.

Boilers shall meet the requirements of the American Society of Mechanical Engineers (ASME) codes relating to pressure vessels, and shall be installed to meet all requirements of State and local codes and regulations.

(e) *Electrical*. All electrical installations and equipment shall comply with the requirements of local and State codes and the applicable sections of the National Electrical Codes and the following:

(1) *Hazardous locations*. Installations and equipment in rooms in which flammable anesthetic and disinfecting agents are used or stored shall comply with the requirements of NFPA No. 56 and No. 70.

(2) *Fire alarms*. Manually operated fire alarm system installations shall comply with the requirements of NFPA No. 72 and shall be located as required by the Life Safety Code, NFPA No. 101.

(3) *Radiation protection*. Radiation protection in rooms in which X-ray, gamma-ray, or beta-ray producing

equipment is used shall comply with the requirements of the following handbooks of the National Bureau of Standards:

Handbook 55—Protection Against Betatron-Synchrotron Radiations up to 100 Million Electron Volts;  
Handbook 73—Protection Against Radiations From Sealed Gamma Sources;  
Handbook 76—Medical X-ray Protection up to Three Million Volts.

(4) *Emergency electric service*. Emergency exist lighting shall comply with the requirements of the National Electrical Code and shall be located as required by the Life Safety Code.

(f) *Elevators, dumbwaiters, and escalators*. Installation of elevators, dumbwaiters, and escalators shall comply with the requirements of the American Standard Safety Code for Elevators, Dumbwaiters, and Escalators, ASA A 17.1-1960.

Dated: March 3, 1968.

[SEAL] WILLIAM H. STEWART,  
Surgeon General.

Approved: March 25, 1968.

WILBUR J. COHEN,  
Acting Secretary.

[F.R. Doc. 68-3924; Filed, Apr. 1, 1968; 8:49 a.m.]

## Title 49—TRANSPORTATION

### Chapter X—Interstate Commerce Commission

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 950, Amdt. 8]

#### PART 1033—CAR SERVICE

### Chicago, Burlington & Quincy Railroad Co. Authorized To Operate Over Trackage of Union Pacific Railroad

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of March 1968.

Upon further consideration of Service Order No. 950 (29 F.R. 565, 5757, 18427; 30 F.R. 8163, 16006; 31 F.R. 16152; 32 F.R. 3231, 20862), and good cause appearing therefor:

*It is ordered, That:*

Section 1033.950 *Service Order No. 950* (The Chicago, Burlington & Quincy Railroad authorized to operate over trackage of Union Pacific Railroad) be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date*. This order shall expire at 11:59 p.m., June 30, 1968, unless otherwise modified, changed, or suspended by the order of this Commission.

*Effective date*. This amendment shall become effective at 11:59 p.m., March 31, 1968.

(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 secs. 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 and direction shall be served upon the State Corporation Commission of Kansas and 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. 68-3907; Filed, Apr. 1, 1968;  
8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration  
[ 21 CFR Part 1 ]

### ENFORCEMENT REGULATIONS FOR FAIR PACKAGING AND LABELING ACT

#### Proposed Exemption Regarding Coffee

Notice is given that The Great Atlantic & Pacific Tea Co., Inc., 420 Lexington Avenue, New York, N.Y. 10017, and S and W Fine Foods, Inc., 333 Schwerin Street, San Francisco, Calif. 94134, have independently submitted petitions requesting that the regulations for the enforcement of the Fair Packaging and Labeling Act (21 CFR Part 1) be amended to exempt coffee in 1-, 2-, and 3-pound packages or containers from certain requirements of § 1.8b as proposed below.

Grounds given in the petitions in support of the requested exemption are that coffee has traditionally been sold in 1-, 2-, and 3-pound packages or containers and therefore it is unnecessary for consumer protection for the declaration of net contents to appear within the bottom 30 percent of the principal display panel of such packages or containers or for the net contents to be declared in ounces as well as pounds.

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

§ 1.1c- Exemptions from required label statements.

\* \* \* \* \*

( ) *Foods.* \* \* \*  
( ) Roasted whole coffee beans and roasted ground coffee, excluding instant coffee, in 1-, 2-, and 3-pound packages or containers are exempt:

(i) From the placement requirement of § 1.8b(f) that the net contents declaration be located within the bottom 30 percent of the area of the principal display panel; and

(ii) From the net-contents declaration requirement of § 1.8b(j)(1) that such declaration include a statement of

the number of avoirdupois ounces present.

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

Dated: March 22, 1968.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 68-3916; Filed, Apr. 1, 1968;  
8:49 a.m.]

### [ 21 CFR Parts 1, 5, 80, 125 ]

[Docket No. FDC-78]

#### FOOD FOR SPECIAL DIETARY USES

##### Notice of Hearing and Prehearing Conference

In the matter of revising the regulations for food for special dietary uses:

On June 18, 1966, orders were published in the FEDERAL REGISTER (31 F.R. 8521 et seq.) to become effective December 15, 1966, deleting § 1.11 (21 CFR 1.11), exempting from labeling requirements certain artificially sweetened foods (21 CFR 5.5), establishing definitions and standards of identity for dietary supplements of vitamins and minerals and for vitamin and mineral-fortified foods (21 CFR Part 80), and revising the regulations for the labeling of food for special dietary uses (21 CFR Part 125).

During the 30-day period allowed by said orders, objections and requests for a public hearing were filed. Consequently, an order was published in the FEDERAL REGISTER of December 14, 1966 (31 F.R. 15730), staying the effective date of § 5.5, Part 80, and Part 125, as published June 18, 1966, and staying the effective date of the deletion of § 1.11. The order of December 14, 1966, gave notice that a public hearing would be held on the basis of the objections received and set forth the issues to be decided at the hearing. Since the order also contained amendments to the provisions of Parts 80 and 125 published June 18, 1966, an additional period of 30 days was allowed for the filing of objections by persons adversely affected. Numerous letters objecting to the amendments and requesting a public hearing were received; however, no substantive issues not already stated

in the order of December 14, 1966, were raised by these objections.

A correction of a printer's error in the order of December 14, 1966, was published in the FEDERAL REGISTER of December 21, 1966 (31 F.R. 16312).

Also in the FEDERAL REGISTER of December 14, 1966 (31 F.R. 15746), a notice was published proposing that § 80.2, the definition and standard of identity for vitamin- and mineral-fortified foods which was established by the order of June 18, 1966, and amended and stayed by the order of December 14, 1966, be amended by adding to the table in paragraph (c) the following classes of food: Frozen dessert products (containing vegetable fat in lieu of butter fat) made in semblance of ice cream or ice milk; milk fortifiers; and meal substitutes.

The comments received in response to the proposal of December 14, 1966, were considered and an order was subsequently published in the FEDERAL REGISTER of April 8, 1967 (32 F.R. 5736), amending § 80.2 to add the additional classes of food. In response to the order of April 8, 1966, several objections and requests for a public hearing were received; however, no substantive issues were raised that were not already set forth in the order of December 14, 1966.

It is concluded that the public hearing announced in the order of December 14, 1966, and a prehearing conference should be scheduled as follows. Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(j), 701, 52 Stat. 1046, as amended, 1048, 1055, as amended; 21 U.S.C. 341, 343(j), 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that the public hearing provided for by the order of December 14, 1966 (31 F.R. 15730), will begin at 10 a.m. on Tuesday, May 21, 1968, in Room 5131, Health, Education, and Welfare Building North, 330 Independence Avenue SW., Washington, D.C. The hearing will continue thereafter at such times and places as directed by the hearing examiner. All interested persons are invited to attend the hearing and present evidence. The hearing will be conducted in accordance with the rules of practice provided therefor (21 CFR Part 2, Subpart F).

A prehearing conference for the simplification of issues, exchange of documentary evidence, scheduling of witnesses, and such other matters as may aid in the disposition of the proceeding will be held in the Main Auditorium, Health, Education, and Welfare Building North, 330 Independence Avenue SW., Washington, D.C., beginning at 10 a.m. on Tuesday, May 7, 1968.

Any person desiring to appear at the hearing or the prehearing conference should file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written notice of appearance (as specified in §§ 2.60 and 2.64 (21 CFR 2.60, 2.64)) setting forth his name, address, and interest. If any interested person desires to be heard through a representative, such person or representative should file with the Hearing Clerk a written notice of appearance setting forth the name, address, and employment of such person. These written notices of appearance should be filed on or before April 29, 1968.

Any interested person intending to introduce documentary evidence at the hearing shall bring five copies thereof to the prehearing conference.

Mr. David H. Harris, Food and Drug Administration, Room 3013, 200 C Street SW., Washington, D.C. 20204, is hereby designated to be the hearing examiner for this proceeding. Upon being duly appointed as a hearing examiner pursuant to 5 U.S.C. 3105 (Public Law 89-554; 80 Stat. 415), he is authorized to conduct the hearing with full authority to administer oaths and affirmations and do all other things appropriate to the conduct of the hearing. At the conclusion of the hearing, the hearing examiner shall prepare a report and shall certify the record together with his report to the Commissioner of Food and Drugs for action.

Dated: March 21, 1968.

JAMES L. GODDARD,  
Commissioner of Food and Drugs.

[F.R. Doc. 68-3917; Filed, Apr. 1, 1968; 8:49 a.m.]

[ 21 CFR Part 191 ]

**CARBON TETRACHLORIDE**

**Extension of Time for Filing Comments on Proposed Listing as Banned Hazardous Substance**

In the matter of classifying carbon tetrachloride and mixtures containing it (including that used in fire extinguishers) as "banned hazardous substances" (21 CFR 191.9) within the meaning of section 2(q) (1) (B) of the Federal Hazardous Substances Act, as amended:

The notice of proposed rule making in the above-identified matter published in the FEDERAL REGISTER of February 16, 1968 (33 F.R. 3076), provided that comments could be filed regarding the proposal within 30 days following its date of publication.

The Commissioner of Food and Drugs has received a request for an extension of time for filing comments and, good reason therefor appearing, the time for filing comments in this matter is extended to April 16, 1968.

This action is taken pursuant to the provisions of said act (sec. 2(q) (1) (B), (2), 74 Stat. 372, 80 Stat. 1304; 15 U.S.C. 1261) and of the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat.

1055, as amended; 21 U.S.C. 371(e)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120).

Dated: March 22, 1968.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 68-3918; Filed, Apr. 1, 1968; 8:49 a.m.]

**DEPARTMENT OF  
TRANSPORTATION**

**Federal Aviation Administration**

[ 14 CFR Parts 71, 73 ]

[Airspace Docket No. 68-WE-1]

**TEMPORARY RESTRICTED AREAS  
AND CONTROLLED AIRSPACE**

**Proposed Designation and Alteration  
Correction**

In F.R. Doc. 68-3464 appearing at page 4890 in the issue of Friday, March 22, 1968, the description of the Camp Hale, Colo., South Impact Area should read as follows:

Beginning at lat. 38°50'30" N., long. 106°01'20" W.; to lat. 38°51'10" N., long. 105°59'15" W.; to lat. 38°59'20" N., long. 106°03'10" W.; to lat. 38°58'40" N., long. 106°05'15" W.; thence to point of beginning.

**INTERSTATE COMMERCE  
COMMISSION**

[ 49 CFR Part 1048 ]

[Ex Parte MC-37 (Sub No. 13)]

**COMMERCIAL ZONES AND  
TERMINAL AREAS**

**Rio Grande River Border  
Municipalities**

MARCH 18, 1968.

In accordance with the Commission's order date January 29, 1967, published in the February 16th issue of the FEDERAL REGISTER (33 F.R. 3082), any person intending to participate in this proceeding by submitting initial statements or reply statements was requested to notify the Secretary of the Commission on or before March 15, 1968.

Initial statements are due on or before April 30, 1968. Statements in reply thereto are due on or before May 20, 1968.

Set forth below is a list of all known parties of record upon whom copies of all statements must be filed in the above-titled proceeding.

[SEAL] H. NEIL GARSON,  
Secretary.

Service list showing parties of record as of March 15, 1968:

Mr. Robert F. Barnes, Robert F. Barnes, Customs Brokers, International Trade Building, Post Office Box 57, Hidalgo, Tex. 78557.

Mr. Clayte Binion, Rawlings, Sayers, and Scurlock, Century Life Building, Post Office Box 17007, Fort Worth, Tex. 76102.

Attorney for:

Merchants Fast Motor Lines, Inc., Post Office Drawer 270, Abilene, Tex. 79604.

Mr. James R. Boyd, Attorney at Law, Post Office Box 488, Austin, Tex. 78767.

Attorney for:

Oilfield Haulers Association, Inc., Post Office Box 488, Austin, Tex. 78767.

Oil Field Haulers Conference, Post Office Box 488, Austin, Tex. 78767.

Mr. Homer S. Carpenter, Rice, Carpenter, and Carraway, Suit 618, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004.

Mr. Felix Cerna (Owner), Transportes Internacionales, Post Office Box 845, Eagle Pass, Tex. 78852.

Jose Gonzalez R, Secretary Treasurer, Transportes Fronterizos del Norte S.A., c/o Mr. A. J. Vale, Post Office Drawer H, Rio Grande City, Tex. 78582.

Mr. H. C. Hall III, Hall and Juarez, Lawyers, Laredo, Tex. 78040.

Attorney for:

Esteban Lozano, d.b.a. Lozano Transfer Co., 2219 Victoria Street, Laredo, Tex. 78040.

Juan Morales & Amadore P. Morales, d.b.a. Morales and Son, 2312 Water Street, Laredo, Tex. 78040

M. P. Hamby, Chairman, Transportation Committee, Brownsville Chamber of Commerce, Post Office Box 752, Brownsville, Tex. 78520.

Mr. William J. Hirsch, 43 Niagara Street, Buffalo, N. Y. 14202.

Mr. Robert C. Johnson, Vice President, Bekins Van Lines Co., 1335 South Figueroa Street, Los Angeles, Calif. 90015.

Mr. Phillip A. Kazen, Attorney at Law, Laredo, Tex. 78040.

Attorney for:

Oscar Hinojosa, President, Auto Transportes Unidos De Nuevo Lorado, S.C.L., Avenida Carranza E Independencia, Nuevo Laredo, Tamps., Mexico.

Mr. Rogers Kelley, Kelley, Looney, McLean and Littleton, Woodruff Building, Post Office Box 237, Edinburg, Tex. 78539.

Attorney for:

Vel-Mar Freight Lines, Inc., Post Office Box 42, Hidalgo, Tex. 78557.

Mr. Jerry Prestridge, Clark, Thomas, Harris, Denius and Winters, 12th Floor, Capital National Bank Building, Austin, Tex. 78767.

Attorney for:

Southern Trucking Co., Post Office Box 333, Laredo, Tex. 78040.

G. Arredondo Transfer Co., Inc., 1220 Santa Rita, Laredo, Tex. 78040.

Gateway Transfer Co., Inc., Post Office Box 526, Laredo, Tex. 78040.

Mr. Mario S. Romero, 1913 Eye Street NW., Suite 503, Washington, D.C. 20006.

Attorney for:

Raul S. Romero.

Ramon Barrios.

Vincente Cardenas.

Fernando Barrenechea.

Sergio Lujan.

Manuel Carrillo.

Isidro Carrillo.

Joe S. Romero.

Eduardo Gutierrez.

Max Gutierrez.

Martin Solis.

Cayetano Lei ja.

Juan Cifuentes.

Manuel Saucedo.

Jose A. Montemayor e hijos.

Renato Zapata y Cia.

Monetou & Colina & Cia.

Camara Nacional de Agentes Aduanales de Mexico.

Consejo Internacional de Buena Vecindad.

Camara Nacional de Transportes y Comunicaciones.

Mr. Mert Starnes, James, Robinson, Felts and Starnes, The 904 Lavaco Building, Austin, Tex. 78701.

Attorney for:

Valley Transit Co., Inc., Post Office Box 1870, Harlingen, Tex. 78551.

Rogers Kelley, Post Office Box 237, Edinburg, Tex. 78539.

Mr. Warren Woods, McInnis, Wilson, Munson and Woods, 1735 K Street NW., Washington, D.C. 20006.

Alamo Express, Inc., Post Office Box 10280, Hackberry Station, San Antonio, Tex. 78204.

Brown Express, Inc., 434 South Main Avenue, San Antonio, Tex. 78204.

Central Express, Inc., Post Office Box 238, Waco, Tex. 76703.

Mr. Charles M. Walters, Allied Van Lines, Inc., Legal Department, Post Office Box 4403, Chicago, Ill. 60680.

[F.R. Doc. 68-3908; Filed, Apr. 1, 1968; 8:48 a.m.]

## SMALL BUSINESS ADMINISTRATION

### [ 13 CFR Part 121 ]

[Rev. 7]

#### SMALL BUSINESS SIZE STANDARDS

##### Definition of Small Business for Bidding on Government Procurements for Testing

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by establishing a new definition of small business for the purpose of bidding on Government procurements for testing.

The present size standard for bidding on Government contracts for research, development, and testing is that a concern, including its affiliates, have 500

employees or less for the preceding four quarters.

In defining industries SBA follows the Standard Industrial Classification Manual, prepared and published by the Bureau of the Budget, Executive Office of the President. The present SIC Manual (1967) has established a new industry; namely, SIC Industry 7397, Commercial Testing Laboratories. In the previous SIC Manual (1957) commercial testing laboratories were included in SIC Industry 7391, Research, Development and Testing Laboratories. Under the present SIC Manual, SIC Industry 7391 is restricted to commercial research and development laboratories.

Information has been submitted to this Agency to the effect that the size structure for concerns competing on research and development is different from those competing on procurements for testing. The information submitted indicates that the concerns competing on research and development contracts generally are larger than those competing for Government testing contracts and that many of the concerns competing for research and development contracts are manufacturers rather than service type businesses. It is further contended that since the competition for Government procurements for testing is primarily among service type concerns this industry should have a size standard based on annual receipts rather than number of employees.

Accordingly, it is proposed to establish a size standard of average annual sales or receipts of \$1 million or less for the preceding 3 fiscal years for the purpose of bidding on Government procurements for testing.

Interested persons may file with the Small Business Administration within 30 days after publication of this proposal in the FEDERAL REGISTER written statements

of facts, opinions, or arguments, concerning the proposed definition.

All correspondence shall be addressed to:

Irving Maness, Associate Administrator, Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. Attention: Size Standards Staff.

It is proposed to amend § 121.3-8 of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by revising paragraph (d) and adding paragraph (e) (7) to read as follows:

#### § 121.3-8 Definition of small business for government procurement.

\* \* \* \* \*

(d) *Research and development.* Any concern bidding on a contract for research and development is classified:

(1) As small if it is bidding on a contract for research and/or development which requires delivery of a manufactured product and (i) it qualifies as a small business manufacturer within the meaning of paragraph (b) of this section for the industry into which the product is classified, or (ii) it qualifies as a small business nonmanufacturer within the meaning of paragraph (c) of this section.

(2) As small if it is bidding on a contract for research and/or development which does not require delivery of a manufactured product and its number of employees does not exceed 500 persons.

(e) *Services.* \* \* \*

(7) Any concern bidding on a contract for testing services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed \$1 million.

\* \* \* \* \*

Dated: March 25, 1968.

ROBERT C. MOOT,  
Administrator.

[F.R. Doc. 68-3902; Filed, Apr. 1, 1968; 8:47 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[C-3358]

#### COLORADO

#### Notice of Classification of Public Lands for Multiple-Use Management

MARCH 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 within the areas described below together with any lands therein that may become public lands in the future are hereby classified for multiple-use management. As used herein "public lands" means any lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice segregates:

(a) All lands described in this notice from appropriation only under the agricultural land laws (43 U.S.C., Chapters 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171).

(b) Further segregates the public lands described in paragraph 4 of this notice from appropriation under the general mining laws (30 U.S.C. 20). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws.

3. No protests or objections were received following publication of a notice of proposed classification (33 F.R. 594), or at the public hearing held on March 7, 1968, at Gunnison, Colo. The record showing the comments received and other information is on file and can be examined in the BLM Montrose District Office, Montrose, Colo. The public lands affected by this classification are located within the following described areas and are shown on maps designated by Serial No. C-3358 on file in the Montrose District Office, Bureau of Land Management, Highway 550 South, Montrose, Colo., and Land Office, Bureau of Land Management, Room 15019 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

#### NEW MEXICO PRINCIPAL MERIDIAN

#### GUNNISON AND MONTROSE COUNTIES

T. 46 N., R. 4 W.,  
Secs. 1 to 12, inclusive.  
T. 46 N., R. 5 W.,  
Secs. 1 to 5, inclusive.

T. 46 N., R. 6 W.,  
Secs. 1, 2, 3, 10, 11, and 12.  
T. 47 N., R. 4 W.,  
Secs. 1, 19, 20, 24, 25;  
Secs. 29 to 33, inclusive, and 36.  
T. 47 N., R. 5 W.,  
Secs. 13, 15, 16, 20 to 24, inclusive;  
Secs. 26, 27, 28, 29, and 32 to 36, inclusive.  
T. 47 N., R. 6 W.,  
Secs. 22, 26, 27, 33, 34, 35, and 36.

The public lands in the area described aggregate approximately 22,778 acres.

4. As provided in 2(b) above the following lands are further segregated from appropriation under the mining laws:

#### NEW MEXICO PRINCIPAL MERIDIAN

#### GUNNISON COUNTY

#### Little Cimarron Site

T. 46 N., R. 6 W.,  
Sec. 12, E $\frac{1}{2}$ SE $\frac{1}{4}$ .

#### Big Blue Creek

T. 47 N., R. 5 W., 300 feet on either side of Big Blue Creek in the following described areas:

Sec. 15, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 22, W $\frac{1}{2}$ W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 27, W $\frac{1}{2}$ W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 34, NW $\frac{1}{4}$ .

The lands described in paragraph 4 aggregate approximately 355 acres and are included in the total area described in paragraph 3 (22,778 acres).

5. 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 2411.12(d)).

E. I. ROWLAND,  
State Director.

[F.R. Doc. 68-3883; Filed, Apr. 1, 1968;  
8:46 a.m.]

[OR 1565]

## OREGON

#### Notice of Classification of Public Lands for Multiple-Use Management

MARCH 25, 1968.

The notice of classification appearing as F.R. Doc. 67-13765 on pages 16108 to 16111 of the issue for Thursday, November 23, 1967, is hereby amended as follows:

The description appearing near the bottom of column 2 on page 16109 for T. 20 S., R. 45 E., reading:

Sec. 2, W $\frac{1}{2}$ ;  
Secs. 3 to 10, inclusive, sec. 11, W $\frac{1}{2}$ , and  
secs. 26 to 35, inclusive.

is amended to read:

Sec. 2, W $\frac{1}{2}$ ;  
Secs. 3 to 10, inclusive, sec. 11, W $\frac{1}{2}$ , secs.  
15 to 23, inclusive, and secs. 26 to 35,  
inclusive.

ARCHIE D. CRAFT,  
State Director.

[F.R. Doc. 68-3884; Filed, Apr. 1, 1968;  
8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

[Notice No. 32]

#### TOBACCO, TYPE 14

#### Extension of Closing Date for Filing of Applications for Insurance for 1968 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7 of the Code of Federal Regulations, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for tobacco crop insurance for the 1968 crop year on type 14 tobacco where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 10, 1968. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,  
Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 68-3929; Filed, Apr. 1, 1968;  
8:50 a.m.]

#### Office of the Secretary

#### NORTH DAKOTA

#### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of North Dakota, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

#### NORTH DAKOTA

Nelson.

Ramsey.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special

livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of March 1968.

ORVILLE L. FREEMAN,  
*Secretary.*

[F.R. Doc. 68-3900; Filed, Apr. 1, 1968;  
8:47 a.m.]

### Packers and Stockyards Administration

[P. & S. Docket No. 3971]

### PARIS LIVESTOCK COMMISSION CO.

#### Notice of Order Extending Period of Suspension of Modifications of Rates and Charges

On February 14, 1968, an order was issued instituting the following proceeding under Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.):

In re L. O. Barton, Max Whitford, C. L. Whitford, Robert E. Whitford, Harrell D. Barton, doing business as Paris Livestock Commission Company, Paris, Tenn., Respondents, P. & S. Docket No. 3971 (33 F.R. 4698).

Such order, among other things, suspended and deferred the operation and use by the respondents of modifications of their current schedule of rates and charges to become effective on February 15, 1968, for a period of 30 days beyond the time such modifications would otherwise go into effect.

Notice is hereby given that, since the hearings in this proceeding could not be concluded within such period of suspension, an order has been issued in the above proceeding suspending and deferring the operation and use of such modifications of the current schedule of rates and charges for a further period of 30 days beyond the date when such modifications would have otherwise become effective.

Done at Washington, D.C., March 26, 1968.

GLENN G. BIERMAN,  
*Acting Administrator, Packers  
and Stockyards Administration.*

[F.R. Doc. 68-3930; Filed, Apr. 1, 1968;  
8:50 a.m.]

## DEPARTMENT OF COMMERCE

### Business and Defense Services Administration

#### CHILDRENS HOSPITAL OF LOS ANGELES ET AL.

#### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00448-33-46500. Applicant: Childrens Hospital of Los Angeles, 4650 Sunset Boulevard, Los Angeles, Calif. 90027. Article: LKB 8800A Ultratome III ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare renal tissue and tissue fractions for electron microscopic study of protein degradation in the kidney. Application received by Commissioner of Customs: March 15, 1968.

Docket No. 68-00449-33-46500. Applicant: Harvard Medical School, 25 Shattuck Street, Boston, Mass. 02115. Article: LKB Ultratome III ultramicrotome, Model 8800A and knife maker, Model 7800B. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin serial sections for the study of the anatomy of DNA (Deoxyribonucleic acid) molecules in viruses, bacteria, and higher chromosomes. Application received by Commissioner of Customs: March 15, 1968.

Docket No. 68-00450-33-11000. Applicant: Rockland State Hospital, Research Center, Orangeburg, N.Y. 10962. Article: Gas chromatograph—mass spectrometer, Model LKB 9000. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for a number of research problems in the areas of psychopharmacology, biological psychiatry, normal biochemistry, quality control of analytical work and metabolic studies in psychiatric patients using stable isotopes. Application received by Commissioner of Customs: March 15, 1968.

Docket No. 68-00453-33-46040. Applicant: City of Hope Medical Center, Duarte, Calif. 91010. Article: Electron Microscope, Model HS-8. Manufacturer:

Hitachi, Ltd., Japan. Intended use of article: The article will be used for diagnostic evaluations which require viewing the ultrastructure of cells and tissues, and to study the altered structure of tissues in various forms of cancer and leukemia. Application received by Commissioner of Customs: March 19, 1968.

Docket No. 68-00459-33-09000. Applicant: Northwestern University, 906 University Place, Evanston, Ill. 60201. Article: Cathetometer with microscope. Manufacturer: Ole Dich Instrument Makers, Denmark. Intended use of article: The article will be used in measuring rates of ascent and descent of living cells in transparent, fluid-filled chambers employing gradients of osmolarity as well as electric field. Application received by Commissioner of Customs: March 19, 1968.

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

[F.R. Doc. 68-3868; Filed, Apr. 1, 1968;  
8:45 a.m.]

### UNIVERSITY OF ALASKA

#### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00338-89-40800. Applicant: Geophysical Institute, University of Alaska, College, Alaska 99701. Article: One basic ionosonde, complete. Manufacturer: Fairey Australasia Pty., Ltd., Australia. Intended use of article: The article will be used to obtain ionospheric soundings that can be recorded by the use of a portable ionosonde. Of special interest in the auroral zone is that maximum electron density and absorption vary in space as well as in time. For this purpose the mobile ionosonde will be used when and where the requirement exists. 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 applicant requires a portable ionosonde for the particular studies in which the foreign article is intended to be used. We find that portability is pertinent to the intended uses.

The Department of Commerce knows of no portable ionosondes which are being manufactured in the United States.

CHARLEY M. DENTON,  
Director, Office of Scientific and  
Technical Equipment, Busi-  
ness and Defense Services Ad-  
ministration.

[F.R. Doc. 68-3869; Filed, Apr. 1, 1968;  
8:45 a.m.]

## DEPARTMENT OF HEALTH, EDUCA- TION, AND WELFARE

Food and Drug Administration  
AMERICAN CYANAMID CO.

### Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0713) has been filed by the American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing that tolerances be established for residues of the insecticide malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) in or on the raw agricultural commodities grain sorghum and sorghum forage at 8 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a colorimetric technique. After extraction of malathion with carbon tetrachloride, the insecticide is decomposed by the addition of ethanol and sodium hydroxide into sodium O,O-dimethyl dithiophosphate, which is converted to the cupric salt and measured spectrophotometrically at 418 millimicrons.

Dated: March 22, 1968.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 68-3919; Filed, Apr. 1, 1968;  
8:49 a.m.]

### DOW CHEMICAL CO.

### Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0712) has been filed by the Dow Chemical Co., Post Office Box 512, Midland, Mich. 48640, proposing that tolerances be established for negligible residues of the herbicide 2-sec-butyl-4,6-dinitrophenol as the alkanolamine salts of the ethanol and isopropanol series (calculated as 2-sec-butyl-4,6-dinitrophenol) in or on the raw agricultural commodities soybeans and soybean straw at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a colorimetric procedure

in which the sample is extracted with an acidified chloroform solution. The extract is evaporated and the residue is dissolved in carbon tetrachloride. The 2-sec-butyl-4,6-dinitrophenol is extracted into aqueous sodium hydroxide and this solution is acidified and steam distilled. After adjusting to pH 7, the distillate is extracted with chloroform. The chloroform solution is extracted with a pH 11 buffer solution that in turn is extracted with 3-pentanone. The yellow color of the 2-sec-butyl-4,6-dinitrophenol salt is measured directly in the 3-pentanone solution with a spectrophotometer.

Dated: March 22, 1968.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 68-3920; Filed, Apr. 1, 1968;  
8:49 a.m.]

### ELANCO PRODUCTS CO.

### Notice of Withdrawal of Petition for Food Additive Chlormadinone Acetate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Elanco Products Co., a Division of Eli Lilly and Co., Indianapolis, Ind. 46206, has withdrawn its petition (FAP 6D1989), notice of which was published in the FEDERAL REGISTER of April 19, 1966 (31 F.R. 5982), proposing the issuance of a regulation to provide for the safe use of chlormadinone acetate (6-chloro-Δ 6-17-acetoxypregesterone) in chicken feed as an aid in delaying onset of egg production.

Dated: March 22, 1968.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 68-3921; Filed, Apr. 1, 1968;  
8:49 a.m.]

### FMC CORP.

### Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0711) has been filed by the FMC Corp., Niagara Chemical Division, Middleport, N.Y. 14105, proposing that a tolerance of 0.1 part per million be established for residues of the insecticide 2,3-dihydro-2,2-dimethyl-7-benzofuranyl methylcarbamate including its cholinesterase-inhibiting metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl methylcarbamate in or on the raw agricultural commodity corn grain.

The analytical methods proposed in the petition for determining residues of the insecticide and its metabolite are (1) a gas chromatographic technique using a nitrogen specific microcoulometric detection system and (2) the method of M. C. Bowman and M. Beroza published in the "Journal of the Association of Official Analytical Chemists," vol. 50, pp. 926-933 (August 1967).

Dated: March 22, 1968.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 68-3922; Filed, Apr. 1, 1968;  
8:49 a.m.]

### WYANDOTTE CHEMICALS CORP.

### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2271) has been filed by Wyandotte Chemicals Corp., 1609 Biddle Avenue, Wyandotte, Mich. 48192, proposing that § 121.2520 *Adhesives* be amended in paragraph (c)(5) by deleting the upper molecular weight specification for the item "Polyoxypropylene-polyoxyethylene condensate (molecular weight 1,900-9,000)" so that the changed portion reads "(minimum molecular weight 1,900)."

Dated: March 22, 1968.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 68-3923; Filed, Apr. 1, 1968;  
8:49 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-146]

### SAXTON NUCLEAR EXPERIMENTAL CORP.

### Notice of Issuance of License Amendment

No request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 3 to Operating License No. DPR-4. The license authorizes Saxton Nuclear Experimental Corporation to operate its pressurized water reactor located near the Borough of Saxton in Liberty Township, Bedford County, Pa. Amendment No. 3 authorizes the licensee to operate the reactor with Core II at power levels up to a maximum of 35 megawatts (thermal) for up to 3,500 magawatt days.

The license amendment was issued in the form published in the Notice of Proposed Issuance of Operating License Amendment in the FEDERAL REGISTER on January 6, 1968, 33 F.R. 235.

Dated at Bethesda, Md., this 21st day of March 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director,

Division of Reactor Licensing.

[F.R. Doc. 68-3867; Filed, Apr. 1, 1968;  
8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18109; FCC 68-331]

COLLINS RADIO CO.

### Installation and Use of Automatic and Self-Monitored FM Broadcast Transmitters; Notice of Inquiry

In the matter of amendment of Part 73 of the Commission's rules to provide for the installation and use of automatic and self-monitored FM broadcast transmitters, Docket No. 18109, RM-1122.

1. The Commission has for consideration a petition for rule making filed March 15, 1967, by Collins Radio Co. of Dallas, Tex., seeking amendment of pertinent portions of Part 73 of the rules and regulations concerning FM broadcast stations to permit the use of automatic, and self-monitored transmitting equipment.

2. Collins points out that the Commission's rules pertaining to the technical operation of broadcast stations concern themselves primarily with three basic parameters: Frequency of emissions, power output, and quality of emissions. The rules provide for permissible deviations of these parameters from standardized norms, and require certain ancillary actions (e.g. logkeeping and operator availability) to aid in the maintenance of these parameters within the tolerances specified. Petitioner states that the extensive advances in electronics in the recent past have not been fully applied to these three basic parameters. Petitioner suggests that the time has arrived to incorporate applicable electronic techniques into broadcast systems and sets forth its concept and basic design of a transmitter which will accomplish the following:

- a. Examine an electronic parameter (e.g. voltage or current).
- b. Compare the result of the examination with a fixed reference.
- c. Decide whether or not the parameter is within tolerance.
- d. Carry out whatever corrective action is required.

3. For information, petitioner conceives that an automatic transmitter should perform substantially as follows:

a. Program material may be generated manually or automatically depending on the degree of automation desired by the broadcaster. At the beginning of the broadcast day, the transmitter is turned on either manually via the remote operation link, or automatically via a time clock or other mechanism. From that point to signoff no further attention is

required unless a fault develops. At the end of the broadcast day, the transmitter is turned off in a corresponding manner.

b. If a parameter begins to vary toward its limit, it will first reach the alarm condition. This alarm may be transmitted to a remote location to actuate both visual and aural signals, such as the headquarters of the contract maintenance operator, the home of the chief operator or any location which is required. Maintenance personnel would then proceed immediately to the transmitter site, note the cause of the alarm from the fault indicator panel, and perform the necessary corrective actions. In the event that the parameter reaches the tolerance limit before maintenance personnel arrive, the transmitter would be automatically removed from the air and the fault information would be held on the fault indicator panel. When the transmitter is shut down due to a fault, the automatic recycle procedure takes place to determine whether the fault was transient. Three such attempts are made and, if the fault persists, the transmitter is shut down permanently and can be returned to the air only from the transmitter location. Only those parameters of greatest significance are capable of transmitter shutdown, i.e., power output, frequency deviation, control line failure, etc. Parameters such as tower light failure, program loss, etc., sound the alarm for corrective action, but do not remove the carrier from the air.

c. Calibration of the sensors and level detectors could be checked at suitable intervals to verify the integrity of the self-monitor circuits. This is accomplished by switching to a manual monitor mode which disables the control function of the self-monitor circuits but still allows them to function with visual indicators when the alarm level and the shutdown level are exceeded. To preclude the possibility that the transmitter may be inadvertently left in the manual mode, switching is accomplished with a clock-actuated switch with a maximum run time of 15 minutes. At the end of this preset time period the transmitter is automatically switched back to the self-monitor mode.

d. To verify the calibration of the power output monitor, the power is increased 5 percent manually to determine that the alarm and shutdown circuits operate at the required points. The same procedure is followed for low-power variations. Power levels are usually verified by the indirect method, i.e.,  $E_p$  times  $I_p$  times the efficiency factor.

e. Similarly, the frequency monitor action is verified by manually offsetting the frequency through the assigned limits and noting the operation of the alarm indicator and shutdown indicator.

f. FCC inspections of the station are carried out in a manner similar to the calibration procedure with the exception that, if requested by the inspector, a parameter may be varied to momentarily shut down the transmitter and thus verify the full circuitry.

4. Petitioner suggests that with appropriate rules covering type-acceptance, installation; and utilization of automatic

FM transmitters, the Commission is assured of technical operation in compliance with its rules or automatic cessation of operation and, accordingly, the need for the keeping of logs on a repetitive basis to verify proper operation is unnecessary. Likewise, need for constant surveillance of the transmitting equipment by a licensed operator is also eliminated.

5. We recognize the advantages inherent in a transmitter which will automatically maintain its frequency, power, and quality of emissions within the tolerances we have specified and, failing this, will shut itself off. However, we believe it desirable at this time to raise several points which should be considered in the early stages of this proceeding. It has been suggested that the use of automatic broadcast transmitters be limited, for the present, to stations in the FM Broadcast Service to keep the scope of this proceeding within manageable limits. We are of the view that comments should be limited to the FM Broadcast Service only.

6. As already noted, an important benefit to be realized from the use of automatic transmitters, as envisaged by Collins, would be their ability to operate reliably with a minimum of human surveillance. The mandatory provisions of section 318 of the Communications Act are relevant in this regard, in that the actual operation of broadcast transmitters "shall be carried on only by a person holding an operator's license \* \* \*". Although there follows an exception proviso relating to the use of automatic radio devices, the legislative history of section 318 suggests that broadcast transmitters not employed exclusively for rebroadcasting television signals must be attended by licensed operators. In the present scheme of regulation, this contemplates the physical attendance of a licensed operator either at the transmitter or at an authorized remote control position. Because of the significant implications of any departure from this concept, the comments of interested persons and groups are invited as to the desirability of statutory amendment to eliminate the licensed operator requirement in connection with automatic broadcast transmitters or, in the alternative, amending the rules to allow for the use of minimum grade operators (restricted permittees) whose functions would consist only of receiving alarms of approaching out-of-tolerance conditions and arranging for their immediate correction by a qualified person, together with performing whatever residual tasks remain to be done. In asking for comments concerning these alternatives, we recognize that either course of action would dilute the control and surveillance functions historically associated with manual station operation.

7. It does not necessarily follow that widespread transmitter automation would accelerate the trend toward program automation which reflects, and presumably would continue to reflect, deliberate judgments by individual licensees based on community needs and program acceptance. Comments on the

possible interrelationship of these technical and programming factors are nonetheless requested.

8. One of the questions which arises in connection with the automatic transmitter is whether or not it is feasible to modify existing transmitters for automatic operation. Petitioner suggests that the guarantees of satisfactory operation can only be given if the manufacturer maintains full control of design and construction and believes that the practical, technical and administrative problems involved would preclude general modification of existing equipment. Comments are requested on the feasibility of modifying existing FM transmitters for automatic operation, and the procedures which could be instituted to insure that modifications are properly made.

9. Present regulations require type acceptance of broadcast transmitters. Accordingly, a question arises concerning the Commission procedures which would be necessary to insure the reliable performance of automatic transmitters (e.g., current type approval or type acceptance procedures, some variant thereof, or some different procedure) in order adequately to protect the public interest. Comments are requested on this point.

10. Frequency control: Collins proposes the use of a type-approved frequency monitor which contains a visual alarm, and a contact closure for operation of external interlocks and/or alarms when the frequency error exceeds  $\pm 1$  and  $\pm 2$  kilohertz respectively. No attempt is made to control the frequency automatically. A question arises as to whether or not it is desirable and feasible to incorporate a frequency monitor (or similar device) as an integral part of the transmitter and to use its indication of frequency deviation as a means of controlling frequency. Accordingly, comments are requested on this point.

11. Power control: Collins proposes the use of a load power monitor which consists of reflected and forward power sensors and a processing circuit which determines the output power by subtracting the former from the latter. This analog value is compared with a predetermined reference level to develop a correction voltage which is reapplied to the power output control circuit. With this circuitry, power can supposedly be maintained within an overall accuracy  $\pm 2$  percent. In this connection, comments are requested on the type of control the Commission can exert upon the manufacturer and the licensee (e.g., by rule or by type acceptance) to insure the accuracy of the power determining devices. If by rule, comments are requested on the desirability of requiring, for stations using automatic transmitters, that power be determined by the direct method (see § 73.267).

12. Collins also suggests the use of a circuit to monitor the voltage standing wave ratio (VSWR) of the transmission line and antenna, and to provide a shutdown capability should the VSWR exceed a specified value due to an unexpected condition (e.g., icing or arc-over).

While this capability is desirable from the licensee's viewpoint, the question here is whether or not our rules should require the use of such a device.

13. Modulation and distortion control: Collins proposes an overmodulation integrator whose function is to generate an analog control voltage proportional to the percentage of modulation when a referenced modulation is exceeded. This control voltage is then reapplied to control the gain of the audio control amplifiers. Also proposed is a means of detecting high distortion conditions. Here a sample of the audio input to the transmitter is subtracted from that recovered after detection. If the wave forms have been altered significantly by the modulation process, the difference voltage can be utilized for alarming a high distortion condition. Here, we wish to examine the desirability and feasibility of including the modulation monitor (or similar device) as an integral part of the transmitter so that the modulation functions are completely self-controlled and overmodulation is impossible. Accordingly, comments are requested on this aspect, as well as the question of undermodulation.

14. Carrier logging: Collins recognizes the desirability of logging certain functions and suggests the use of an automatic logging device operated by the presence or absence of the carrier, and also by control or alarm circuits, to indicate the time of carrier-on, carrier-off, and tower lights on and off. Comments are requested on the question of which parameters, in fact, should be automatically logged.

15. Emergency broadcast system: It is claimed in the petition that an automatic system as proposed would facilitate compliance with the Emergency Action procedures (reception, notification, operation, termination, etc.) as set forth in Subpart G of Part 73 of our rules. Petitioner does not supply, at this time, specific details of the manner in which this may be accomplished. It is requested that detailed comments and technical data be provided in this respect which will indicate how the broadcast licensee will be able to comply with the provisions of the Basic EBS Plan (First Revision), particularly Annex IV (Part 73, Subpart G of the FCC rules) and Annex V (Emergency Broadcast System Activation—Authentication—Termination), when utilizing the automatic equipment proposed by the petitioner.

16. Other considerations: Only brief reference is made in the petition before us concerning the technical operation of FM stations engaging in stereophonic broadcasting or which hold a Subsidiary Communications Authorization. While it does not appear that such operations would be precluded by the use of an automatic transmitter, consideration must necessarily be given to the manner in which these added features will be monitored and controlled to insure technical operation in compliance with our rules. Accordingly, specific comments are requested from interested parties on this point.

17. An important aspect of the automatic transmitter would be its ability automatically to correct itself or shut itself off. Accordingly, comments are solicited as to the methods which could be used to prevent deliberate disabling of the automatic shutoff feature of the transmitter.

18. An additional consideration is the question of spurious radiations from automatic transmitters and comments are requested on the methods, if any, which may be available to detect and alarm excessive spurious radiations.

19. We are not at this time proposing specific rule amendments because of the questions raised and the numerous rule changes which may be required. By this notice, however, we are exploring the possible use of automatic transmitters by FM broadcast stations essentially in the manner conceived by petitioner or by other means which may be proposed.

20. Pursuant to applicable procedures set forth in § 1.415 of the Commission rules, interested parties may file comments on or before June 27, 1968, and reply comments on or before July 26, 1968. All relevant and timely comments and reply comments will be considered by the Commission before further action is taken in this proceeding.

21. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: March 27, 1968.

Released: March 28, 1968.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 68-3925; Filed, Apr. 1, 1968;  
8:49 a.m.]

[Docket Nos. 1799, 17994; FCC 68M-509]

## MOLINE TELEVISION CORP. (WQAD-TV) AND COMMUNITY TELECASTING CORP.

### Order After Prehearing Conference

In re applications of Moline Television Corp. (WQAD-TV), Moline, Ill., Docket No. 17993, File No. BRCT-584; for renewal of license of WQAD-TV; Community Telecasting Corp., Moline, Ill., Docket No. 17994, File No. BPCT-4032; for construction permit.

A prehearing conference in the above-entitled proceeding was held today, as scheduled. It was agreed by all parties, with the Hearing Examiner's approval, that direct case exhibits, in affidavit form, would be exchanged by May 20 (with one copy of each provided to the Examiner); that the parties would informally notify one another by May 29 of the names of witnesses desired for cross-examination; and that the hearing is to be postponed and will convene on Tuesday, June 11, 1968, at 10 a.m., at the Commission's offices, Washington, D.C.

<sup>1</sup> Commissioner Bartley absent.

There were other rulings by the Examiner which need not be repeated herein. The transcript of the prehearing conference will guide the parties' preparation for hearing on these other matters and is hereby incorporated herein by reference. It is so ordered.

Issued: March 26, 1968.

Released: March 27, 1968.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 68-3926; Filed, Apr. 1, 1968;  
8:49 a.m.]

[Docket Nos. 17742, 17743; FCC 68M-508]

**PATRIOT STATE TELEVISION, INC.,  
AND BOSTON HERITAGE BROAD-  
CASTING, INC.**

#### Order Continuing Hearing

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

The Hearing Examiner having under consideration a communication dated March 21, 1968, from counsel for Boston Heritage, Inc., an applicant in this proceeding;

It appearing, that the applicants are in the process of negotiating to resolve their differences in this proceeding;

It further appearing, that the evidentiary hearing herein is now scheduled for April 1, 1968;

It further appearing, that counsel for Boston Heritage, Inc., has requested a continuance of the hearing date herein; It further appearing, that good cause exists why said request should be granted and there is no opposition thereto:

Accordingly, it is ordered, That the hearing now scheduled for April 1, 1968, be and the same is hereby rescheduled for May 6, 1968, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: March 26, 1968.

Released: March 27, 1968.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 68-3927; Filed, Apr. 1, 1968;  
8:50 a.m.]

[Docket Nos. 16290, 16291; FCC 68M-504]

**WMGS, INC. (WMGS), AND  
OHIO RADIO, INC.**

#### Order Scheduling Further Hearing Conference

In re applications of WMGS, Inc. (WMGS), Bowling Green, Ohio, Docket

No. 16290, File No. BR-3097; for renewal of license; Ohio Radio, Inc., Bowling Green, Ohio, Docket No. 16291, File No. BR-16423; for construction permit.

Pursuant to a hearing conference in this proceeding held on March 21, 1968: It is ordered, That there will be a further hearing conference in this proceeding on May 6, 1968, 9 a.m., in the Commission's offices, Washington, D.C.; and

It is further ordered, That the evidentiary hearing now scheduled for May 6, 1968, be and the same is hereby canceled.

Issued: March 26, 1968.

Released: March 27, 1968.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 68-3928; Filed, Apr. 1, 1968;  
8:50 a.m.]

### FEDERAL MARITIME COMMISSION

**ISTHMIAN LINES, INC., AND SEA-  
LAND SERVICE, INC.**

#### 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 agreement 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. F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9707 between Isthmian Lines, Inc., and Sea-Land Service, Inc., covers and is restricted to the movement of general cargo on prepaid through bills of lading from ports within the Commonwealth of Puerto Rico to the following ports of call of Isthmian at:

A. Ports of India, Pakistan, and Ceylon, and

B. Gulf of Oman, Persian Gulf, Gulf of Aden, and Red Sea Ports

with transshipment at the port of New York in accordance with the terms and conditions set forth in the agreement.

Dated: March 28, 1968.

By order of the Federal Maritime Commission.

THOMAS LIST,  
Secretary.

[F.R. Doc. 68-3909; Filed, Apr. 1, 1968;  
8:48 a.m.]

### PORT OF SEATTLE AND OLYMPIC STEAMSHIP CO.

#### 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 agreement 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 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 agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Wade Thompson, Assistant Manager, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T-2141 between the Port of Seattle (Port) and Olympic Steamship Co. (Olympic) provides for the lease of a portion of a transit shed at Pier 25, together with preferential use of the south dock apron and rail trackage thereon, and joint use of certain other areas. Port retains secondary berthing rights and reserves the right to bill and collect dockage fees from other users of the berth. Olympic will use the leased premises for the storage of canned seafoods and general cargo and will pay Port a fixed rental of \$1,000 per month.

Dated: March 28, 1968.

By order of the Federal Maritime Commission.

THOMAS LIST,  
Secretary.

[F.R. Doc. 68-3912; Filed, Apr. 1, 1968;  
8:48 a.m.]

**THAI MERCANTILE MARINE, LTD.,  
AND SEATRAN LINES, INC.**

**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 agreement 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. Joseph Hodgson, Jr., General Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J. 07020.

Agreement No. 9706 between Thai Mercantile Marine, Ltd., and Seatrain Lines, Inc., establishes a through billing arrangement for the movement of general cargo from ports in the Philippines, Federation of Malaya, State of Singapore, Thailand, South Viet Nam, Cambodia, Indonesia, Burma, India, Pakistan, Ceylon, Persian Gulf, Red Sea, and Gulf of Aden ports, and ports in Egypt, Lebanon, Syria, Turkey, and Greece, and ports in East and South Africa to ports in Puerto Rico with transshipment at New York in accordance with the terms and conditions set forth in the agreement.

Dated: March 28, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 68-3913; Filed, Apr. 1, 1968;  
8:48 a.m.]

[Docket No. 68-16]

**ANTHONY G. O'NEILL**

**Independent Ocean Freight Forwarder License Application**

By certified letters dated January 25, 1968, and February 20, 1968, Applicant, Mr. Anthony G. O'Neill, 124-20, 129th Street, Richmond Hill, N.Y., was notified of the Federal Maritime Commission's intent to deny his application for an Independent Ocean Freight Forwarder License. The specific ground for denial of the application is that applicant does not possess sufficient experience to

qualify for licensing as an independent ocean freight forwarder.

Applicant has now requested the opportunity to show at a hearing that the denial of his application is not warranted.

*Therefore, it is ordered.* Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841(b)) that a proceeding is hereby instituted to determine whether the applicant possesses the necessary qualifications to be issued an Independent Ocean Freight Forwarder License.

*It is further ordered.* That the applicant be made respondent in this proceeding and that the matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners on a date and place to be announced by the Chief Examiner.

*It is further ordered.* That notice of this order be published in the FEDERAL REGISTER, and a copy thereof and notice of hearing be served upon respondent.

*It is further ordered.* That any persons, other than the respondent, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with a copy to respondent on or before April 12, 1968; and

*It is further ordered.* That all future notices issued by or on behalf of the Commission in this proceeding including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Federal Maritime Commission.

[SEAL] THOMAS LISI,  
Secretary.

[F.R. Doc. 68-3910; Filed, Apr. 1, 1968;  
8:48 a.m.]

[Docket No. 68-18; Agreements T-2148,  
T-2149]

**PACIFIC MARITIME ASSOCIATION**

**Order of Approval and Notice of Investigation Regarding Assessment Agreements**

On March 11, 1968, the members of the Pacific Maritime Association (PMA) filed two agreements (Nos. T-2148 and T-2149) for approval under section 15 of the Shipping Act, 1916 (46 U.S.C. 814). T-2148 (the basic agreement), would authorize the assessment of the membership for the purpose of creating a fund (the Mech Fund) to meet PMA's obligations to pay employee benefits under the ILWU and PMA Longshore Mechanization and Modernization Plan and the ILWU-PMA Walking Boss Plan. T-2149 is basically similar to T-2148 except that it covers only assessments for vehicles (including automobiles).

After filing, PMA advised of certain errors contained in paragraph 3 of Agreement No. T-2148 relating to assessments made under the Walking Boss Plan. The parties have requested that the agreement be amended to correct these errors. The corrections would exclude bulk cargoes from assessments under the Walk-

ing Boss Plan and substitute "walking bosses and foremen" for "longshoremen or marine clerks". They request that the first sentence of paragraph 3 be amended to read as follows:

3. Member assessments made under the Walking Boss Plan shall be determined as follows: Assessments determined by the number of revenue tons of cargo, other than bulk cargoes and vehicles (including automobiles), handled (beginning with the inception date of the Walking Boss Plan and continuing over the life of such Plan as it may be renewed from time to time) by each member employing walking bosses and foremen.

Both agreements were published in the FEDERAL REGISTER and comments were received from Volkswagenwerk Aktiengesellschaft (Volkswagen), Matson Navigation Co. (Matson) and the Department of Defense (DOD). Volkswagen urges that the assessments under T-2149 would be inequitable and requests that a hearing be held to determine a lawful and equitable formula for the assessment on vehicles. Matson also challenges the assessment on vehicles and, in addition, urges that under T-2148, the assessments against cargoes in containers are unjust and unreasonable under the Shipping Act.<sup>1</sup> Notwithstanding these objections, Volkswagen, Matson, and DOD urge prompt approval of both agreements in the interest of labor peace on the Pacific Coast. All protestants are convinced that the failure of PMA to make payments under the Mech Fund plan would make a strike unavoidable.

In requesting prompt approval, Matson, Volkswagen, and PMA have agreed to condition that approval upon a retroactive application of any adjustment in assessments found necessary and proper as a result of the Commission's investigation under the Shipping Act. The parties have also indicated a willingness to negotiate their difference both before and pending the proceeding—a procedure we strongly urge in the interest of saving time, effort and expense.

Our consideration of the agreement and the comments thereon, convince us that the public interest demands prompt approval of Agreements T-2148 and 2149, and that such approval will not be contrary to the standards of section 15 in view of the safeguards we will insist upon. It is beyond dispute that the establishment and maintenance of the Mech Fund by PMA has been a prime factor in the continued labor peace of the Pacific Coast. Aside from the relatively limited area of dispute raised here, the agreements appear to have operated to the satisfaction and benefit of all concerned and the public as well. In the light of this period of actual operation, we can and do find that the agreements should be approved under section 15 subject to the conditions set forth below.

*Therefore, it is ordered.* That Agreements T-2148 and T-2149 are hereby approved pursuant to section 15 of the

<sup>1</sup>Neither Matson nor Volkswagen argues that its shipments should not be assessed at all. They quarrel only with the manner and amount.

Shipping Act, 1916: *Provided, however,* That all assessments made under the agreements shall be subject to such adjustment as may be required by any order issued as a result of the investigation instituted herein: *And provided, further,* That paragraph 3 of Agreement T-2148 is hereby modified by deleting the first sentence and substituting therefor the following:

3. Member assessments made under the Walking Boss Plan shall be determined as follows: Assessments determined by the number of revenue tons of cargo, other than bulk cargoes and vehicles (including automobiles), handled (beginning with the inception date of the Walking Boss Plan and continuing over the life of such Plan as it may be renewed from time to time) by each member employing walking bosses and foremen.

and that the agreement be further modified by incorporating the appendix thereto setting forth in detail the "manner historically used to compute association membership dues prior to 1961; and

*It is further ordered,* That pursuant to section 22 of the Shipping Act, 1916, an investigation is hereby instituted to determine whether under Agreements T-2148 and T-2149 the assessments on containers and vehicles (including automobiles) are in violation of sections 14 Third, 15, 16 and 17.

*It is further ordered,* That members of the Pacific Maritime Association are hereby named respondents in this proceeding; and Volkswagenwerk Aktiengesellschaft, Matson Navigation Co. and the Department of Defense are hereby designated as petitioners;

*It is further ordered,* That the proceeding herein ordered be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the Chief Examiner;

*It is further ordered,* That notice of this order and notice of hearing be published in the FEDERAL REGISTER, and copy of such order and notice of hearing be served upon respondents and petitioners;

*It is further ordered,* That persons other than respondents, petitioners, and Hearing Counsel who desire to become parties in this proceeding and to participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 8, 1968, with copy to respondents; and

*It is further ordered,* That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing shall be mailed directly to all parties of record.

By the Commission.

[SEAL]

THOMAS LIST,  
Secretary.

[F.R. Doc. 68-3911; Filed, Apr. 1, 1968;  
8:48 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. CP68-252]

### CENTRAL ILLINOIS PUBLIC SERVICE CO. AND PANHANDLE EASTERN PIPE LINE CO.

#### Notice of Application

MARCH 26, 1968.

Take notice that on March 18, 1968, Central Illinois Public Service Co. (Applicant), Illinois Building, Springfield, Ill. 62701, filed in Docket No. CP68-252 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Respondent) to establish a physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the villages of Modesto, Scottville, Palmyra, Hettick, Chesterfield, and Medora, the town of Shipman and the unincorporated community of Piasa, Macoupin County, Ill., and the village of Fidelity, Jersey County, Ill., and their respective environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following facilities:

(1) Twenty miles of 6-inch pipeline from a proposed metering and regulator station of Respondent to be located approximately 9 miles north of Modesto to a point near the west corporate limits of Hettick;

(2) Twenty-five miles of 4-inch pipeline extending from the end of the 6-inch line to a point near the west corporate limits of Shipman;

(3) Six miles of 2-inch lateral extending from a point on the 6-inch pipeline near the west corporate limits of Modesto to the east corporate limits of Scottville;

(4) Town border stations at or near the west corporate limits of Modesto, east corporate limits of Scottville, east corporate limits of Palmyra, west corporate limits of Hettick, east corporate limits of Chesterfield, east corporate limits of Medora, at a point approximately 1 mile east of Fidelity, near the center of Piasa, and near the west corporate limits of Shipman.

The estimated total cost is \$1,094,750 to be financed from internal funds.

By the proposed order, Respondent will be required to construct, own and operate a line tap, metering and regulating station at or on its transmission line at a point approximately one-quarter mile north of Waverly in Morgan County, Ill.

The total estimated fourth year annual and peak day requirements are 323,893 Mcf and 3,194.60 Mcf, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accord-

ance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 22, 1968.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 68-3871; Filed, Apr. 1, 1968;  
8:45 a.m.]

[Docket No. CP68-253]

### COLUMBIA GULF TRANSMISSION CO.

#### Notice of Application

MARCH 26, 1968.

Take notice that on March 18, 1968, Columbia Gulf Transmission Co. (Applicant), Post Office Box 683, Houston, Tex. 77001, filed in Docket No. CP68-253 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the transportation of natural gas consisting of approximately 52.2 miles of 24-inch pipeline in southern Louisiana from Pecan Island, in Vermilion Parish to Applicant's southernmost existing main-line compressor station (Station No. 10) at Rayne, in Acadia Parish, together with a measuring station at Pecan Island and approximately 0.2 mile of 20-inch piping at the Rayne Compressor Station to establish a delivery point there, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

On February 19, 1968, Columbia Offshore Pipeline Co. (Offshore) filed in Docket No. CP68-231 an application seeking authorization to construct and operate a pipeline from the Block 292 Field, Eugene Island Area, Offshore Louisiana to Pecan Island. Initial deliveries through such pipeline of gas owned by United Fuel Gas Co. (United Fuel) and Texas Gas Transmission Corp. (Texas Gas) are proposed to commence November 1, 1969.

The application states that the proposed facilities are necessary in order to transport from Pecan Island to Applicant's Rayne Compressor Station (Station No. 10): (a) The volumes of United Fuel's gas to be transported by Offshore to Pecan Island; (b) the volumes of United Fuel's gas to be delivered by Humble Oil & Refining Co. (Humble) at Pecan Island from the Pecan Island Field; and (c) for a period not to exceed 2 years, such volumes of Texas Gas' offshore gas delivered by Offshore at Pecan Island as Applicant's obligations to United Fuel may permit.

Specifically, the facilities proposed to be constructed by Applicant are as follows:

(1) 35.8 miles of 24-inch O.D. x 0.282" wall grade 5 LX-60 pipe, extending southerly from existing Compressor Station No. 10;

(2) 16.4 miles of 24-inch O.D. x 0.282" wall grade 5 LX-60 pipe extending from the end of the pipe in number (1) above through marsh to Pecan Island;

(3) A measuring station at Pecan Island for taking gas from Humble;

(4) 0.2 mile of 20-inch O.D. x 0.344" wall grade 5 LX-60 pipe for delivery of Texas Gas' gas.

The estimated total cost of the above facilities is \$8,030,000 to be financed through the purchase by The Columbia Gas System, Inc., of notes and common stock issued by Applicant and through use of current working funds.

The proposed service consists of the transportation of up to 438,000 Mcf per day, including 62,200 Mcf per day of United Fuel's gas delivered by Humble; 76,500 Mcf per day of United Fuel's offshore gas delivered by Offshore; and 76,500 Mcf per day of Texas Gas' offshore gas delivered by Offshore.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 22, 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. 68-3872; Filed, Apr. 1, 1968;  
8:45 a.m.]

[Docket No. CP68-250]

## LAKE SUPERIOR DISTRICT POWER CO.

### Notice of Application

MARCH 26, 1968.

Take notice that on March 15, 1968, Lake Superior District Power Co. (Applicant), 101 West Second Street, Ashland, Wis. 54806, filed in Docket No. CP68-250 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (Respondent) to extend its gas transmission facilities to the cities of Mellen, Park Falls, and Phillips, villages of Butternut, Prentice, and Rib Lake, and the towns of Fifield, Ogema, Westboro, and Jacobs (Glidden), in Ashland, Price, and Taylor Counties, Wis., and to establish physical connection of such facilities with gas distribution facilities to be constructed by Applicant in said communities, and to sell natural gas to Applicant for distribution and sale

in said communities, as well as for the operation of a steam and electric generating plant to be constructed by Applicant in Park Falls, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that serious economic loss will result to Applicant and the Kansas City Star Co. if gas to fuel the steam-electric generating plant is not available by November 1, 1968.

The Applicant requests the Commission to direct Respondent to extend its transportation facilities and construct the 91.3 mile Rib Lake lateral, as proposed by Respondent in Docket No. CP68-193. Respondent estimates the cost of the Rib Lake lateral to be \$3,010,859 and branch line cost of service and cost of gas to be \$911,197. It is further stated that annual revenues will exceed such costs by \$233,663.

The application states that the third year annual and peak day requirements of Applicant are 2,884,179 Mcf and 9,877 Mcf, respectively.

Total estimated cost of the facilities to be constructed by Applicant is \$1,000,203 to be financed temporarily by cash on hand, cash generated by operations and temporary bank loans. Permanent financing is to be through the issuance of common stock or bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 22, 1968.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 68-3873; Filed, Apr. 1, 1968;  
8:45 a.m.]

[Docket No. RI68-500, etc.]

## MARATHON OIL CO. ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective; Correction

MARCH 25, 1968.

In order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued March 8, 1968, and published in the FEDERAL REGISTER March 16, 1968 (F.R. Doc. 68-3258), 33 F.R. 4646, Docket No. RI68-500, etc., Appendix A, which was not enclosed with the original document, is set forth below.

GORDON M. GRANT,  
*Secretary.*

#### APPENDIX A

Marathon Oil Co., (Marathon) requests a retroactive effective date of July 1, 1967, the date the increased Oklahoma Excise Tax became effective, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Marathon's rate filings and such request is denied.

Marathon's proposed increased rates reflect tax reimbursement for the recently enacted increase in the Oklahoma Excise Tax from 0.02 cent to 0.04 cent per Mcf which became effective on July 1, 1967. The proposed rates exceed the applicable 11 cents per Mcf area increased rate ceiling for the Panhandle Area as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56). Since the proposed increases relate to tax reimbursement only, we conclude that they should be suspended for one day from March 18, 1968, the expiration date of the statutory notice.

Kingwood Oil Co. (Kingwood) proposes a periodic rate increase from 11 cents to 12 cents per Mcf for a wellhead sale of gas to Oklahoma Natural Gas Gathering Corporation (Oklahoma Natural) from the Ringwood Area, Major County, Okla. (Oklahoma "Other" Area). The area increased rate ceiling for increased rates is 11 cents. The sale, covered under a contract dated October 16, 1967, was authorized under a temporary certificate issued November 30, 1967, in Docket No. CI68-643 at a conditioned rate of 11 cents per Mcf. Kingwood was advised in the letter granting the temporary certificate that it could file a rate increase to the 12 cents per Mcf contractual rate and request a shortened suspension period. Kingwood has requested an effective date for which adequate notice has not been given and that any suspension period be shortened or waived. Kingwood's proposed 12 cents per Mcf rate exceeds the area increased rate ceiling of 11 cents per Mcf for the Oklahoma "Other" Area as announced in the Commission's statement of general policy No. 61-1, as amended, and should be suspended. Consistent with prior commission action on filings in the Ringwood Area, we believe that it would be in the public interest to waive the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an effective date of February 12, 1968, the date of filing, for Kingwood's proposed rate increase, and to limit to 1 day the suspension period ordered herein for such rate filing.

[F.R. Doc. 68-3874; Filed, Apr. 1, 1968;  
8:45 a.m.]

[Docket No. CP68-249]

## MIDWESTERN GAS TRANSMISSION CO.

### Notice of Application

MARCH 26, 1968.

Take notice that on March 15, 1968, Midwestern Gas Transmission Co. (Applicant), Post Office Box 774, Chicago, Ill. 60690, filed in Docket No. CP68-249 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity granting authorization to construct and operate facilities for the sale of an additional 80,000 Mcf per day of natural gas to Northern Illinois Gas Co. and the sale of an additional 55,000 Mcf per day to Northern Indiana Public Service Co.,

<sup>1</sup>By order issued Nov. 3, 1966, in Docket No. RP66-19, an increase by Oklahoma Natural from 17 cents to 18.5 cents designed to compensate only for an increase in the cost of purchased gas was accepted for filing and allowed to become effective June 1, 1966, without obligation to refund, except that Oklahoma Natural is required to flow through any refunds received from its producer-suppliers and to reduce its rate to reflect any rate reductions of such suppliers.

all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a contract for an additional 139,184 Mcf per day from Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Tennessee), near Portland, Tenn. The 139,184 Mcf per day includes 3,804 Mcf for compressor fuel and 380 Mcf to provide long term daily supply to Community Natural Gas Co. (as directed in Docket No. CP67-329).

The precedent agreement between Tennessee and Applicant contemplates a limited term transportation agreement between Trunkline Gas Co. (Trunkline) and Tennessee. Under this agreement Tennessee is to deliver, and Trunkline is to transport, 135,000 Mcf per day for the first 2 years and 68,000 Mcf per day for the third and final year. Applicant will pay Tennessee 4.1 cents as a delivery charge.

The application states that the transportation agreement will defer construction of \$6 million of facilities. Since the deferred facilities may not be identical to those which Applicant would construct in 1970 and 1971 in order to provide the proposed service, the Applicant requests authorization to increase its Southern System by a total of 139,184 Mcf per day. The Applicant proposes to identify the particular facilities in a supplementary filing prior to their installation.

Applicant seeks authorization to construct the following facilities in 1968:

- (1) Compressor Station No. 2118 (New Station)—6,000 horsepower;
- (2) 0.80 mile of 30-inch O.D. pipeline;
- (3) Addition to Joliet Meter Station.

The 0.80 mile of 30-inch O.D. pipeline are to be laid parallel to Applicant's existing main line. The Applicant states that this pipeline is required to receive gas from Trunkline until November 1, 1971.

Applicant also requests authority to maintain and operate the interconnection with Trunkline as an emergency interconnection after the transportation agreement expires.

Total estimated cost of the above facilities is \$3,777,809 to be financed by the sale of debentures and common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 23, 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. 68-3875; Filed, Apr. 1, 1968;  
8:45 a.m.]

[Docket No. E-7401]

## NORTHERN STATES POWER CO.

### Notice of Application

MARCH 26, 1968.

Take notice that on March 18, 1968, Northern States Power Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of \$45 million principal amount of first mortgage bonds and 200,000 shares of a new series of its cumulative preferred stock, par value \$100 per share.

Applicant is incorporated under the laws of the State of Minnesota with its principal business office at Minneapolis, Minn., and is engaged in the electric utility business in central and southern Minnesota.

The bonds are to be issued at competitive bidding pursuant to the Commission's regulations under the Federal Power Act and will mature May 1, 1998. The Applicant expects to issue the bonds on May 23, 1968. None of the bonds will be redeemable prior to May 1, 1973, other than for the sinking fund, with money borrowed at a lower cost.

The preferred stock is to be issued on or about May 23, 1968 and the dividend rate thereof will be determined at competitive bidding pursuant to the Commission's regulations. None of the shares of the preferred stock will be redeemable prior to May 1, 1973.

The proceeds from the sale of the new bonds and the new preferred stock will be used to prepay the outstanding short-term borrowings of the Applicant which are estimated at \$50 million and the balance will be used for Applicant's construction program which has an estimated cost of about \$106 million for 1968. The principal items in this program include an expenditure of \$24.5 million for construction work on the 545 mw Monticello nuclear plant, \$7.9 million for construction work on the 550 mw Allen S. King Plant in Oak Park Heights, Minn., and \$9.5 million for the construction work on two 550 mw nuclear generating units at Prairie Island. Also included in this program is the expenditure of \$23.6 million for electric transmission facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 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. 68-3876; Filed, Apr. 1, 1968;  
8:45 a.m.]

[Project Nos. 1388, 1389]

## SOUTHERN CALIFORNIA EDISON CO.

### Notice of Applications for Amendment of Licenses for Constructed Projects

MARCH 26, 1968.

Public notice is hereby given that applications for amendment of licenses have been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Southern California Edison Co. (correspondence to: Robert N. Coe, Vice President, Post Office Box 351, Los Angeles, Calif. 90053) for constructed Projects 1388 and 1389, located on Lee Vining Creek and Rush Creek, respectively, in Mono County, Calif., and affecting lands of the United States within Mono National Forest.

The amendment of the license for Project No. 1388 seeks to include therein that portion of the 115 kv transmission line formerly under license for Project No. 532, between the Poole Hydroelectric Plant of Project No. 1388 and Lee Vining Powerhouse No. 3. The total length of the line to be included in Project No. 1388 is 6.39 miles of 100 foot right-of-way of which 3.23 miles are on lands of the United States within the Mono National Forest.

The amendment of the license for Project No. 1389 seeks to include therein that portion of the same line between Lee Vining Powerhouse No. 3 and Rush Creek Hydroelectric Plant. The total length of the line to be included in Project No. 1389 is 15.18 miles of 100 foot right-of-way of which 9.73 miles are on lands of the United States within the Mono National Forest.

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 of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 13, 1968. The application is on file with the Commission for public inspection.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 68-3877; Filed, Apr. 1, 1968;  
8:45 a.m.]

[Docket No. CP68-248]

## TENNESSEE GAS PIPELINE CO.

### Notice of Application

MARCH 26, 1968.

Take notice that on March 15, 1968, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP68-248 an application pursuant to section 7(c) of the Natural

Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the sale of additional volumes of natural gas to Midwestern Gas Transmission Co. (Midwestern) commencing with the 1968-69 winter heating season, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks to increase its delivery of gas to Midwestern by an additional quantity of 76,904 Mcf per day and to increase its system capacity by 76,904 Mcf per day. This will result in total increased deliveries by Applicant to Midwestern's Southern System of 139,184 Mcf per day when added to the 62,280 Mcf per day sought in Docket No. CP68-166. In order to deliver this gas Applicant proposes a limited term transportation agreement with Trunkline Gas Co. (Trunkline).

Under the proposed agreement Applicant will deliver up to 135,000 Mcf per day to Trunkline in the vicinity of Kinder, La., and Trunkline will redeliver the equivalent daily volumes to Midwestern near Potomac, Ill. In the third and final year Trunkline will transport 68,000 Mcf per day.

Applicant states that this agreement will defer the construction of facilities estimated to cost \$13,500,000 during a period of high interest costs. Applicant requests authorization to construct additional capacity which it will need at the end of the proposed transportation agreement. The Applicant proposes to identify the particular facilities to be installed in a supplementary filing prior to their installation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 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. 68-3878; Filed, Apr. 1, 1968; 8:45 a.m.]

[Docket No. CP68-254]

## UNITED GAS PIPE LINE CO.

### Notice of Application

MARCH 26, 1968.

Take notice that on March 18, 1968, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP68-254 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to construct and operate facilities to connect leases in Block 773, South Mustang Island Area, Offshore Nueces County, Tex., to its existing system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct approximately 7 miles of 8-inch pipeline, beginning at a point on existing 12-inch pipeline in Block 436, Mustang Island Area, Nueces County, Tex., and extending in a southeasterly direction to Block 773, South Mustang Island Area, Offshore Nueces County, Tex.

The estimated total cost is \$898,000 to be financed with 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 April 22, 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. 68-3879; Filed, Apr. 1, 1968; 8:46 a.m.]

[Docket No. CP68-251]

## VILLAGE OF TAMMS, ILL., AND TEXAS EASTERN TRANSMISSION CORP.

### Notice of Application

MARCH 26, 1968.

Take notice that on March 18, 1968, the Village of Tamms, Ill. (Applicant),

filed in Docket No. CP68-251 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corporation (Respondent) to establish physical connection of its transmission facilities with the distribution facilities proposed to be established by Applicant, and to sell and deliver to Applicant volumes of natural gas for resale and distribution in Applicant and immediate vicinity, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to interconnect a lateral line with Respondent's pipeline near the point where said pipeline crosses Illinois State Highway No. 127. From the point of interconnection Applicant proposes to construct a 3-inch high pressure lateral extending southward 11½ miles to the town border station.

The estimated third year annual and peak day requirements of Applicant are 136,528 Mcf and 1,037 Mcf, respectively.

The estimated total project cost (including distribution system for Applicant, village of Mill Creek, and Elco) is \$400,000 to be financed with gas revenue certificates at a net interest cost to be determined by the bond market at the time of issuance of the certificates.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 22, 1968.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 68-3880; Filed, Apr. 1, 1968; 8:46 a.m.]

[Docket No. E-7394]

## CAROLINA POWER & LIGHT CO.

### Order Setting Hearing

MARCH 12, 1968.

On January 19, 1968, Carolina Power & Light Co. (Applicant) filed an application pursuant to section 203 of the Federal Power Act seeking an order authorizing the lease and operation of the electric distribution system owned by the town of Elm City, N.C. Notice of the application was issued on January 26, 1968, with February 19, 1968, designated as the last date for the filing of protests or petitions to intervene. No protests or petitions to intervene have been filed.

Representatives of the Applicant and members of the Commission's staff have been unable to agree as to the appropriate method of accounting for the proposed transaction. By letter dated February 21, 1968, the Applicant requested a hearing on this issue. Our staff recommends a hearing on all questions raised by the application.

The Commission finds: It is appropriate for the purposes of the Federal Power Act, particularly sections 203, 301, 302,

and 309, to hold a public hearing respecting the matters involved and the issues presented by the application.

The Commission orders:

(A) A prehearing conference, shall be held on April 2, 1968, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., before the Presiding Examiner.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure, a public hearing shall be held in the above-entitled matter in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., before the presiding Examiner respecting the matters involved and issues presented in the application. The time for the hearing will be fixed by the Presiding Examiner following the pre-hearing conference.

By the Commission.

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

[F.R. Doc. 68-3950; Filed, Apr. 1, 1968;  
8:50 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

### CONTINENTAL VENDING MACHINE CORP.

#### Order Suspending Trading

MARCH 27, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered*, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 28, 1968, through April 6, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 68-3886; Filed, Apr. 1, 1968;  
8:46 a.m.]

[File No. 2-14698]

### CORMAC CHEMICAL CORP.

#### Order Suspending Trading

MARCH 27, 1968.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock of Cormac Chemical Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered*, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 28, 1968, through April 6, 1968; both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 68-3887; Filed, April 1, 1968;  
8:46 a.m.]

### FASTLINE, INC.

#### Order Suspending Trading

MARCH 27, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Fastline, Inc., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered*, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 28, 1968 through April 6, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 68-3888; Filed, April 1, 1968;  
8:46 a.m.]

[70-4610]

### MIDDLE SOUTH SERVICES, INC., ET AL.

#### Notice of Proposed Intrasystem Transfer of Assets; Intrasystem Issue, Sale, and Acquisition of Long-Term Notes; and Related Transactions

MARCH 27, 1968.

Middle South Services, Inc., 225 Baronne Street, New Orleans, La. 70160; Louisiana Power & Light Co., 142 Delaronde Street, New Orleans, La. 70114; and Middle South Utilities, Inc., 280 Park Avenue, New York, N.Y. 10017.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and two of its wholly owned subsidiary companies, Middle South Services, Inc. ("Service Company"), and Louisiana Power & Light Co. ("Louisiana"), have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7(a), 10(a), 12(a), 12(d), and 12(f) of the Act and Rules 43, 44, and 45 pro-

mulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Louisiana proposes to sell and Service Company proposes to acquire accounting and computer facilities located in Gretna, La. These include a tract of land, buildings, certain other improvements thereon, fixtures, furniture, communication, and miscellaneous equipment. Certain of the facilities to be sold, including the land and the buildings and improvements thereon, are subject to Louisiana's mortgage and deed of trust, dated April 1, 1944, as supplemented, and Louisiana proposes to secure a release of such facilities from the lien of said mortgage.

The proposed cash consideration for the facilities will be equal to Louisiana's book cost (stated to be at original cost) less the related reserve for depreciation on the date of closing. As at January 31, 1968, Louisiana's book cost of such facilities was \$1,353,134.15 and the accumulated depreciation reserve related thereto was \$167,344 resulting in a depreciated book cost of \$1,185,790.15.

Service Company will pay Louisiana \$500,000 of the purchase price on or about April 25, 1968, and, thereupon, at a cost of approximately \$815,000, will alter and expand the properties to accommodate new computer equipment to be leased by it from others and to provide for personnel to operate such equipment. Service Company will take title to and pay the remaining purchase price of the facilities on or about April 1, 1969.

The filing states that the establishment and operation by Service Company of an electronic data processing center to serve the Middle South System for customer accounting, general accounting, engineering and operating functions will contribute to greater flexibility and efficiency for the system.

To finance Service Company's program for the establishment and operation of the electronic data processing center and the alteration and expansion of the facilities to be acquired from Louisiana, Service Company proposes to issue and sell and Middle South proposes to acquire from time to time prior to June 1, 1969, unsecured long-term promissory notes in principal amounts not exceeding an aggregate of \$2 million. Such notes will bear interest at the prime commercial rate prevailing on the date of issue at commercial banks in New York City subject to adjustments as changes in such rate may occur. They will have a maturity date not in excess of 39 years and may be prepaid at any time without penalty. Service Company intends to make payments each year on the principal amount of such notes in an aggregate amount equal to at least the annual depreciation accruing on the facilities of the center. Depreciation accruals will be based on estimated useful lives of the facilities, ranging from 37 years to 10 years and are expected to aggregate approximately \$77,000 per year in the early years.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at approximately \$3,350. The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 16, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 68-3889; Filed, Apr. 1, 1968; 8:46 a.m.]

**SANTA FE INTERNATIONAL, INC.**

**Order Terminating Summary Suspension of Trading**

MARCH 26, 1968.

The common stock of Santa Fe International, Inc., Denver, Colo. (formerly Santa Fe Uranium and Oil Co., Inc.), being traded otherwise than on a national securities exchange; and

The Commission having, on March 22, 1968, issued an order pursuant to section 15(c) (5) of the Securities Exchange Act of 1934 summarily suspending trading in said security in the over-the-counter market effective for the period March 25, 1968, through April 3, 1968, inclusive; and

The Commission being of the opinion that the public interest does not require the continuance of said suspension of trading after March 30, 1968:

*It is ordered*, Pursuant to section 15(c) (5) of the Securities Exchange Act

of 1934, that the suspension of trading pursuant to said order of March 22, 1968, shall terminate effective at the close of business on March 30, 1968.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 68-3890; Filed, Apr. 1, 1968; 8:46 a.m.]

[File No. 1-4371]

**WESTEC CORP.**

**Order Suspending Trading**

MARCH 27, 1968.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered*, Pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 28, 1968, through April 6, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 68-3891; Filed, Apr. 1, 1968; 8:47 a.m.]

[70-4608]

**WESTERN MASSACHUSETTS ELECTRIC CO.**

**Notice of Proposed Issue and Sale of Notes to Banks and to Dealer in Commercial Paper and Exemption From Competitive Bidding**

MARCH 27, 1968.

Notice is hereby given that Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, Mass. ("WMECO"), an electric utility subsidiary company of Northeast Utilities, a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50(a) (5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

WMECO proposes, from time to time but not later than March 31, 1969, to issue and sell short-term notes (including commercial paper), in an aggregate principal amount outstanding at any one time of not more than \$30 million. WMECO intends to utilize the proceeds of the sale of its notes (i) for construction expenditures, (ii) for investments in nuclear generating companies, and (iii) to pay outstanding bank notes presently aggregating \$2,100,000. WMECO's construction program contemplates gross construction expenditures of approximately \$24 million for 1968 and \$28,700,000 for 1969. Estimated investments in or advances to nuclear generating companies (i.e., Connecticut Yankee Atomic Power Co., Maine Yankee Atomic Power Co., and Vermont Yankee Nuclear Power Corp.) are estimated to aggregate approximately \$885,000 during 1968 and \$620,000 during 1969.

WMECO proposes to issue and sell to banks up to \$30 million of short-term notes (and to renew such notes) from time to time but not later than March 31, 1969. The aggregate amount of WMECO's bank notes at any one time outstanding will at no time exceed \$30 million. Upon the effective date of this declaration, WMECO will issue no further notes to banks pursuant to the Commission's authorization in File No. 70-4453 (Holding Company Act Release No. 15678 (March 7, 1967)). The proposed bank notes will each be dated the date of issue, will have maximum maturity dates of 6 months, with right of renewal, will bear interest at the prime rate (currently 6 percent per annum in all cases) in effect at the lending bank on the date of issue, and will be subject to prepayment at any time at the company's option without premium. Although no formal commitments for future borrowings have been made with any bank, WMECO expects such borrowings will be effected from the following banks:

	<i>Maximum to be borrowed</i>
The First National Bank of Boston.....	\$25,000,000
New England Merchants National Bank.....	4,000,000
Valley Bank and Trust Co.....	1,000,000
Total.....	30,000,000

WMECO also proposes to issue and sell to a commercial paper dealer up to an aggregate face amount at any one time outstanding of \$10 million of commercial paper in the form of short-term promissory notes, from time to time but not later than March 31, 1969, to meet portions of its capital requirements. The total amount of commercial paper and bank notes outstanding at any one time will not exceed \$30 million. The commercial paper notes will be issued in denominations of not less than \$50,000 and not more than \$1 million and will be sold by WMECO directly to Lehman Commercial Paper Incorporated ("Lehman") at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the

particular maturity sold by public-utility issuers to commercial paper dealers. The effective interest costs for the commercial paper will not exceed the commercial bank prime rate on the date of issue. The declaration states that historically the cost of commercial paper borrowings for companies of comparable credit to WMECO has averaged less than the cost of bank borrowings, and, based on the recent experience of other companies, WMECO desires the flexibility of using commercial paper borrowings to supplement its bank borrowings. No commission or fee will be payable in connection with the issuance and sale of the commercial paper. Maturities of the commercial paper may vary from one to 270 days with specific maturities determined by market conditions, effective interest cost to WMECO, and WMECO's anticipated cash flow. It is stated that in accordance with established custom and practice in the market, the commercial paper will not be prepayable prior to maturity.

Lehman, as principal, will reoffer the commercial paper to institutional investors at a discount of no more than one-eighth of 1 percent per annum less than the prevailing discount rate of WMECO. The commercial paper will be reoffered to not more than 100 identified and designated customers in a list (non-public) prepared in advance by Lehman. No additions will be made to this customer list, which includes commercial banks, insurance companies, corporate pension funds, investment trusts, foundations, colleges, and universities, municipal and state benefit funds, eleemosynary institutions, finance companies, and nonfinancial corporations purchasing such paper for the purpose of investing their funds on a short-term basis. It is anticipated that the commercial paper will be held by customers to maturity, but if such customers desire to resell prior to maturity, Lehman, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer the same to others in the group of 100 customers.

WMECO expects to retire all of the bank notes and commercial paper notes prior to April 1, 1969, from the net proceeds of the sale of additional first mortgage bonds and/or other securities. In the event the company effects any permanent financing prior to the repayment of all notes outstanding pursuant to this declaration, it will apply the net proceeds of such permanent financing in reduction of such outstanding notes. WMECO states that the maximum amount of indebtedness authorized pursuant to this declaration will be reduced by the amount of the net proceeds of any such permanent financing.

WMECO asserts that the issue and sale of its commercial paper notes should, pursuant to subparagraph (a)(5) of Rule 50, be exempted from the requirements thereof, in view of the fact that the proposed promissory notes to be issued by WMECO as commercial paper will have a maturity of not more than 270 days, the interest costs thereof will not exceed the prime rate for commercial

borrowings from commercial banks, the current rates for commercial paper for prime borrowers such as WMECO are readily ascertainable by reference to daily financial publications, and that it is not practical to invite competitive bids for commercial paper.

Fees and expenses to be incurred by WMECO in connection with the proposed transactions are estimated at \$1,250, including legal fees of \$750. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 15, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 68-3892; Filed, Apr. 1, 1968;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 28, 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. 41269—*Newsprint paper from Quebec, Quebec, Canada to Chicago, Ill.*

Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2908), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Quebec, Quebec, Canada, to Chicago, Ill.

Grounds for relief—Contract water carrier competition.

Tariff—Supplement 6 to Canadian National Railways tariff ICC E. 543.

FSA No. 41270—*Canned goods from and to western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2545), for interested rail carriers. Rates on canned goods and related articles, in carloads, between specified points in Colorado and Wyoming, on the one hand, and points in western trunkline territory, on the other.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 9 to Western Trunk Line Committee, agent tariff ICC A-4674.

FSA No. 41271—*Grain and soybeans to Reserve, La. (for export).* Filed by Southwestern Freight Bureau, agent (No. B-9058), for interested rail carriers. Rates on grain and soybeans, in carloads, as described in the application, from points in southwestern and western trunkline territories, to Reserve, La., for export.

Grounds for relief—Rate relationship and market competition.

Tariffs—Supplement 19 to Chicago, Rock Island and Pacific Railroad Co. tariff ICC C-13777 and other schedules named in the application.

FSA No. 41272—*Corn gluten meal to gulf ports, Pensacola, Fla., to Corpus Christi, Tex. (for export).* Filed by Southwestern Freight Bureau, agent (No. B-9059), for interested rail carriers. Rates on corn gluten meal, in carloads, minimum weight 90,000 pounds per car used, from East St. Louis, Ill., and points in Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, and Oklahoma, to Gulf Ports Pensacola, Fla., to Corpus Christi, Tex., for export.

Grounds for relief—Rate relationship.

Tariffs—Supplement 32 to The Atchison, Topeka and Santa Fe Railway Co. tariff ICC 15044 and six other schedules listed in the application.

FSA No. 41273—*Superphosphate to Des Moines and Highland Park, Iowa.* Filed by O. W. South, Jr., agent (No. A5093), for interested rail carriers. Rates on superphosphate, in bulk in carloads, as described in the application, minimum weight 100,000 of not less than 500 tons of 2,000 pounds per shipment, from Florida producing points, to Des Moines and Highland Park, Iowa.

Grounds for relief—Rate relationship.

Tariff—Supplement 30 to Southern Freight Association, agent, tariff ICC S-718.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 68-3904; Filed, Apr. 1, 1968;  
8:48 a.m.]

[Notice 577]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 28, 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 25798 (Sub-169 TA), filed March 21, 1968. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Harry Ross, Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from Reed Candy Co. at or near Campbellville, Ky., to points in Alabama, Florida, Georgia, Illinois, Indiana, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Texas, for 180 days. Supporting shipper: P. Lorillard Co., 200 East 42d Street, New York, N.Y. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 47142 (Sub-No. 95 TA), filed March 21, 1968. Applicant: C. I. WHITTEN TRANSFER COMPANY, 200 19th Street, Post Office Box 1833, Huntington, W. Va. 25719. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives*, as defined by the Commission, and *blasting supplies*, between Joliet, Ill., and points within 15 miles thereof. Note: Applicant intends to tack this temporary authority with the regular certificates issued to it at the common service point of Joliet, Ill., for 120 days. Supporting shipper: None. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 50069 (Sub-No. 402 TA), filed March 21, 1968. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. 60521. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, in tank vehicles, from Carrollton, Ky., to Wapella, Ill., for 150 days. Supporting shipper: The Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 50069 (Sub-No. 403 TA), filed March 21, 1968. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. 60521. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, in tank vehicles, from Cynthiana, Ky., to Wapella, Ill., for 120 days. Supporting shipper: The Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 210 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 106603 (Sub-No. 102 TA), filed March 21, 1968. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Ronald J. Mastej, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glazed, structural, masonry products*, on flat bed trailers equipped with self-unloading devices, (1) from Lansing, Mich., to Pittsburgh, Johnstown, Uniontown, Washington, and Lock Haven, Pa., and from (2) Lansing, Mich., to County, W. Va., for 180 days. Supporting shipper: United Glazed Products (Michigan), Inc., 4500 Aurelius Road, Lansing, Mich. 48910. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 107002 (Sub-No. 346 TA), filed March 21, 1968. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: J. J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from plantsite of Monsanto Co., at El Dorado, Ark., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boule-

vard, St. Louis, Mo. 63166. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 312-A U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 107496 (Sub-No. 650 TA), filed March 22, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, 50309, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Calumet Nitrogen Products Co., Hammond, Ind., to points in Ohio, for 150 days. Supporting shipper: Tuloma Gas Products Co., Post Office Box 566, Tulsa, Okla. 74102. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 111729 (Sub-No. 259 TA), filed March 22, 1968. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: J. Kevin Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Platinum crucibles*, between Detroit, Mich., on the one hand, and, on the other, Newark, Ohio, for 150 days. Supporting shipper: Fiberglass Canada, Ltd., 48 St. Clair Avenue West, Toronto 7, Ontario, Canada. Note: Applicant intends to interline with Trans Canadian Couriers, Ltd., at Detroit, Mich. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 115331 (Sub-No. 247 TA), filed March 21, 1968. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from plantsite of Monsanto Co. at El Dorado, Ark., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, for 180 days. Supporting shipper: Monsanto Co., Attention: Wallace R. Reid, 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 324-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 116077 (Sub-No. 235 TA), filed March 21, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: B. A. Ditta (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of the Monsanto Co., El Dorado, Ark., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, for 180

days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 119777 (Sub-No. 105 TA), filed March 20, 1968. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment; winches; compaction and road making equipment; rollers, self-propelled and non-self-propelled; mobile cranes; and highway freight trailers*, (2) *Parts, attachments and accessories for the commodities described in (1) above, between the plantsites of the Hyster Co. located at or near Danville, Kewanee, and Peoria, Ill., on the one hand, and, on the other, points in Indiana, Kentucky, Ohio, Pennsylvania, Tennessee, West Virginia, and the New York, New York commercial zone, restricted to the handling of traffic originating at or destined to the named plantsites, for 180 days. Supporting shipper: David C. Williams, General Traffic Manager, Hyster Co., 2902 Northeast Clackamas, Portland, Oreg. 97208. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.*

No. MC 120981 (Sub-No. 8 TA) (Correction), filed March 8, 1968, published FEDERAL REGISTER, issue of March 22, 1968, and republished as corrected this issue. Applicant: BESTWAY EXPRESS, INC., 606 Fifth Avenue South, Nashville, Tenn. 37203. Applicant's representative: George M. Catlett, Suite 703, 706 McClure Building, Frankfort, Ky. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Danville, Ky., and Lexington, Ky., from Danville over U.S. Highway 127 to Lawrenceburg, Ky., thence over U.S. Highway 62 to Versailles, Ky., thence over U.S. Highway 60 to Lexington, and return over the same route, for 180 days. NOTE: Applicant intends to interline authority here applied with authority held by it at Lexington, Ky. No tacking is proposed. The purpose of this republication is to correctly set forth the regular-route proposed which was published in error in previous publication. Supporting shippers: Edminston Brothers, The Sherwin-Williams Co., Carpets of Danville, Stagg Lumber Co., Danville Glass Co., Inc., Inter-County Rural Electric

Cooperative Corp., Farmers Supply Co., Inc., J. J. Newberry, Royal Crown Bottling Co., Jackson Chair Co., Inc., Parks-Belk Co., Griffin Packing Co., Inc., and American Greeting Corp., all of Danville, Ky. Send protests to: J. E. Gamble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 124078 (Sub-No. 321 TA), filed March 21, 1968. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone and limestone products*, from Sequiota, Mo., to points in Kansas, for 150 days. Supporting shipper: Ash Grove Lime & Portland Cement Co., 101 West 11th Street, Kansas City, Mo. 64105, Harry L. Ryan, Traffic Manager. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 129770 (Sub-No. 1 TA), filed March 19, 1968. Applicant: S & O CARTAGE CO. INC., 10800 Avenue A, Chicago, Ill. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary and *supplies and equipment* used with care and exhibition of such animals, between points in Illinois and Wisconsin, for 180 days. Supporting shippers: Everett Ledbetter, Route 64 West, St. Charles, Ill.; Ruth Lawrence, Osage Farm, 106 North Ela Road, St. Charles, Ill.; Eugene P. Oder, 26W 150 Wiesbrook, Wheaton, Ill.; Joann Cummings, Forest View Farms, 5211 167th Street, Tinley Park, Ill.; Hazel Doyle, South Shore Country Club Stables, 7059 South South Shore Drive, Chicago, Ill. 60649. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 129779 TA, filed March 21, 1968. Applicant: GARRETT & THOMAS LIVESTOCK TRANSPORTATION, 3598 East Vernon Avenue, Los Angeles, Calif. 90058. Applicant's representative: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed supplements* in bulk, from points in Los Angeles County, Calif., to points in Arizona, for 180 days. Supporting shippers: Quick Seed & Feed Co., Post Office Box 6128 (2101 Grand Avenue), Phoenix, Ariz. (Chandler, Ariz.); Spring Creek Ranch Camp, Post Office

Box 154, Young, Ariz. 85554; and Judson School, Post Office Box 1569, Scottsdale, Ariz. 85252. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129780 TA, filed March 21, 1968. Applicant: LABERGE & FILS LTEE (TRANSPORT), Route 29A, St. Eustache, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural equipment (implements)*, from all Canada-United States border points to all points within the United States and return with *damaged or refused merchandise* and also *goods entering in the manufacturing of said agricultural implements*, for 180 days. Supporting shipper: Dion Freres, Inc., Post Office Box C.P. 555, Ste Therese de Blainville, Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 38, Montpelier, Vt. 05602.

#### MOTOR CARRIER OF PASSENGERS

No. MC 74761 (Sub-No. 13 TA), filed March 20, 1968. Applicant: TAMAMI TRAIL TOURS, INC., 455 East 10th Avenue, Post Office Box 100, Hialeah, Fla. 33011. Applicant's representative: James E. Wharton, Suite 506, First National Bank Building, Orlando, Fla. 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, baggage, mail, and express* in the same vehicles with passengers, between Naples, Fla., and Fort Lauderdale, Fla., from Naples, over Florida Highway 858 to junction with Florida Highway 838 (Alligator Alley-Everglades Parkway) thence over Florida Highway 838 to junction with U.S. Highway 27 and Florida Highway 84, thence over Florida Highway 84 to Fort Lauderdale, and return over the same route serving all intermediate points, for 180 days. NOTE: Applicant intends to tack at Naples and Fort Lauderdale with authority issued in docket No. MC 74761 and Subs thereunder. Supporting shippers: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1236, 51 Southwest First Avenue, Miami, Fla. 33130.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 68-3905; Filed, Apr. 1, 1968; 8:48 a.m.]