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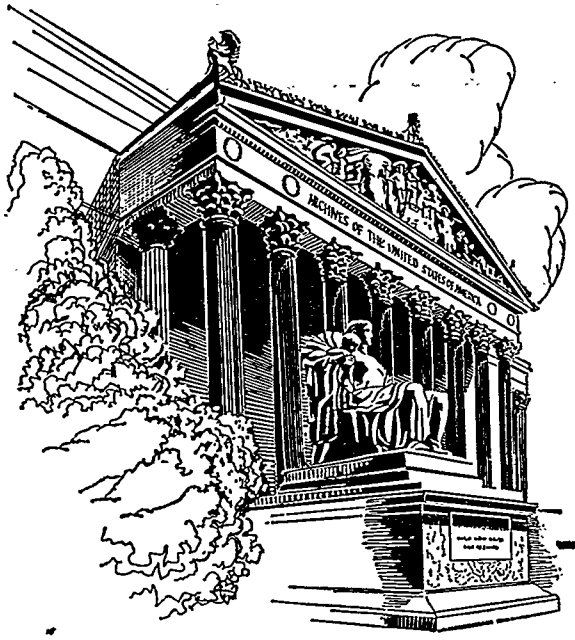

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1968, and specifies how they are affected.

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Rules and Regulations

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

SUBCHAPTER F—BANKS FOR COOPERATIVES

PART 670—BANKS FOR COOPERATIVES GENERALLY

Lending Limits of Central Bank for Cooperatives

Part 670 of Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising § 670.23 (32 F.R. 20842) to read as follows:

§ 670.23 Lending limits of the Central Bank for Cooperatives.

The total loans from the Central Bank for Cooperatives to any one farmers' cooperative association, exclusive of seasonal loans secured by approved commodities, or of loans to finance commodities within the limits of Government price support programs, shall not at any time exceed 40 percent of the net worth of the bank.

(Sec. 6, 47 Stat. 14, as amended, sec. 34, 48 Stat. 262, as amended; 12 U.S.C. 665, 1134j, as amended)

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 68-13326; Filed, Nov. 1, 1968; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-WE-83]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the time of designation of the Lake Tahoe, Calif., control zone.

The Lake Tahoe control zone is presently designated from 0700 to 2300 hours, local time daily. Due to changes in aircraft activity, the Lake Tahoe tower hours of operation will be changed to 0600 to 2200 hours, local time daily. Therefore, action is taken herein to redesignate the Lake Tahoe control zone with effective hours coincident with those of the control tower.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, as hereinafter set forth.

In § 71.171 (33 F.R. 2096), the Lake Tahoe, Calif., control zone is amended as follows: "0700 to 2300 hours, local time, daily" is deleted and "0600 to 2200 hours, local time, daily" is substituted therefor.

Effective date. This amendment shall be effective 30 days after publication in the FEDERAL REGISTER.

Issued in Los Angeles, Calif., on October 23, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 68-13306; Filed, Nov. 1, 1968; 8:45 a.m.]

[Airspace Docket No. 68-EA-97]

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

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area/Military Climb Corridor and Alteration of Control Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to revoke Westhampton Beach, N.Y. (Suffolk County AFB), Restricted Area/Military Climb Corridor R-5205 and to alter the description of Control Area 1169.

The U.S. Air Force has stated that the requirement for the Suffolk County AFB restricted area/military climb corridor no longer exists. Therefore the restricted area should be revoked immediately. Additionally, the exclusion of R-5205 from the description of Control Area 1169 should be deleted.

Since restricted area/military climb corridor R-5205 was designated solely for the use of the military, revocation thereof will reduce the burden on the public. Therefore, compliance with the notice and public procedures provisions of the Government Organization and Employees Act of 1966 (5 U.S.C. 553) is unnecessary and for that reason good cause exists for making these amendments effective in less than 30 days.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective immediately as hereinafter set forth.

1. In § 71.163 (33 F.R. 2051) Control 1169 the boundary description is amended by deleting, "the portion within the Westhampton Beach, N.Y., Restricted Area/Military Climb Corridor R-5205, and."

2. In § 73.52 (33 F.R. 2331) Westhampton Beach, N.Y. (Suffolk County AFB), Restricted Area/Military Climb Corridor R-5205 is revoked.

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

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

H. B. HELSTROM,
Acting Director, Air Traffic Service.

[F.R. Doc. 68-13307; Filed, Nov. 1, 1968; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 831—POSTAL LOSSES AND OFFENSES

The Post Office Department is adding a new Part 831 to Title 39, Code of Federal Regulations, as follows:

§ 831.9 Arrest and subpena powers of Postal Inspectors.

(a) *Authorization.* Postal Inspectors are authorized to perform the following functions in connection with any matter within their respective official duties as established by the Chief Postal Inspector.

(1) Serve warrants and subpenas issued under the authority of the United States;

(2) Make arrests without warrant for offenses against the United States committed in their presence; and

(3) Make arrests without warrant for felonies cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

(b) *Limitations.* The powers granted by paragraph (a) of this section shall be exercised only in the enforcement of laws regarding property of the United States in the custody of the postal service, the use of the mails, and other postal offenses.

NOTE: The corresponding Postal Manual section is 831.9.

(5 U.S.C. 301, 18 U.S.C. 3061, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

OCTOBER 30, 1968.

[F.R. Doc. 68-13305; Filed, Nov. 1, 1968; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

[DoD Directive 5010.20]

PART 196—WORK BREAKDOWN STRUCTURES FOR DEFENSE MATERIEL ITEMS

JULY 31, 1968.

The Deputy Secretary of Defense approved the following on July 31, 1968:

Sec.

AUTHORITY: The provisions of this Part 196 issued under 10 U.S.C. 2202.

§ 196.1 Purpose.

This part establishes Department of Defense policy governing the preparation and application of Work Breakdown Structures for use during the acquisition (Engineering and Operational Systems Development, and follow-on production) of systems, equipments, or other materiel items, hereafter referred to as defense materiel items.

§ 196.2 Applicability and scope.

The provisions of this part apply to the Military Departments and Defense Agencies (hereafter referred to as DoD Components).

§ 196.3 Definitions.

(a) *Defense materiel item.* A term used within Department of Defense to identify an aggregation of hardware/software which satisfies a specific end use function. A defense materiel item usually is a system or major equipment that is established as an integral program element, or is identified as a project within an aggregated program element, of the Five Year Defense Program (DoD Directive 7045.7, "Review and Approval of Changes to the Five Year Defense Program," December 22, 1967).[1]

(b) *Work breakdown structure (WBS).* A product-oriented family tree, composed of hardware, software, services and other work tasks, which results from project engineering effort during the development and production of a defense materiel item, and which completely defines the project/program. A WBS displays and defines the product(s) to be developed or produced and relates the elements of work to be accomplished to each other and to the end product.

(1) *Summary work breakdown structure (Summary WBS).* The upper three levels of a WBS prescribed by this part in § 196.9 and having uniform element terminology, definition, and placement in the family-tree structure. These three levels have been organized and identified in accordance with the following nomenclature:

Level 1. The entire defense materiel item, e.g., the Minuteman ICBM System, the LHA Ship System, or the XM-138 Self-Propelled Howitzer System. Level 1 is usually directly identified in the DoD programing/budget system either as an integral program element or as a project within an aggregated program element.

Level 2. Major elements of the defense materiel item, e.g., a ship, an air vehicle, a tracked vehicle; or aggregations of services, data and activities, e.g., systems tests and evaluation.

Level 3. Elements subordinate to Level 2 major elements, e.g., an electric plant, an airframe, the power package/drive train; or types of services, e.g., technical evaluation.

(2) *Project Summary Work Breakdown Structure (Project Summary WBS).* A Summary WBS tailored to a specific defense materiel item by selecting applicable elements from one or more Summary WBS(s) (§ 196.9) or by adding/substituting equivalent elements unique to the project.

(3) *Contract Work Breakdown Structure (Contract WBS).* The complete WBS for a contract, developed and used by a contractor in accordance with MIL-STD-881[2] and the contract work statement. The Contract WBS comprises those Project Summary WBS elements included in the contract, as extended by the contractor to cover the lower levels of WBS.

(4) *Project Work Breakdown Structure (Project WBS).* The complete WBS for the project, containing all WBS elements related to the development and/or production of the defense materiel item. The Project WBS evolves from the Project Summary WBS, extended to include all Contract WBS(s) and equivalent WBS(s) resulting from DoD in-house efforts.

(c) *WBS element.* A discrete portion of a Work Breakdown Structure. A WBS element may be either an identifiable product, set of data, or a service.

(d) *Systems engineering.* The application of scientific and engineering efforts to (1) transform an operational need into a description of system performance parameters and a system configuration through the use of an iterative process of definition, synthesis, analysis, design, test, and evaluation; (2) integrate related technical parameters and assure compatibility of all physical, functional, and program interfaces in a manner which optimizes the total system definition and design; (3) integrate reliability, maintainability, safety, human and other such factors into the total engineering effort.

§ 196.4 Objective.

The overall objective of a WBS is to translate the results of the systems engineering of a defense materiel item into a structure of products and services comprising the entire work effort. As tailored to a specific project, the WBS is intended to provide a consistent, visible framework that facilitates:

(a) Planning and assigning management and technical responsibilities; and,

(b) Controlling and reporting the progress and status of engineering efforts, resource allocations, cost estimates, expenditures, and procurement actions throughout the development and production of a defense materiel item.

§ 196.5 Policy.

(a) *Application.* A Project WBS shall be prepared for each project, as follows:

(1) *Mandatory.* (i) All new defense materiel items (or major modifications) being established as an integral program element of the Five Year Defense Program (FYDP) (DoD Directive 7045.7[1]) in Engineering Development or Operational Systems Development;

(ii) All new defense materiel items (or major modifications) being established as a project within an aggregated program element in Engineering Development or Operational Systems Development, where the project is estimated to exceed $10 million in RDT&E financing; or

(iii) All production follow-on of subdivisions (i) and (ii) of this subparagraph.

(2) *Otherwise designated.* A WBS may be employed in whole or in part for other defense materiel items entering Engineering Development or Operational Systems Development, or follow-on production, at the discretion of the DoD Component, or when directed by the Director of Defense Research and Engineering.

(b) *Preparation.* While the categories and elements displayed in § 196.9 normally will provide the basis for constructing Summary WBS(s), deviations are encouraged when they result from project needs determined through the systems engineering process. Proposed deviations shall be considered in accordance with the following paragraphs.

(1) *The Project Summary WBS* shall be prepared by the DoD Component by selecting elements applicable to the project from one or more of the category Summary WBS's shown in § 196.9. The Project Summary WBS elements shall be tailored to the project objectives and utilize uniform nomenclature, definition and structural placement in accordance

See footnotes on page 16111.

with MIL–STD–881, "Military Standard Work Breakdown Structures for Defense Materiel Items" [2] and § 196.9. However, when elements of the Summary WBS's are not applicable because of an item's unique configuration or other requirements, or when additional WBS element selection is needed below the Summary WBS level, substitute or additional elements may be used to construct the Project Summary WBS. Any such deviations or additions shall be identified in the Technical Development Plan, DoD Directive 3200.6, "Reporting Research, Development and Engineering Program Information," June 7, 1962,[1] or other appropriate planning document for the project.

(i) A preliminary Project Summary WBS (the development and relationship of WBS's during acquisition is illustrated in § 196.10) is normally developed from the results of the preliminary systems engineering conducted during the Concept Formulation period or its equivalent. This systems engineering identifies the category of defense materiel item and summary level WBS elements considered to be most suitable to satisfy the operational need. The Director of Defense Research and Engineering may direct the establishment of WBS elements at or below the Summary WBS level, if specific items are considered to be critical to a project need.

(ii) During Contract Definition (Part 191 of this subchapter), or equivalent definition efforts, changes may be proposed to this preliminary Project Summary WBS. The preliminary Project Summary WBS is not intended to be constraining. Rather, it is intended that contractors be encouraged to propose alternatives and to exercise initiative and creativity to provide an improved final product. Such alternatives will be evaluated by the DoD project manager, in terms of the benefits offered, in context with the overall objectives of the project/program. The changes adopted at the end of Contract Definition shall be reflected in the Project Summary WBS, and the appropriate elements of the approved WBS will be included in the negotiated work statement for follow-on development effort.

(2) *Contract WBS.* Only one WBS shall be used in each request for proposal and ensuing contract. After necessary adjustment based on contractor proposals and contract negotiations, the elements selected become the basis for further extension during the contracted effort.

(i) The development contractor (or equivalent in-house activity) will extend the WBS elements negotiated into the contract to evolve the Contract WBS to the levels necessary to meet his project needs and the requirements of §§ 196.5 (c) through (j). The contractor has complete flexibility in extending the WBS to reflect how his work is to be accomplished.

(ii) The contract shall indicate the levels of the Contract WBS at which cost accumulations shall be made for reporting to the Government. Traceability of cost accumulations will be required to only those lower WBS levels which are used by the contractor for his cost control purposes.

(iii) Changes proposed by the contractor to the first three levels of the Contract WBS shall be specifically approved by the DoD project manager. Information on WBS content, including changes, below the first three levels used by the contractor shall be available to the DoD project manager upon his request.

(3) The Project WBS will be prepared by the DoD Component by compiling the elements of the extended Contract WBS(s) with the Project Summary WBS. The Project WBS will be completed prior to the initiation of production.

(c) *Procurement.* In contracts using WBS's, the following shall be relatable to elements of the Project Summary WBS:

(1) The structure of work statements.

(2) The Contract WBS(s).

(3) The contract line items and end items.

(4) Technical and management reports.

(5) Government Furnished Equipment (GFE).

(d) *System project management.* The System/Project Master Plan required by DoD Directive 5010.14, "System/Project Management," May 4, 1965 [1] shall include the Project Summary WBS. Progress reporting in the areas of technical performance, schedule, and cost shall be based on the Project WBS, and be consistent with DoD Instruction 7000.2, "Performance Measurement for Selected Acquisitions," December 22, 1967.[1]

(e) *Management control systems criteria.* The Contract WBS shall be used as the framework in the implementation of DoD Instruction 7000.2.

(f) *Configuration management.* Items that are designated in a contract as configuration items, Part 195 of this subchapter, shall be identified as WBS elements in the Project and Contract WBS's. However, all WBS elements will not necessarily be subject to configuration management.

(g) *Cost information reports (CIR).* CIR reporting shall be in accordance with the provisions of Part 250 of the subchapter and the CIR Data Plan approved for the particular project.

(h) *Integrated logistic support.* The elements of integrated logistic support, as specified in DoD Directive 4100.35, "Development of Integrated Logistic Support for Systems and Equipment," June 19, 1964,[1] shall be accommodated as indicated in the Summary levels of WBS in § 196.9. Aggregations of WBS elements, for logistics management and reporting, shall be relatable to elements of the Project Summary WBS.

(i) *Programing and budgeting.* Where a Project Summary WBS has been established, it shall be used in any necessary subdividing of a Program Element for purposes of programing and budgeting.

(j) *Reporting relationship.* The organization of reporting requirements shall not be construed by either the DoD Component or the contractor as determining the manner in which the defense materiel item is to be designed or built; this determination is reflected in the WBS approved for the project.

§ 196.6 Approval.

The DoD Component will prepare a preliminary Project Summary WBS in accordance with the provisions of § 196.5, and will submit this proposed WBS as part of the Technical Development Plan for the particular defense materiel item. The Director of Defense Research and Engineering, in coordination with the appropriate Assistant Secretaries of Defense, will evaluate the Project Summary WBS as part of the project approval.

§ 196.7 Waivers to this part.

If a DoD Component considers it to be in the best interests of the Government to waive application of any portion of this part to a specific project, the reasons for the waiver shall be submitted to the Director of Defense Research and Engineering. The Director of Defense Research and Engineering shall have authority to grant waivers for all provisions of this part, in coordination with the appropriate Assistant Secretaries of Defense.

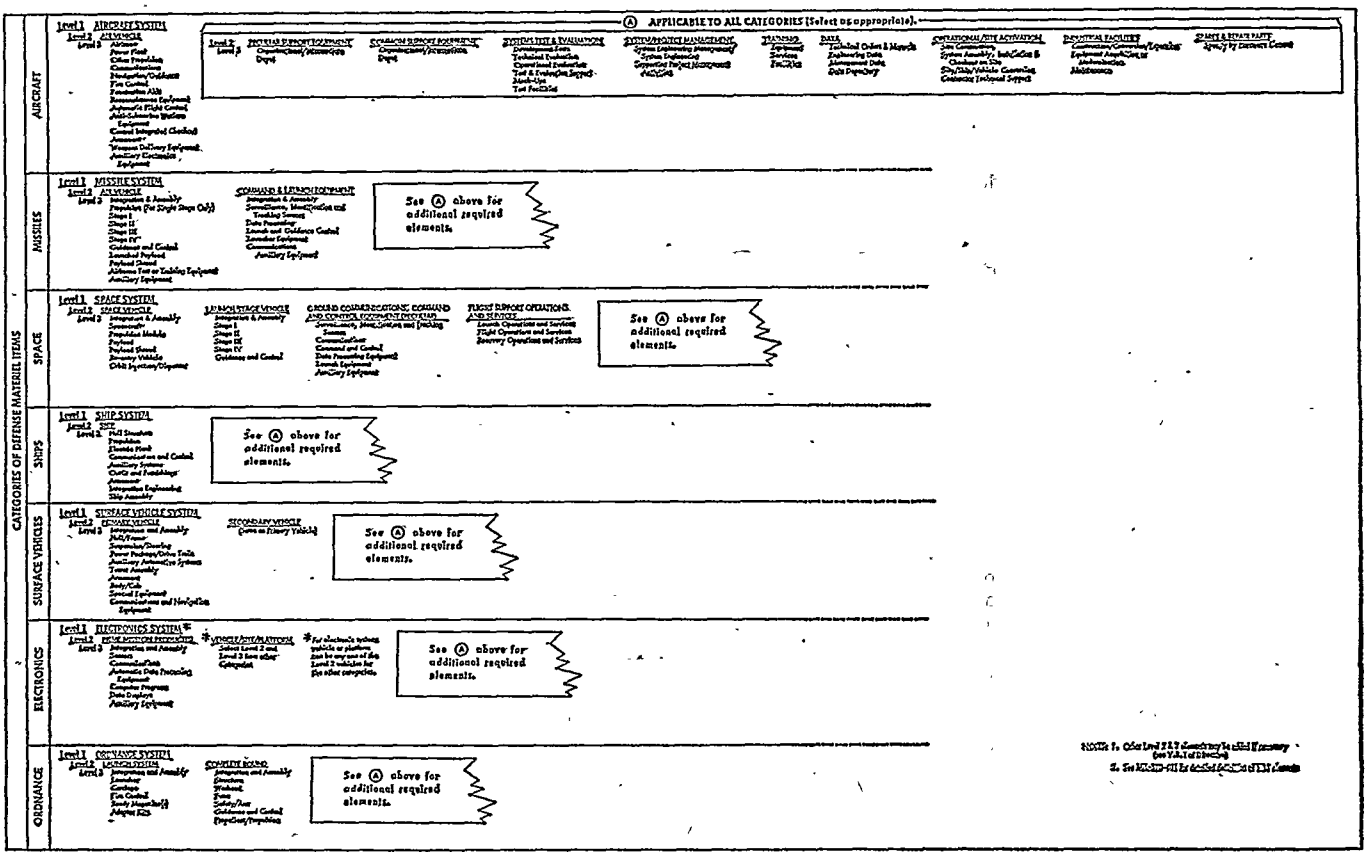
§ 196.8 Detailed guidance.

The Director of Defense Research and Engineering, in coordination with the appropriate Assistant Secretaries of Defense, shall provide more detailed guidance on the preparation of WBS's in the form of a Military Standard, MIL–STD–881 [2] which shall be used in new programs employing WBS as soon as it is issued. This Standard will include a Summary WBS and definitions for each of the categories listed in § 196.9.

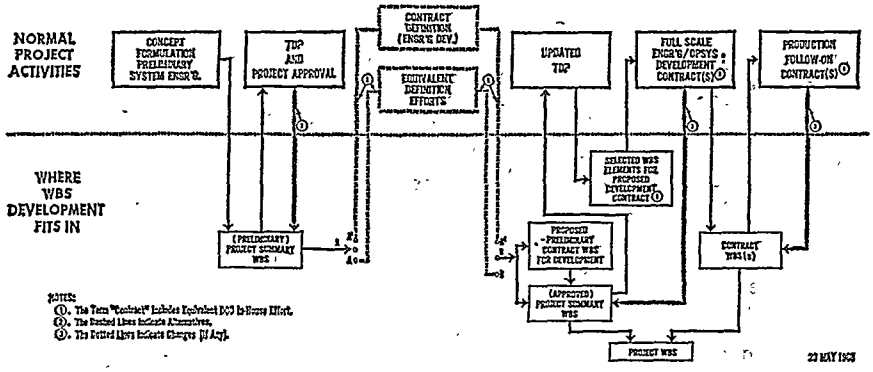
[1] Filed as part of original. Copies available from Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attention: Code 300.

[2] When published, will be available from Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attention: Code 300.

§ 196.9 Summary work breakdown structures (summary WBS) for categories of Defense Materiel Items.



§ 196.10 Development and relationships of WBS(s) during acquisition.



MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

OCTOBER 25, 1968.

[F.R. Doc. 68-13155; Filed, Nov. 1, 1968; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

PART 8–1—GENERAL

Total Set-Asides

In Part 8–1, § 8–1.706–5 is added to read as follows:

§ 8–1.706–5 Total set-asides.

Subject to the provisions of FPR 1–706, the purchase of construction estimated to cost more than $2,000 but less than $500,000, including alteration, maintenance and repair other than work on installed mechanical systems such as elevators, steam generating, air conditioning, communications, and power distribution, by field station contracting officers will be set aside for exclusive small business participation. An exception to this policy may be taken when the contracting officer determines, in writing, that there are not sufficient small business concerns available to furnish adequate competition. This determination will be made a part of the resultant contract file.

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

This regulation is effective immediately.

Approved: October 30, 1968.

By direction of the Administrator.

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

[F.R. Doc. 68–13316; Filed, Nov. 1, 1968; 8:46 a.m.]

PART 8–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Contracts for Architect-Engineer or Professional Engineering Services

1. Section 8–4.5002 is revised to read as follows:

§ 8–4.5002 Central Office Architect-Engineer Selection Board.

(a) An Architect-Engineer Selection Board is appointed by the Assistant Administrator for Construction for the purpose of selecting and recommending to him the names of several professional architect-engineer firms considered to be qualified for the design of the construction project. The appropriate Project Director, or in the absence of the Project Director, the Senior Project Supervisor acting for the Project Director, will negotiate the contract with the firm or firms selected to perform the work. The Board functions in a similar manner when only professional engineering services are required for construction projects.

(b) The Architect-Engineer Selection Board will give consideration to as many firms, within practical limits, as may offer qualifications for performance of the work. Information made available to the Board by the various firms, and from other sources, enables the Office of Construction to maintain a library of current information pertaining to the firms which have made known their desire to be considered for Veterans Administration design work. Firms desiring consideration submit to the Board a completed SF 251, "U.S. Government Architect-Engineer Questionnaire" giving current and complete information on all items indicated on the form.

(c) The Project Director and the selected firm will negotiate the terms of a contract for the services required. If a satisfactory agreement cannot be reached, the negotiations will be terminated and a new selection made. (See § 8–75.201–2 for authority to execute, award and administer architectural and engineering contracts.)

(d) The word "firm" as used in this section includes an individual, partnership, corporation, joint venture, or other associations or combinations of architects and/or engineers.

2. The title of § 8–4.5003 is amended to read as follows:

§ 8–4.5003 Procedure for field stations to obtain negotiated contracts.

3. In § 8–4.5003–1, the introductory portion preceding paragraph (a) and paragraphs (a) and (b) are amended to read as follows:

§ 8–4.5003–1 From Central Office funds.

The procedure outlined in this section will be followed for obtaining negotiated contracts for architect-engineer or professional engineering services in connection with securing field data for construction projects under Central Office jurisdiction and chargeable to Central Office funds. These procedures also apply when professional engineering services are required by Loan Guaranty Service and chargeable to Central Office funds.

(a) Obtain names of several recognized reputable architect-engineers, professional engineers, or engineering firms from the nearest city, State or Federal engineering office; national engineering societies (American Society of Civil Engineers, American Society of Mechanical Engineers, Institute of Electrical and Electronic Engineers, National Society of Professional Engineers, etc.), depending upon the specialty involved; or any other qualified sources.

(b) Obtain properly executed Standard Form 251, "U.S. Government Architect-Engineer Questionnaire" from each firm setting forth its record of professional experience and other information. Review the information submitted and prepare a list of the firms considered to be qualified for the particular assignment.

* * * * *

4. In § 8–4.5003–2, the introductory portion preceding paragraph (a) is amended to read as follows:

§ 8–4.5003–2 From field station or supply depot funds.

When architect-engineer or professional engineering services will be accomplished with station or depot funds the procedures outlined in § 8–4.5003–1 (a), (b), and (c) will be followed in addition to those outlined in this section.

* * * * *

5. Section 8–4.5003–3 is revised to read as follows:

§ 8–4.5003–3 Exception.

Standard Form 251 need not be obtained for contracts costing less than $1,500. In these cases, the procedures set forth in §§ 8–4.5003–1 (b), (d) through (g), and 8–4.5003–2(c) will not apply. Such contracts will be negotiated under the authority of FPR 1–3.203. When an acceptable agreement is reached, a contract will be executed by the station contracting officer.

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

These regulations are effective immediately.

Approved: October 29, 1968.

By direction of the Administrator.

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

[F.R. Doc. 68–13315; Filed Nov. 1, 1968; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Bitter Lake National Wildlife Refuge, N. Mex.

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

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

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

The public hunting of quail on the Bitter Lake National Wildlife Refuge, N. Mex. is permitted from November 30, 1968, through January 5, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 1,600 acres, is delineated on maps available at refuge headquarters. Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail.

The provisions of this special regulation supplement the regulations which

govern the hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1969.

GAYLORD L. INMAN,
Refuge Manager, Bitter Lake National Wildlife Refuge, Roswell, N. Mex.

OCTOBER 21, 1968.

[F.R. Doc. 68-13303; Filed, Nov. 1, 1968; 8:45 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER J—CONTINENTAL SHELF

PART 295—LIVING ORGANISMS OF THE CONTINENTAL SHELF

Notice is hereby given that pursuant to the Administrative Procedure Act (5 U.S.C. 551), and the Act of May 20, 1964 (16 U.S.C. 1081 et seq.), the Secretary of the Interior is amending Title 50, Code of Federal Regulations, by adding a new Subchapter J—Continental Shelf, consisting of Part 295—Living Organisms of the Continental Shelf.

The Act of May 20, 1964 (78 Stat. 194; 16 U.S.C. 1081 et seq.) prohibits foreign-flag vessels from engaging "in the fisheries within the territorial waters of the United States, its territories and possessions and the Commonwealth of Puerto Rico, or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters or to engage in the taking of any Continental Shelf fishery resource which appertains to the United States." Section 5(b) of the aforementioned Act (16 U.S.C. 1085(b)) further authorizes the Secretary of the Interior, in consultation with the Secretary of State, to publish in the FEDERAL REGISTER a list of the species of living organisms which constitute "Continental Shelf fishery resource," which "includes the living organisms belonging to sedentary species; that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil of the Continental Shelf."

The Secretary of the Interior, after consultation with the Secretary of State, determines that the species listed below in § 295.2 constitute a Continental Shelf fishery resource. This list shall not be considered exclusive and shall be subject to modification from time to time in accordance with prescribed procedures.

Effective date—in accordance with section (d)(3) of the Administrative Procedure Act (5 U.S.C. 533(d)(3)), good cause is found that it is in the public interest to have these regulations made effective on the date of publication in the FEDERAL REGISTER.

Issued at Washington, D.C., and dated October 31, 1968.

HARRY R. ANDERSON,
Acting Secretary of the Interior.

Sec.
295.1 Purpose.
295.2 List of species.

AUTHORITY: The provisions of this Part 295 issued under 78 Stat. 196, 16 U.S.C. 1085.

§ 295.1 Purpose.

The purpose of these regulations is to list those species determined by the Secretary of the Interior, in consultation with the Secretary of State, to constitute a Continental Shelf fishery resource, i.e., living organisms belonging to sedentary species, which at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil of the Continental Shelf.

§ 295.2 List of species.

CRUSTACEA

Tanner Crab—*Chionoecetes tanneri.*
Tanner Crab—*Chionoecetes opilio.*
Tanner Crab—*Chionoecetes angulatus.*
Tanner Crab—*Chionœcetes bairdi.*
King Crab—*Paralithodes camtschatica.*
King Crab—*Paralithodes platypus.*
King Crab—*Paralithodes brevipes.*
Stone Crab—*Menippe mercenaria.*

MOLLUSKS

Red Abalone—*Haliotis rufescens.*
Pink Abalone—*Haliotis corrugata.*
Japanese Abalone—*Haliotis kamtschatkana.*
Queen Conch—*Strombus gigas.*

SPONGES

Glove Sponge—*Hippiospongia canaliculata.*
Sheepswool Sponge—*Hippiospongia lachne.*
Grass Sponge—*Spongia graminea.*
Yellow Sponge—*Spongia barbera.*

[F.R. Doc. 13381; Filed, Nov. 1, 1968; 8:48 a.m.]

Title 7—AGRICULTURE

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

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING, AND CERTIFICATION)

Subpart B—Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States

LINTERS FACTOR

The amendment of § 61.102(b) of the Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within United States (7 CFR Part 61), hereinafter set forth, is hereby promulgated to be effective November 15, 1968, pursuant to authority contained in the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087; 7 U.S.C. 1621–1627).

Statement of consideration leading to revision of linters factor. Both a quantity index and a quality index are used in determining the grade of cottonseed. The quantity index is a measure of the amount of oil, protein and linters available from the seed. The table of premiums and discounts for total linters content of cottonseed contained in § 61.102(b) for determining the quantity index of cottonseed is being amended because of the change in the price relationship between linters and cottonseed oil, meal, and hulls.

The Department finds that it is impracticable, unnecessary, and contrary to the public interest to comply with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 for the reasons that: (1) The marketing season for cottonseed for crushing purposes is well underway and it is imperative that the revision be effective for grading purposes as soon as possible and (2) no hardship will be imposed on the industry by this amendment.

Paragraph (b) of § 61.102 is revised to read as follows:

§ 61.102 Determination of quantity index.

* * * * *

(b) The premium or discount for total linters content of cottonseed to be used in paragraph (a) of this section will be according to the following table:

Total linters content of cottonseed (percent)[1]	*Premium or discount (quantity index units)*[2]
20.0	+14.25
19.0	+12.75
18.0	+11.25
17.0	+9.75
16.0	+8.25
15.0	+6.75
14.0	+5.25
13.0	+3.75
12.0	+2.25
11.0	+.75
10.5	0
10.0	−.75
9.0	−2.25
8.0	−4.75
7.0	−7.25
6.0	−9.75
5.0	−12.25
4.0	−14.75
3.0	−17.75
2.0	−20.75
1.0	−23.75

[1] Total linters content to the nearest 0.1 percent will be used in calculating premiums and discounts.

[2] Premiums and discounts are calculated on the basis of the following formulas:

Percent linters on cottonseed	*Premium or discount factor*
10.6 and over	Premium = (percent linters minus 10.5) × 1.5.
10.5	None.
10.4–9.0	Discount=(10.5 minus percent linters) ×1.5.
8.9–4.0	Discount=(9.0 minus percent linters) ×2.5 +2.25.
3.9–0	Discount=(4.0 minus percent linters) ×3.0 +14.75.

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

Effective date. This revision shall become effective November 15, 1968.

Dated: October 29, 1968.

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

[F.R. Doc. 68-13330; Filed, Nov. 1, 1968; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.6 Amdt. 5]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1968 Allotment

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926 as amended), hereinafter called the "Act", for the purpose of amending Sugar Regulation 814.6 (33 F.R. 6851, 8768, 9946, 11703) which established allotments for the Mainland Cane Sugar Area for the calendar year 1968.

This amendment is necessary to give effect to the 17.334 ton increase in the Mainland Cane Sugar Area Quota which was increased from 1,186,666 to 1,204,000 tons by Sugar Regulation 811, Amendment 11.

In accordance with paragraphs (5) and (8) of the findings and conclusions set forth in S.R. 814.6, Amdt. 1 (33 F.R. 6851), and pursuant to paragraph (e) of such regulation, paragraph (7) of such findings and conclusions is amended to read as follows:

(7) The calculation of allotment referred to in paragraph (5) above, reflecting the quota for the area of 1,204,000 short tons, raw value, is set forth in the following table:

Processors	Processing of sugar from 1967 crop cane		Average quota marketings within allotment 1965–67		Ability to market					Processor's basic allotment [3]		Processor's adjusted allotment,[4] short tons, raw value
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Effective inventory Jan. 1, 1968 [1]	New crop quota marketings: Average 1965–67	New crop quota marketings: Shares of difference [2]	Measures used: Col. (5) plus col. (7)	Measures used: Percent of total	Percent of total	Short tons, raw value	
	Short tons, raw value											
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Albania Sugar Co	13,037	0.895	10,051	0.897	4,117	9,303	2,974	7,091	0.589	0.834	10,040	9,747
Alma Plantation, Ltd	13,836	.950	9,922	.885	4,642	9,491	3,034	7,676	.638	.875	10,534	10,226
J. Aron & Co., Inc	17,834	1.224	14,125	1.261	4,277	13,946	4,458	8,735	.726	1.132	13,628	13,230
Billeaud Sugar Factory	10,589	.727	10,159	.907	3,557	7,229	2,311	5,868	.487	.715	8,608	8,357
Breaux Bridge Sugar Co-op	13,570	.932	8,817	.787	7,305	6,567	2,099	9,404	.781	.873	10,510	10,203
Wm. T. Burton Industries, Inc	10,643	.731	8,507	.759	4,190	6,394	2,044	6,234	.518	.694	8,355	8,111
Cairo & Graugnard	9,044	.621	5,343	.477	4,156	4,768	1,524	5,680	.472	.562	6,766	6,568
Cajun Sugar Co-op., Inc	28,141	1.932	19,733	1.761	28,100	) 52	17	28,117	2.335	1.978	23,813	[5] 28,100
Caldwell Sugar Co-op., Inc	19,592	1.345	12,856	1.147	7,604	12,553	4,013	11,617	.965	1.229	14,796	14,364
Columbia Sugar Co	10,967	.753	8,283	.739	4,510	6,851	2,190	6,700	.556	.711	8,560	8,310
Cora-Texas Manufacturing Co., Inc	11,144	.765	7,565	.675	8,802	2,894	925	9,727	.808	.756	9,101	8,835
Dugas & LeBlanc, Ltd	22,659	1.556	14,484	1.293	10,111	13,141	4,201	14,312	1.189	1.430	17,216	16,713
Duhe & Bourgeois Sugar Co	13,635	.936	9,979	.891	4,425	9,620	3,075	7,500	.623	.864	10,402	10,098
Erath Sugar Co., Ltd	7,304	.501	7,068	.631	1,570	5,785	1,849	3,419	.284	.484	5,827	5,657
Evan Hall Sugar Co-op., Inc	32,805	2.252	22,266	1.987	12,680	21,103	6,747	19,427	1.614	2.071	24,933	24,205
Frisco Cane Co., Inc	2,923	.201	2,834	.253	590	2,360	755	1,345	.112	.194	2,336	2,268
Glenwood Co-op., Inc	23,017	1.580	15,650	1.397	8,781	14,867	4,753	13,534	1.124	1.452	17,481	16,971
Helvetia Sugar Co-op., Inc	17,716	1.216	11,682	1.042	7,641	10,589	3,385	11,026	.916	1.121	13,496	13,102
Iberia Sugar Co-op., Inc	24,557	1.686	18,882	1.685	12,403	12,660	4,047	16,450	1.366	1.622	19,527	18,957
Lafourche Sugar Co	24,670	1.694	17,537	1.565	9,353	15,884	5,078	14,431	1.199	1.569	18,889	18,338
Harry L. Laws & Co., Inc	20,958	1.439	16,411	1.465	8,076	11,927	3,813	11,889	.987	1.354	16,301	15,825
Levert-St. John, Inc	16,555	1.137	13,856	1.237	3,652	12,879	4,117	7,769	.645	1.059	12,749	12,377
Little Texas, Inc	7,324	.503	4,426	.395	4,209	3,288	1,051	5,260	.437	.468	5,634	5,469
Louisa Sugar Co-op., Inc	14,839	1.019	11,425	1.020	6,119	9,134	2,920	9,039	.751	.966	11,630	11,290
Louisiana State Penitentiary	5,268	.362	3,481	.311	4,020	1,618	517	4,537	.377	.355	4,274	4,149
Meeker Sugar Co-op., Inc	14,687	1.008	11,179	.998	12,848	2,298	735	13,583	1.128	1.030	12,400	12,400
Milliken & Farwell, Inc	15,082	1.035	10,040	.896	6,738	8,956	2,866	9,604	.798	.960	11,557	11,220
M. A. Patout & Son, Ltd	20,084	1.379	15,765	1.407	6,813	13,969	4,466	11,279	.937	1.296	15,603	15,147
Poplar Grove Planting & Refining Co	12,366	.849	8,676	.774	5,922	6,622	2,117	8,039	.668	.800	9,631	9,350
Savoie Industries	22,402	1.538	14,450	1.290	9,921	13,130	4,198	14,119	1.173	1.415	17,035	16,538
St. James Sugar Co-op., Inc	28,252	1.940	18,385	1.641	21,265	8,201	2,622	23,887	1.984	1.889	22,742	22,078
St. Mary Sugar Co-op., Inc	19,977	1.371	14,469	1.291	7,381	13,233	4,231	11,612	.964	1.273	15,326	14,879
South Coast Corp	83,568	5.737	65,543	5.849	67,257	15,370	4,914	72,171	5.995	5.811	69,950	67,917
Southdown, Inc	48,916	3.358	38,308	3.419	23,084	26,059	8,331	31,415	2.609	3.220	38,766	37,634
Sterling Sugars, Inc	33,970	2.332	26,177	2.336	12,067	23,055	7,371	19,438	1.615	2.189	26,353	25,584
J. Supple's Sons Planting Co., Ltd	7,942	.545	5,508	.491	3,985	4,099	1,310	5,295	.440	.513	6,176	5,996
Valentine Sugars, Inc	14,057	.965	11,129	.993	4,336	9,310	2,976	7,312	.607	.899	10,823	10,507
Vida Sugars, Inc	7,021	.482	5,398	.482	2,095	4,998	1,598	3,693	.307	.447	5,381	5,224
A. Wilbert's Sons Lumber & Shingle Co	14,117	.969	10,089	.900	5,735	8,807	2,816	8,551	.710	.903	10,871	10,554
Young's Industries, Inc	7,569	.520	7,592	.677	2,715	4,827	1,543	4,258	.354	.518	6,236	6,054
Louisiana subtotal	742,637	50.985	548,050	48.911	367,052	387,846	123,991	491,043	40.788	48.531	584,265	572,552
Atlantic Sugar Association, Inc	40,383	2.773	32,159	2.870	41,343	58	19	41,362	3.436	2.925	35,214	36,832
Florida Sugar Corp	25,436	1.746	14,906	1.330	24,149	2,992	956	25,105	2.085	1.731	20,839	21,514
Glades County Sugar Growers Co-op, Association	42,973	2.950	43,317	3.866	44,260	0	0	44,260	3.677	3.278	39,464	39,464
Osceola Farms Co	61,028	4.190	46,320	4.134	62,487	0	0	62,487	5.190	4.379	52,719	55,668
South Puerto Rico Sugar Co., Inc	94,216	6.468	74,848	6.680	92,547	5,571	1,781	94,328	7.835	6.784	81,673	82,448
Sugarcane Growers Co-op. of Florida	126,898	8.712	103,638	9.249	130,095	0	0	130,095	10.806	9.238	111,216	115,899
Talisman Sugar Corp	46,791	3.213	42,292	3.775	48,219	79	25	48,244	4.007	3.484	41,944	42,057
United States Sugar Corp	276,213	18.963	214,964	19.185	257,258	30,397	9,718	266,976	22.176	19.650	236,566	236,566
Florida subtotal	713,938	49.015	572,444	51.089	700,358	39,097	12,499	712,857	59.212	51.469	619.635	631,348
Total all mainland cane	1,456,575	100.000	1,120,494	100.000	1,067,410	426,943	136,490	1,203,900	100.000	100.000	1,203,900	1,203,900

[1] Effective inventory, Jan. 1, 1968, is the physical inventory, Jan. 1, 1968, plus processings from 1967-crop cane in 1968.

[2] The difference between 1,203,900 tons (quota for 1968 established by S.R. 811, less 100 tons reserve for Louisiana State University) and the total Jan. 1, 1968, effective inventories for all processors amounting to 1,067,410 tons. This difference of 136,490 tons prorated on the basis of each processor's average 1965–67 new-crop marketings.

[3] Column (10) was determined by weighting "processings" Column (2) by 60 percent, "marketings" Column (4) by 20 percent, and "ability" Column (9) by 20 percent. Column (11) was determined by multiplying the quota, less 100 tons reserved for Louisiana State University, by Column (10).

[4] Basic allotments (Column 11) which were less than the respective processors' Jan. 1, 1968, effective inventories were subject to upward adjustments by a total not to exceed 16,000 short tons, raw value, and the basic allotments of processors having Jan. 1, 1968, effective inventories less than their basic allotments were reduced proportionately as necessary to make total adjusted allotments equal to the area quota less 100 tons reserve for Louisiana State University, except, that no processor's basic allotment was reduced to a level less than the respective processor's Jan. 1, 1968, effective inventory. The basic allotments of those processors having Jan. 1, 1968, effective inventories larger than their basic allotments were subject to upward adjustments (not to exceed 16,000 tons) in the following manner: (1) The basic allotments of processors having physical inventories in excess of such allotments were increased to the level of the physical inventories, (2) the remainder of the 16,000 tons was added to the basic allotments of the other processors in such a manner that will not permit any processor to market a larger percentage of its Jan. 1, 1968, effective inventory by the use of this adjustment than other processors.

[5] Adjusted allotment established to equal Jan. 1, 1968 physical inventory.

Pursuant to provisions of section 205 (a) of the Act and in accordance with paragraph (e) of § 814.6 of this chapter, paragraph (a) of such § 814.6 is amended to read as follows:

§ 814.6 Allotment of the 1968 sugar quota for the Mainland Cane Sugar Area.

(a) The 1968 sugar quota for the Mainland Cane Sugar Area of 1,204,000 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co	9,747
Alma Plantation, Ltd	10,226
J. Aron & Co., Inc	13,230
Billeaud Sugar Factory	8,357
Breaux Bridge Sugar Co-op	10,203
Wm. T. Burton Industries, Inc	8,111
Caire & Graugnard	6,568
Cajun Sugar Co-op, Inc	28,100
Caldwell Sugars Co-op, Inc	14,364
Columbia Sugar Co	8,310
Cora-Texas Manufacturing Co., Inc	8,835
Dugas & LeBlanc, Ltd	16,713
Duhe & Bourgeois Sugar Co	10,098
Erath Sugar Co., Ltd	5,657
Evan Hall Sugar Co-op, Inc	24,205
Frisco Cane Co., Inc	2,268
Glenwood Co-op, Inc	16,971
Helvetia Sugar Co-op, Inc	13,102
Iberia Sugar Co-op, Inc	18,957
Lafourche Sugar Co	18,338
Harry L. Laws & Co., Inc	15,825
Levert-St. John, Inc	12,377
Little Texas, Inc	5,469
Louisa Sugar Co-op, Inc	11,290
Louisiana State Penitentiary	4,149
Louisiana State University	100
Meeker Sugar Co-op, Inc	12,400
Milliken & Farwell, Inc	11,220
M. A. Patout & Son, Ltd	15,147
Poplar Grove Planting & Refining Co.	9,350
Savoie Industries	16,538
St. James Sugar Co-op, Inc	22,078
St. Mary Sugar Co-op, Inc	14,879
South Coast Corp	67,917
Southdown, Inc	37,634
Sterling Sugars, Inc	25,584
J. Supple's Sons Planting Co., Inc	5,996
Valentine Sugars, Inc	10,507
Vida Sugars, Inc	5,224
A. Wilbert's Sons Lumber & Shingle Co	10,554
Young's Industries, Inc	6,054
Louisiana subtotal	572,652
Atlantic Sugar Association	36,832
Florida Sugar Corp	21,514
Glades County Sugar Growers Co-op Association	39,464
Osceola Farms Co	55,668
South Puerto Rico Sugar Co., Inc	82,448
Sugarcane Growers Co-op of Florida	115,899
Talisman Sugar Corp	42,957
United States Sugar Corp	236,566
Florida subtotal	631,348
Total, all mainland cane	1,204,000

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 205, 209; 61 Stat. 926 as amended, 928, as amended; 7 U.S.C. 1115, 1119)

Effective date. Allotments established in this order for almost all processors are larger than the allotments established in S.R. 814.6, Amdt. 4 (33 F.R. 11703). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 (80 Stat. 378) is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on October 28, 1968.

RAY FITZGERALD,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-13284; Filed, Nov. 1, 1968; 8:45 a.m.]

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

[Lemon Reg. 345]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.645 Lemon Regulation 345.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 29, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period November 3, 1968, through November 9, 1968, are hereby fixed as follows:

(i) District 1: 4,650 cartons;
(ii) District 2: 51,150 cartons;
(iii) District 3: 130,200 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: October 31, 1968.

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

[F.R. Doc. 68-13388; Filed, Nov. 1, 1968; 8:48 a.m.]

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

[Milk Order 97]

PART 1097—MILK IN MEMPHIS, TENN., MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Memphis, Tenn., marketing area (7 CFR Part 1097), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act:

(1) Section 1097.44(c).

(2) In § 1097.44(d), the provision "located not more than 225 miles, by the shortest highway distance as determined by the market administrator, from the city hall in Memphis, Tenn."

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

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

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

(3) Mid-South Milk Producers Division of Milk Producers, Inc., requested this termination order in order to facilitate the orderly disposal of cream which is in excess of the needs of this market. The requested action will reduce a handler's obligation by the difference between the Class I and Class II price on any transfer beyond 225 miles from Memphis, Tenn., of fluid milk products which are used in manufacturing.

(4) This termination order eliminates provisions which required a Class I classification for cream and other fluid milk products transferred or diverted more than 225 miles to a nonfluid milk plant. The remaining provisions of the order provide for the classification of such transfers and diversions to a nonfluid milk plant according to the utilization in the nonfluid milk plant.

(5) Interested parties were afforded opportunity to file written data, views or arguments concerning this termination (33 F.R. 15433). Petitioner and one handler submitted views supporting the termination action. None were filed in opposition to the proposed termination.

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

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

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

Effective date: October 1, 1968.

Signed at Washington, D.C., on October 29, 1968.

TED J. DAVIS,
Assistant Secretary.

[F.R. Doc. 68–13310; Filed, Nov. 1, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 14]

APPRAISEMENT

Examination of Merchandise; Procedure

Notice was published in the FEDERAL REGISTER on September 17, 1968 (33 F.R. 14077) of a proposal to amend § 14.2 (a) and (b) of the Customs Regulations (19 CFR 14.2 (a) and (b)).

Submissions and comments received suggest that where merchandise is to be examined at a place of arrival such as a pier, dock, or air terminal, while such merchandise is still within the physical custody of the carrier, arrangements for opening and closing packages can be made more effectively by the carrier having such physical custody than by the importer making entry.

To reflect this suggestion it is now proposed to amend § 14.2 (a) and (b) (19 CFR 14.2 (a) and (b)) to read as follows:

§ 14.2 Examination of merchandise; procedure.

(a) The District Director shall cause to be examined all merchandise designated for examination and any additional quantities, packages, or parts thereof as the examining officer deems necessary. Inflammable, explosive, or dangerous merchandise, or any other merchandise which cannot conveniently be examined at the public stores shall be examined at the place of arrival, the importer's premises, or other suitable place. All other merchandise shall be examined at the public stores unless examination at a place other than the public stores is approved in accordance with paragraph (b) of this section.

(b) The importer or his agent may request examination at a place other than the public stores. The request may be made on the entry or other appropriate document and if approved shall be subject to the following conditions:

(1) When the examination is to be performed at a place other than a port of entry or a customs station at which a customs officer is permanently located, any additional expense, including actual expenses of travel and subsistence but not the salary of the examining officer, shall be paid by the importer. No collection shall be made if the total amount chargeable against one importer for one day amounts to less than 50 cents. If the total amount chargeable for 1 day amounts to 50 cents or more, but less than $1, a minimum charge of $1 shall be made. The importer or his agent shall furnish or arrange for the labor to open and close the examination packages;

(2) When the examination is to be performed at the place of arrival, such as a pier, dock, or carrier terminal, within the port limits, arrangements must be made for the carrier having physical custody of the merchandise to furnish or arrange for the labor to open and close the examination packages;

(3) When the examination is to be performed any place within the port limits other than the public stores or at the place of arrival within the meaning of subparagraph (2) of this paragraph, the importer or his agent shall furnish or arrange for the labor to open and close the examination packages.

Prior to final action on this revised proposal, consideration will be given to all relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

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

Approved: October 25, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-13333; Filed, Nov. 1, 1968; 8:48 a.m.]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Consolidated Return Regulations

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC: LR: T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 367, 917; 26 U.S.C. 1502, 7805).

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

§ 1.1502-2A Definitions.

* * * * *

(b) *Affiliated group.* * * *

(3) (i) In the case of a domestic corporation owning or controlling, directly or indirectly, 100 percent of the capital stock (exclusive of directors' qualifying shares) of a corporation organized under the laws of Canada or of Mexico and maintained solely for the purpose of complying with the laws of such county as to title and operation of property, such foreign corporation may, at the option of the domestic corporation, be treated for income tax purposes as a domestic corporation. For purposes of this subparagraph, the term "laws of such country" includes the laws of any province, state, or other political subdivision, and the term "laws" includes, in addition to explicit statutory or constitutional provisions, any existing legislative practice or policy. For example, if the laws of Canada permit the ownership or operation of specified property, such as a railroad, only by a person granted a special legislative authorization, and it is established that there is an implicit legislative policy that such authorization would be granted only to a corporation organized under the laws of such country, then a corporation organized under the laws of Canada to own or operate such property will be considered maintained solely for the purpose of complying with the laws of such country as to title and operation of property. If, however, Canada has a general statutory prohibition against the ownership or operation of specified property by a U.S. corporation, but as a matter of established practice special legislative action can be obtained for the ownership or operation of specified property by a U.S. corporation, then a corporation organized under the laws of Canada to own or operate such property will not be considered maintained solely for the purpose of complying with the laws of such country as to title and operation of property.

(ii) The option to treat a foreign corporation as a domestic corporation so that it may be included in a consolidated return must be exercised at the time of making the consolidated return, and cannot be exercised at any time thereafter. If the election is exercised to treat such foreign corporation as a domestic corporation, it must be included in the consolidated return of the affiliated group of which it is a member for each consecutive year thereafter for which such group makes or is required to make a consolidated return.

* * * * *

[F.R. Doc. 68-13334; Filed, Nov. 1, 1968; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 177]

SURFACE EXPLORATION, MINING, AND RECLAMATION OF LANDS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under 5 U.S.C. 301 and under various statutes relating to mining on Indian lands (see § 177.2 of the proposed regulations) to promulgate rules and regulations governing the issuance of permits or leases for the exploration and extraction of mineral resources on Indian lands administered by the Department of the Interior, it is proposed to add a new Part 177 to Title 25, Code of Federal Regulations, relating to the surface exploration for and mining of minerals and reclamation of lands.

In accordance with its policy, the Department of the Interior published proposed regulations which applied to public and Indian lands in the FEDERAL REGISTER, vol. 32, No. 139, July 20, 1967, and invited interested persons to submit comments thereon. After due consideration of all comments received, those proposed regulations have been revised and are hereby published again in revised form. This part applies only to Indian lands. Regulations governing public lands will appear in 43 CFR. Accordingly, interested persons may submit written comments, suggestions or objections with respect to these revised proposed regulations to the Commissioner of Indian Affairs, Washington, D.C. 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

The revised proposed regulations are set forth below.

ROBERT L. BENNETT,
Commissioner of Indian Affairs.

Sec.

§ 177.1 Purpose.

It is the policy of this Department to encourage the development of the mineral resources underlying Indian lands where mining is authorized. However, the public interest requires that, with respect to the exploration for, and the surface mining of, such minerals, adequate measures be taken to avoid, minimize, or correct damage to the environment—land, water, and air—and to avoid, minimize, or correct hazards to the public health and safety. The regulations in this part prescribe procedures to that end.

§ 177.2 Scope.

(a) Except as provided in paragraph (b) of this section, the regulations in this part provide for the protection and conservation of nonmineral resources during operations for the discovery, development, surface mining, and onsite processing of minerals under permits or leases issued pursuant to statutes pertaining to Indian lands including but not limited to the following statutes or amendments thereto:

The Act of June 28, 1906 (34 Stat. 539);
The Act of May 27, 1908 (35 Stat. 312);
The Act of March 3, 1909 (35 Stat. 781, 25 U.S.C. 396);
The Act of May 1, 1936 (49 Stat. 1250);
The Act of June 26, 1936 (49 Stat. 1967);
The Act of May 11, 1938 (52 Stat. 347, 25 U.S.C. 396 a–f, and 5 U.S.C. 301).

(b) The regulations in this part do not cover the exploration for oil and gas or the issuance of leases, or operations thereunder.

(c) These regulations shall apply only to permits or leases issued subsequent to the date on which these regulations become effective.

§ 177.3 Definitions.

As used in the regulations in this part:

(a) "Superintendent" means the superintendent or other officer of the Bureau of Indian Affairs having jurisdiction, under delegated authority, over the lands involved.

(b) "Mining supervisor" means the Regional Mining Supervisor, or his authorized representative of the Geological Survey authorized as provided in 30 CFR 211.3 and 231.2 to supervise operations on the land covered by a permit or lease.

(c) "Overburden" means all the earth and other materials which lie above a natural deposit of minerals and such earth and other materials after removal from their natural state in the process of mining.

(d) "Area of land affected" means the area of land from which overburden is to be or has been removed and upon which the overburden or waste is to be or has been deposited, and includes all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to an operation and for haulage.

(e) "Operation" means all of the premises, facilities, roads, and equipment used in the process of determining the location, composition or quality of a mineral deposit, or in developing, extracting, or onsite processing of a mineral deposit in a designated area.

(f) "Method of operation" means the method or manner by which a cut or open pit is made, the overburden is placed or handled, water is controlled or affected and other acts performed by the operator in the process of exploring or uncovering and removing a mineral deposit.

(g) "Holder" or "Operator" means the permittee or lessee designated in a permit or lease.

(h) "Reclamation" means measures undertaken to bring about the necessary reconditioning or restoration of land or water that has been affected by exploration or mineral development, mining or onsite processing operations, and waste disposal, in ways which will prevent or control onsite and offsite damage to the environment.

§ 177.4 Technical examination of prospective surface exploration and mining operations.

(a) (1) In connection with an application for a permit or lease, the superintendent shall make, or cause to be made, a technical examination of the prospective effects of the proposed exploration or surface mining operations upon the environment. The technical examination shall take into consideration the need for the preservation and protection of other resources, including cultural, recreational, scenic, historic, and ecological values; and control of erosion, flooding, and pollution of water; the isolation of toxic materials; the prevention of air pollution; the reclamation by revegetation, replacement of soil, or by other means, of lands affected by the exploration or mining operations; the prevention of slides; the protection of fish and wildlife and their habitat; and the prevention of hazards to public health and safety.

(2) A technical examination of a large area should be made with the recognition that actual potential mining sites and mining operations vary widely with respect to topography, climate, surrounding land uses, proximity to densely used areas, and other environmental influences and that mining and reclamation requirements should provide sufficient flexibility to permit adjustment to local conditions.

(b) Based upon the technical examination, the superintendent shall formulate the general requirements which the applicant must meet for the protection of nonmineral resources during the conduct of exploration or mining operations and for the reclamation of lands or waters affected by exploration or mining operations. The general requirements shall be made known in writing to the applicant before the issuance of a permit or lease and, upon acceptance thereof by the applicant, shall be incorporated in the permit or lease.

(c) In each instance in which an application is made the mining supervisor shall participate in the technical examination and in the formulation of the general requirements. If the surface of the lands covered by an application are under the jurisdiction of an agency other than the Bureau of Indian Affairs, the superintendent shall consult representatives of the agency administering the land.

(d) The superintendent may prohibit or otherwise restrict operations on any part of an area whenever it is determined that such part of the area described in an application for a permit or lease is such that previous experience under similar conditions has shown that operations cannot feasibly be conducted by any known methods or measures to avoid—

(1) Rock or landslides which would be a hazard to human lives or endanger or destroy private or public property; or

(2) Substantial deposition of sediment and silt into streams, lakes, reservoirs; or

(3) A lowering of water quality below standards established by the appropriate State water pollution control agency, or by the Secretary of the Interior, or his authorized representative; or

(4) A lowering of the quality of waters whose quality exceeds that required by the established standards—unless and until it has been affirmatively demonstrated to the Secretary of the Interior, or his authorized representative, that such lowering of quality is necessary to economic and social development and will not preclude any assigned uses made of such waters; or

(5) The destruction of key wildlife habitat or important scenic, historical, or other natural or cultural features.

(e) If, on the basis of a technical examination, the superintendent determines that there is a likelihood that water pollution will be caused by the operation, no lease or permit shall be issued until after consultation with the Federal Water Pollution Control Administration and a finding by the Administration that the proposed operation would not be in violation of the Federal Water Pollution Control Act, as amended (33 U.S.C. section 466 et seq.), or of Executive Order No. 11288 (31 F.R. 9261).

§ 177.5 Basis for denial of a permit or lease.

An application for a permit or lease to conduct exploratory or mining operations may be denied any applicant who has forfeited a required bond because of failure to comply with a mining plan. However, a permit or lease may not be denied an applicant because of the forfeiture of a bond if the lands disturbed under his previous permit or lease have subsequently been reclaimed without cost to the lessor or the United States.

§ 177.6 Approval of exploration plan.

(a) Before commencing any surface disturbing operations to explore, test or prospect for minerals, the operator shall file with the superintendent a plan for the proposed exploration operations. The superintendent shall obtain the recommendations of the mining supervisor with respect to such exploration plan.

(b) The operator shall comply with the provisions of an approved exploration plan. The superintendent may, with respect to such a plan, exercise the authority provided by paragraphs (f) and (g) of § 177.7 respecting a mining plan.

§ 177.7 Approval of mining plan.

(a) Before surface mining operations may commence under any permit or lease, the operator must file a mining plan with the superintendent and obtain his approval of the plan. The superintendent shall obtain the recommendations of the mining supervisor with respect to such mining plan.

(b) Depending on the size and nature of the operation and the requirements established pursuant to § 177.4, the superintendent may require that the mining plan submitted by the operator include any or all of the following:

(1) A description of the location and area to be affected by the operations;

(2) Two copies of a suitable map, or aerial photograph showing the topography, the area covered by the permit or lease, the name and location of major topographic and cultural features, and the drainage plan away from the area affected;

(3) A statement of proposed methods of operating, including a description of proposed roads or vehicular trails; the size and location of structures and facilities to be built;

(4) An estimate of the quantity of water to be used and pollutants that are expected to enter any receiving waters;

(5) A design for the necessary impoundment, treatment or control of all runoff water and drainage from workings so as to reduce soil erosion and sedimentation and to prevent the pollution of receiving waters;

(6) A description of measures to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, damage to fish and wildlife, and hazards to public health and safety; and

(7) A statement of the proposed manner and time of performance of work to reclaim areas disturbed by the holder's operation.

(c) In those instances in which the permit or lease requires the revegetation of a mined area, the mining plan shall show:

(1) Proposed methods of preparation and fertilizing the soil prior to replanting;

(2) Types and mixtures of shrubs, trees, or tree seedlings, grasses or legumes to be planted; and

(3) Types and methods of planting, including the amount of grasses or legumes per acre, or the number and spacing of trees, or tree seedlings, or combinations of grasses and trees.

(d) In those instances in which the permit or lease requires regrading and backfilling, the mining plan shall show the proposed methods and the timing of grading and backfilling of areas of land affected by the operation.

(e) The superintendent shall review the mining plan submitted to him by the operator and shall indicate to the operator any changes, additions, or amendments necessary to meet the requirements formulated pursuant to § 177.4, the provisions of these regulations and the terms of the permit or lease. The operator shall comply with the provisions of an approved mining plan.

(f) A mining plan may be changed by mutual consent of the superintendent and the operator at any time to adjust to changed conditions or to correct any oversight. To obtain approval of a change or supplemental plan, the operator shall submit a written statement of the proposed changes or supplement and the justification for the changes proposed. Afer mutual acceptance of a change of a plan, the operator shall not depart therefrom without further approval.

(g) If circumstances warrant, or if development of a mining plan for the entire operation is dependent upon unknown factors which cannot or will not be determined except during the progress of the operations, a partial plan may be approved and supplemented from time to time. The operator shall not, however, perform any operation except under an approved plan.

§ 177.8 Performance bond.

Before an exploration or a mining plan may be approved, the operator shall be required to file a satisfactory surety bond in an amount determined by the superintendent, payable to the Bureau of Indian Affairs, and the bond shall be conditioned upon the faithful compliance with applicable regulations, and performance of the terms and conditions of the permit or lease, and the exploration or mining plan as approved, amended or supplemented. The bond shall be in an amount sufficient to satisfy all reclamation requirements and, in determining the amount of the bond, consideration shall be given to the character and nature of reclamation requirements and the estimated costs of reclamation in the event that the operator forfeits his performance bond.

§ 177.9 Reports.

(a) Within 30 days after the end of each calendar year, or if operations cease before the end of a calendar year, within 30 days after the cessation of operations, the operator shall submit an operations report to the superintendent containing the following information:

(1) An identification of the permit or lease and the location of the operation;

(2) A description of the operations performed during the period of time for which the report is filed;

(3) An identification of the area of land affected by the operations and a description of the manner in which the land has been affected;

(4) A statement as to the number of acres disturbed by the operations and the number of acres which were reclaimed during the period of time;

(5) A description of the method utilized for reclamation and the results thereof;

(6) A statement and description of reclamation work remaining to be done.

(b) Upon completion of such grading and backfilling as may be required by an approved exploration or mining plan, the operator shall make a report thereon to the superintendent and request inspection for approval. Whenever it is determined by such inspection that backfilling and grading have been carried out in accordance with the established requirements and approved exploration or mining plan, the superintendent shall issue a release of an appropriate amount of the surety bond for the area graded and backfilled. Appropriate amounts of the bond shall be retained to assure that satisfactory planting, if required, is carried out.

(c) (1) Whenever planting is required by an approved exploration or mining plan, the operator shall file a report with

the superintendent whenever such planting is completed. The report shall—

(i) Identify the permit or lease;

(ii) Show the type of planting or seeding, including mixtures and amounts;

(iii) Show the date of planting or seeding;

(iv) Identify or describe the areas of the lands which have been planted;

(v) Contain such other information as may be relevant.

(2) The superintendent, as soon as possible after the completion of the first full growing season, shall make an inspection and evaluation of the vegetative cover and planting to determine if a satisfactory growth has been established.

(3) If it is determined that a satisfactory vegetative cover has been established and is likely to continue to grow, any remaining portion of the surety bond may be released if all requirements have been met by the operator.

(d) (1) Not less than 30 days prior to cessation or abandonment of operations, the operator shall report to the superintendent his intention to cease or abandon operations, together with a statement of the exact number of acres of land affected by his operations, the extent of reclamation accomplished and other relevant information.

(2) Upon receipt of such report an inspection shall be made to determine whether operations have been carried out in accordance with the approved exploration or mining plan.

§ 177.10 Inspection: Notice of Noncompliance: Revocation.

(a) The mining supervisor and superintendent shall have the right to enter upon the lands under a permit or lease, at any reasonable time, for the purpose of inspection or investigation to determine whether the terms and conditions of the permit or lease and the requirements of the exploration or mining plan have been complied with.

(b) If the superintendent determines that an operator has failed to comply with the terms and conditions of a permit or lease, or with the requirements of an exploration or mining plan, or with the provisions of applicable regulations, the superintendent shall serve a notice of noncompliance upon the operator by delivery in person to him or his agent or by certified or registered mail addressed to the operator at his last known address.

(c) A notice of noncompliance shall specify in what respects the operator has failed to comply with the terms and conditions of a permit or lease or the requirements of an exploration or mining plan, or the provisions of applicable regulations, and shall specify the action which must be taken to correct the noncompliance and the time limits within which such action must be taken.

(d) Failure of the operator to take action in accordance with the notice of noncompliance shall be grounds for suspension by the superintendent of operations or for the initiation of action for the cancellation of the permit or lease and for forfeiture of the surety bond required under § 177.8.

§ 177.11 Appeals.

An applicant, permittee, lessee, or lessor aggrieved by a decision or order of a superintendent may appeal such decision or order. An appeal from a decision or order of a superintendent shall be made pursuant to 25 CFR, Part 2.

§ 177.12 Consultation.

The superintendent shall consult with tribal lessors with respect to actions which he proposes to take under §§ 177.4, 177.6, and 177.7.

[F.R. Doc. 68-13327; Filed, Nov. 1, 1968; 8:47 a.m.]

National Park Service

[36 CFR Part 7]

HAWAII VOLCANOES NATIONAL PARK, HAWAII

Fishing, Mountain Climbing, and Deletion of Certain Special Regulations

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535) as amended; (16 U.S.C. 3), and the Act of August 1, 1916 (39 Stat. 432), as amended; (16 U.S.C. 395c), and the Act of June 20, 1938 (52 Stat. 784; 16 U.S.C. 396a), 245 DM-I (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Western Region Order No. 4 (31 F.R. 5577), as amended, it is proposed to revise § 7.25 of Title 36 of the Code of Federal Regulations.

The purpose of this revision is to revoke special regulations limiting the speed of vehicles on park roads, prohibiting camping, picnicking, and fishing at certain locations within the park, and controlling the use of bicycles within the park. None of these regulations are needed since regulations contained in Parts 2 and 4 of this chapter adequately provide for regulation of all these matters. The revised regulation on fishing continues to carry out the provisions of the Act of June 20, 1938, and makes clear the location of the park boundary along the seacoast. The provision relating to the possession and use of throw nets within the park makes no substantive change in the existing regulatory material. The new regulation on mountain climbing and exploration provides supervision and control in these hazardous areas.

It is the policy of the Department of the Interior, whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit comments, suggestions, or objections with respect to the proposed revision to the Superintendent, Hawaii Volcanoes National Park, Hawaii 96718, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.25 is revised to read as follows:

§ 7.25 Hawaii Volcanoes National Park.

(a) *Fishing.* (1) *Commercial Fishing.* Commercial fishing from parklands (above the high waterline) other than as provided for below is prohibited.

(2) *Nets.* The use of nets in fishing from parklands (above the high waterline) except for throw nets, is prohibited.

(3) *Kalapana Extension Area; Special Fishing Privileges.* (i) Pursuant to the act of June 20, 1938 (52 Stat. 781; 16 U.S.C. 391b and 396a) Native Hawaiian residents of the villages adjacent to the Kalapana extension area added to the park by the above act and visitors under their guidance are granted the exclusive privileges of fishing or gathering seafood from parklands (above the high waterline) along the coastline of such extension area. These persons may engage in commercial fishing under proper State permit.

(ii) For the purposes of this regulation the term "native Hawaiian" means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778 (Act of June 20, 1938; 52 Stat. 784; 16 U.S.C. 396a).

(b) *Mountain Climbing; Exploration.* (1) No person shall climb the slopes of Mauna Loa without first registering with the Superintendent and indicating the approximate duration of the climb and the number of people in the climbing party.

(2) No person shall explore or climb about the lava tubes or pit craters in the park without first registering with the Superintendent and indicating the approximate length of time involved in the exploration and the number of people in the party. This section does not apply to the maintained trail through Thurston Lava Tube, nor the maintained trail down and across Kilauea Iki pit crater.

DANIEL J. TOBIN, Jr.,
Superintendent,
Hawaii Volcanoes National Park.

[F.R. Doc. 68-13304; Filed, Nov. 1, 1968; 8:45 a.m.]

Office of the Secretary

[43 CFR Part 23]

SURFACE EXPLORATION, MINING, AND RECLAMATION OF LANDS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181-287), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359), the Materials Act of July 31, 1947, as amended (30 U.S.C. 601-604), and 5 U.S.C. 301 to promulgate rules and regulations governing the issuance of permits, leases, and other contracts for the exploration and extraction of mineral resources administered by the Department of the Interior, it is proposed to add a new Part 23 to Title 43, Code of Federal Regulations, relating to the surface exploration for and mining of minerals and reclamation of lands under the statutes mentioned above.

In accordance with its policy, the Department of the Interior published proposed regulations in the FEDERAL REGISTER, vol. 32, No. 139, July 20, 1967, and invited interested persons to submit comments thereon. After due consideration of all comments received, those proposed regulations have been revised and are hereby published again in revised form. Interested persons are invited to submit written comments, suggestions or objections with respect to these revised proposed regulations to the Secretary of the Interior, Washington, D.C., during a period ending 30 days after the date of publication of this notice in the FEDERAL REGISTER.

The revised proposed regulations are set forth below.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 29, 1968.

Sec.

§ 23.1 Purpose.

It is the policy of this Department to encourage the development of the mineral resources under its jurisdiction where mining is authorized. However, the public interest requires that, with respect to the exploration for, and the surface mining of, such minerals, adequate measures be taken to avoid, minimize, or correct damage to the environment—land, water, and air—and to avoid, minimize, or correct hazards to the public health and safety. The regulations in this part prescribe procedures to that end.

§ 23.2 Scope.

(a) Except as provided in paragraphs (b) and (c) of this section, the regulations in this part provide for the protection and conservation of nonmineral resources during operations for the discovery, development, surface mining, and onsite processing of minerals under permits, leases, or contracts issued pursuant to: the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181–287); the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359); the Materials Act of July 31, 1947, as amended (30 U.S.C. 601–604); and title 23, United States Code, section 317, relating to appropriation for highway purposes of lands owned by the United States.

(b) The regulations in this part do not cover the exploration for oil and gas or the issuance of leases, or operations thereunder, for oil and gas under the mineral leasing acts, which are covered by regulations in 43 CFR, Subpart 3107 and Part 3120 and 30 CFR, Part 221; neither do they cover minerals underlying Indian tribal or allotted lands, which are subject to regulations in Title 25 CFR, nor minerals subject to the general mining laws (30 U.S.C. 21–54).

(c) When more than one permit or contract is expected to be issued to dispose of materials in a particular deposit or tract of land, such as community pits or common use areas, no requirement for reclamation will be made in such permits or contracts and the burden of reclamation will be assumed by the Government. Where reclamation is not required because more than one permit or contract is expected to be issued, there shall be added to the sales price under each permit or contract a reasonable charge to defer the cost of reclamation. In computing such added charge, the authorized officer shall establish the estimated cost of reclamation upon completion of extractive operations for the deposit and the estimated total volume of material to be extracted. The added charge shall be a proportionate share of the estimated cost of reclamation in the same ratio as the material sold under the permit or contract bears to the total estimated volume of the deposit which is expected to be extracted.

(d) These regulations shall apply only to permits, leases, or contracts issued subsequent to the date on which the regulations become effective.

§ 23.3 Definitions.

As used in the regulations in this part:

(a) "Mineral leasing acts" means the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181–287) and the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359);

(b) "Materials Act" means the Act of July 31, 1947, as amended (30 U.S.C. 601–604);

(c) "Mining supervisor" means the Regional Mining Supervisor, or his authorized representative, of the Geological Survey authorized as provided in 30 CFR 211.3 and 231.2 to supervise operations on the land covered by a permit or lease;

(d) "District manager" means the manager of the district office of the Bureau of Land Management having administrative jurisdiction of and responsibility for the land covered by a permit, lease, contract, application, or offer;

(e) "Overburden" means all the earth and other materials which lie above a natural deposit of minerals and such earth and other materials after removal from their natural state in the process of mining;

(f) "Area of land affected" means the area of land from which overburden is to be or has been removed and upon which the overburden or waste is to be or has been deposited, and includes all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to an operation and for haulage;

(g) "Operation" means all of the premises, facilities, roads, and equipment used in the process of determining the location, composition or quality of a mineral deposit, or in developing, extracting, or onsite processing of a mineral deposit in a designated area;

(h) "Method of operation" means the method or manner by which a cut or open pit is made, the overburden is placed or handled, water is controlled or affected and other acts performed by the operator in the process of exploring or uncovering and removing a mineral deposit;

(i) "Holder" or "Operator" means the permittee, lessee, or contractor designated in a permit, lease, or contract;

(j) "Reclamation" means measures undertaken to bring about the necessary reconditioning or restoration of land or water that has been affected by exploration or mineral development, mining or onsite processing operations, and waste disposal, in ways which will prevent or control onsite and offsite damage to the environment.

§ 23.4 Application for permission to conduct exploration operations.

No person shall, in any manner or by any means which will cause the surface of lands to be disturbed, explore, test, or prospect for minerals (other than oil and gas) subject to disposition under the mineral leasing acts or the Materials Act without first filing an application for, and obtaining, a permit, lease or contract which authorizes such exploring, testing, or prospecting.

§ 23.5 Technical examination of prospective surface exploration and mining operations.

(a) (1) In connection with an application for a permit or lease under the mineral leasing acts or an application for a permit or an offer to make a contract under the Materials Act, the district manager shall make, or cause to be made, a technical examination of the prospective effects of the proposed exploration or surface mining operations upon the environment. The technical examination shall take into consideration the need for the preservation and protection of other resources, including recreational, scenic, historic, and ecological values; the control of erosion, flooding, and pollution of water; the isolation of toxic materials; the prevention of air pollution; the reclamation by revegetation, replacement of soil, or by other means, of lands affected by the exploration or mining operations; the prevention of slides; the protection of fish and wildlife and their habitat; and the prevention of hazards to public health and safety.

(2) A technical examination of a large area should be made with the recognition that actual potential mining sites and mining operations vary widely with respect to topography, climate, surrounding land uses, proximity to densely used areas, and other environmental influences and that mining and reclamation requirements should provide sufficient flexibility to permit adjustment to local conditions.

(b) Based upon the technical examination, the district manager shall

formulate the general requirements which the applicant must meet for the protection of nonmineral resources during the conduct of exploration or mining operations and for the reclamation of lands or waters affected by exploration or mining operations. The general requirements shall be made known in writing to the applicant before the issuance of a permit or lease or the making of a contract and, upon acceptance thereof by the applicant, shall be incorporated in the permit, lease, or contract. If an application or offer is made under the Mineral Leasing Act for Acquired Lands or the Materials Act and if the lands are under the jurisdiction of an agency other than the Department of the Interior, the requirements must incorporate provisions prescribed by that agency.

(c) In each instance in which an application or offer is made under the mineral leasing acts, the mining supervisor shall participate in the technical examination and in the formulation of the general requirements. If the lands covered by an application or offer are under the jurisdiction of a bureau of the Department of the Interior other than the Bureau of Land Management, the district manager shall consult representatives of the bureau administering the land. If the lands covered by the application or offer are under the jurisdiction of an agency other than the Department of the Interior and that agency makes a technical examination of the type provided for in paragraph (a) of this section, district managers and mining supervisors are authorized to participate in that examination.

(d) Whenever it is determined that any part of the area described in an application or offer for a permit, lease, or contract is such that previous experience under similar conditions has shown that operations cannot feasibly be conducted by any known methods or measures to avoid—

(1) Rock or landslides which would be a hazard to human lives or endanger or destroy private or public property; or

(2) Substantial deposition of sediment and silt into streams, lakes, reservoirs; or

(3) A lowering of water quality below standards established by the appropriate State water pollution control agency, or by the Secretary of the Interior; or

(4) A lowering of the quality of waters whose quality exceeds that required by the established standards—unless and until it has been affirmatively demonstrated to the State water pollution control agency and to the Department of the Interior that such lowering of quality is necessary to economic and social development and will not preclude any assigned uses made of such waters; or

(5) The destruction of key wildlife habitat or important scenic, historical, or other natural or cultural features;

the district manager may prohibit or otherwise restrict operations on such part of an area.

(e) If, on the basis of a technical examination, the district manager determines that there is a likelihood that water pollution will be caused by the operation, no lease or permit shall be issued or contract made until after consultation with the Federal Water Pollution Control Administration and a finding by the Administration that the proposed operation would not be in violation of the Federal Water Pollution Control Act, as amended (33 U.S.C. sec. 466 et seq.) or of Executive Order No. 11288 (31 F.R. 9261).

(f) Each notice of a proposed appropriation of a materials site filed by the Department of Transportation under 23 U.S.C. 317 shall be transmitted to the proper district manager. The district manager shall cause a technical examination to be made as provided in paragraph (a) of this section and shall formulate the requirements which the State highway department or its nominee must meet. If the land covered by the proposed appropriation is under the jurisdiction of a bureau of the Department other than the Bureau of Land Management, the district manager shall consult representatives of the bureau administering the land. If the district manager determines, or, in an instance in which the land is administered by another bureau, a representative of that bureau determines, that the proposed appropriation is contrary to the public interest or is inconsistent with the purposes for which such land or materials are reserved, the district manager shall promptly submit the matter to the Secretary of the Interior for his decision. In other instances, the district manager shall notify the Department of Transportation of the requirements and conditions which the State highway department or its nominee must meet.

§ 23.6 Basis for denial of a permit, lease, or contract.

An application or offer for a permit, lease, or contract to conduct exploratory or extractive operations may be denied any applicant or offeror who has forfeited a required bond because of failure to comply with a mining plan. However, a permit, lease, or contract may not be denied an applicant or offeror because of the forfeiture of a bond if the lands disturbed under his previous permit, lease, or contract have subsequently been reclaimed without cost to the Federal Government.

§ 23.7 Approval of exploration plan.

(a) Before commencing any surface disturbing operations to explore, test, or prospect for minerals covered by the mineral leasing acts the operator shall file with the mining supervisor a plan for the proposed exploration operations.

(b) Before commencing any surface disturbing operations to explore, test, or prospect for materials covered by the Materials Act the operator shall file with the district manager a plan for the proposed exploration operations.

(c) The operator shall comply with the provisions of an approved exploration plan. The mining supervisor and the district manager may, with respect to such a plan, exercise the authority provided by paragraphs (f) and (g) of section 23.8 respecting a mining plan.

§ 23.8 Approval of mining plan.

(a) (1) Before surface mining operations may commence under any permit or lease issued under the mineral leasing acts the operator must file a mining plan with the mining supervisor and obtain his approval of the plan. Paragraphs (b) through (g) of this section confer authority upon mining supervisors with respect to mining plans pertaining to permits or leases issued under the mineral leasing acts.

(2) Before surface mining operations may commence under any permit issued or contract made under the Materials Act, the operator must file a mining plan with the district manager and obtain his approval of the plan. Paragraphs (b) through (g) of this section confer authority upon district managers with respect to mining plans pertaining to permits issued or contracts made under the Materials Act.

(b) Depending on the size and nature of the operation and the requirements established pursuant to section 23.5, the mining supervisor or the district manager may require that the mining plan submitted by the operator include any or all of the following:

(1) A description of the location and area to be affected by the operations;

(2) Two copies of a suitable map, or aerial photograph showing the topography, the area covered by the permit, lease, or contract, the name and location of major topographic and cultural features, and the drainage plan away from the area affected;

(3) A statement of proposed methods of operating, including a description of proposed roads or vehicular trails; the size and location of structures and facilities to be built;

(4) An estimate of the quantity of water to be used and pollutants that are expected to enter any receiving waters;

(5) A design for the necessary impoundment, treatment or control of all runoff water and drainage from workings so as to reduce soil erosion and sedimentation and to prevent the pollution of receiving waters;

(6) A description of measures to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, damage to fish and wildlife, and hazards to public health and safety; and

(7) A statement of the proposed manner and time of performance of work to reclaim areas disturbed by the holder's operation.

(c) In those instances in which the permit, lease, or contract requires the revegetation of a mined area the mining plan shall show:

(1) Proposed methods of preparation and fertilizing the soil prior to replanting;

(2) Types and mixtures of shrubs, trees, or tree seedlings, grasses or legumes to be planted; and

(3) Types and methods of planting, including the amount of grasses or legumes per acre, or the number and

spacing of trees, or tree seedlings, or combinations of grasses and trees.

(d) In those instances in which the permit, lease, or contract requires regrading and backfilling, the mining plan shall show the proposed methods and the timing of grading and backfilling of areas of land affected by the operation.

(e) The mining supervisor or the district manager shall review the mining plan submitted to him by the operator and shall indicate to the operator any changes, additions, or amendments necessary to meet the requirements formulated pursuant to section 23.5, the provisions of these regulations and the terms of the permit, lease, or contract. The operator shall comply with the provisions of an approved mining plan.

(f) A mining plan may be changed by mutual consent of the mining supervisor or the district manager and the operator at any time to adjust to changed conditions or to correct any oversight. To obtain approval of a change or supplemental plan the operator shall submit a written statement of the proposed changes or supplement and the justification for the changes proposed. After mutual acceptance of a change of a plan the operator shall not depart therefrom without further approval.

(g) If circumstances warrant, or if development of a mining plan for the entire operation is dependent upon unknown factors which cannot or will not be determined except during the progress of the operations, a partial plan may be approved and supplemented from time to time. The operator shall not, however, perform any operation except under an approved plan.

§ 23.9 Performance bond.

Before an exploration or a mining plan may be approved, the operator shall be required to file a suitable performance bond of not less than $2,000 with satisfactory surety, payable to the Secretary of the Interior, and the bond shall be conditioned upon the faithful compliance with applicable regulations, the terms and conditions of the permit, lease, or contract, and the exploration or mining plan as approved, amended or supplemented. The bond shall be in an amount sufficient to satisfy all reclamation requirements and, in determining the amount of the bond, consideration shall be given to the character and nature of reclamation requirements and the estimated costs of reclamation in the event that the operator forfeits his performance bond. The bond may be a nationwide or statewide bond which the operator has filed with the Department under the provisions of the applicable leasing regulations in Subchapter C of Chapter II of this title, if the terms and conditions thereof are sufficient to comply with the regulations in this part.

§ 23.10 Reports.

(a) (1) The holder of a permit or lease under the mineral leasing acts shall file the reports required by this section with the mining supervisor. The holder of a permit or a party to a contract under the Materials Act shall file such reports with the district manager.

(2) The provisions of this section confer authority and impose duties upon mining supervisors with respect to permits or leases issued under the mineral leasing acts and upon district managers with respect to permits issued or contracts made under the Materials Act.

(b) *Operations report.* Within 30 days after the end of each calendar year, or if operations cease before the end of a calendar year, within 30 days after the cessation of operations, the operator shall submit an operations report containing the following information:

(1) An identification of the permit, lease, or contract and the location of the operation;

(2) A description of the operations performed during the period of time for which the report is filed;

(3) An identification of the area of land affected by the operations and a description of the manner in which the land has been affected;

(4) A statement as to the number of acres disturbed by the operations and the number of acres which were reclaimed during the period of time;

(5) A description of the method utilized for reclamation and the results thereof;

(6) A statement and description of reclamation work remaining to be done.

(c) *Grading and backfilling report.* Upon completion of such grading and backfilling as may be required by an approved exploration or mining plan, the operator shall make a report thereon and request inspection for approval. Whenever it is determined by such inspection that backfilling and grading has been carried out in accordance with the established requirements and approved exploration or mining plan, the mining supervisor or the district manager shall issue a release of an appropriate amount of the performance bond for the area graded and backfilled. Appropriate amounts of the bond shall be retained to assure that satisfactory planting, if required, is carried out.

(d) *Planting report.* (1) Whenever planting is required by an approved exploration or mining plan, the operator shall file a report with the mining supervisor or district manager whenever such planting is completed. The report shall—

(i) Identify the permit, lease, or contract;

(ii) Show the type of planting or seedling, including mixtures and amounts;

(iii) Show the date of planting or seeding;

(iv) Identify or describe the areas of the lands which have been planted;

(v) Contain such other information as may be relevant.

(2) The mining supervisor or district manager, as soon as possible after the completion of the first full growing season, shall make an inspection and evaluation of the vegetative cover and planting to determine if a satisfactory growth has been established.

(3) If it is determined that a satisfactory vegetative cover has been established and is likely to continue to grow, any remaining portion of the performance bond may be released if all requirements have been met by the operator.

(e) *Report of cessation or abandonment of operations.* (1) Not less than 30 days prior to cessation or abandonment of operations, the operator shall report his intention to cease or abandon operations, together with a statement of the exact number of acres of land affected by his operations, the extent of reclamation accomplished and other relevant information.

(2) Upon receipt of such report an inspection shall be made to determine whether operations have been carried out in accordance with the approved exploration or mining plan.

§ 23.11 Inspection: Notice of noncompliance: Revocation.

(a) The provisions of this section confer authority and impose duties upon mining supervisors with respect to permits or leases issued under the mineral leasing acts and upon district managers with respect to permits issued or contracts made under the Materials Act.

(b) The mining supervisor or district manager shall have the right to enter upon the lands under a permit, lease, or contract, at any reasonable time, for the purpose of inspection or investigation to determine whether the terms and conditions of the permit, lease, or contract, and the requirements of the exploration or mining plan have been complied with.

(c) If the mining supervisor or the district manager determines that an operator has failed to comply with the terms and conditions of a permit, lease, or contract, or with the requirements of an exploration or mining plan, or with the provisions of applicable regulations, the supervisor or manager shall serve a notice of noncompliance upon the operator by delivery in person to him or his agent or by certified or registered mail addressed to the operator at his last known address.

(d) A notice of noncompliance shall specify in what respects the operator has failed to comply with the terms and conditions of a permit, lease, or contract, or the requirements of an exploration or mining plan, or the provisions of applicable regulations, and shall specify the action which must be taken to correct the noncompliance and the time limits within which such action must be taken.

(e) Failure of the operator to take action in accordance with the notice of noncompliance shall be grounds for suspension by the mining supervisor or the district manager of operations or for the initiation of action for the cancellation of the permit, lease, or contract and for forfeiture of the performance bond required under § 23.9.

§ 23.12 Appeals.

An applicant, permittee, lessee, or contractor aggrieved by a decision or order of a district manager or a mining supervisor may appeal such decision or order. An appeal from a decision or order of a mining supervisor shall be made pursuant to 30 CFR 221.66. An appeal from a decision or order of a district manager shall be made pursuant to 43 CFR Part 1840.

[F.R. Doc. 68-13328; Filed, Nov. 1, 1968; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-SO-42]

ADDITIONAL CONTROL AREA AND OTHER DOMESTIC REPORTING POINTS

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would reduce the size of Control Area 1233 and revoke domestic reporting points "Sea Lion" and "Balboa."

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibilty may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 26036, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

At the present time, there is no air traffic control requirement for the portion of Control 1233 which lies within W-174, or the reporting points of "Sea Lion" and "Balboa."

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.163 (33 F.R. 2051) Control 1233 is amended to read as follows:

CONTROL 1233

That airspace extending upward from 2,000 feet MSL bounded on the north by V-35; on the east by a line 5 miles east of and parallel to the 187° bearing from the Marathon, Fla., RBN; on the south by lat. 24°00'00" N.; on the west by a line extending from the intersection of lat. 24°00'00" N., and a line 5 miles west of and parallel to the 187° bearing from the Marathon RBN, thence via this parallel line to its intersection with lat. 24°25'00" N., thence west via lat. 24°25'00" N., to the arc of a 35-mile radius circle centered at the Key West, Fla., VOR TAC, thence northward via this arc to V-35, excluding the portion within W-465.

In § 71.209 (33 F.R. 2290) the following domestic reporting points are revoked: Sea Lion and Balboa.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) and Executive Order 10854 (24 F.R. 9565).

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

LOUIS H. MCCAUGHEY,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-13308; Filed, Nov. 1, 1968; 8:46 a.m.]

Federal Highway Administration

[Docket No. MC-3]

[49 CFR Part 293]

BRAKES

Permission for Certain Systems

The Federal Highway Administrator published in the FEDERAL REGISTER on June 5, 1968 (33 F.R. 8349), an advance notice of proposed rulemaking inviting responses from interested persons with respect to the desirability of amendment of § 293.41 of the Motor Carrier Safety Regulations to permit parking brakes which are kept in the applied position by means of captive air presure in self-contained cells, electric energy, or fluid pressure. This action was the result of a petition filed by the WIZ Corp. seeking an amendment to §293.41 of the Motor Carrier Safety Regulations. The amendment proposed by WIZ would, among other things, permit each parking brake to be held in the applied position by captive air pressure in self-contained cells, provided the cells do not lose more than 5 pounds per square inch of air pressure during a 30-day period from their standard operating pressure as established by the manufacturer. By order dated October 29, 1968, the WIZ petition was denied.

Because of the claim by WIZ that § 293.41, as it is presently worded, allows the use of an air spring parking brake upon the vehicles of motor carriers operating in interstate commerce, it is thought advisable to clarify this section until such time as additional or different Federal brake system standards may be proposed and adopted. The desirability for clarification of §293.41, as well as § 293.40, warrants the issuance of this notice of proposed rulemaking.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments, as they desire. Comments must identify the regulatory docket and must be submitted in three (3) copies to the Federal Highway Administration, Sixth and D Streets SW., Washington, D.C. 20591, Attention: Bureau of Motor Carrier Safety, Room 302A. Comments should contain all material and data considered relevant to any statement of fact. All comments received on or before the close of business December 31, 1968, will be considered before action is taken on the proposed rulemaking. The proposals contained in this notice may be changed in the light of comments received. All comments received will be available for examination at the Bureau of Motor Carrier Safety, Sixth and D Streets SW., Room 302A, Washington, D.C. 20591.

This proceeding is proposed under the authority of section 204 of the Interstate Commerce Act as amended (49 U.S.C. 304), section 6, of the Department of Transportation Act (49 U.S.C. 1955) and delegation of authority dated April 5, 1967 (32 F.R. 5606).

In consideration of the foregoing, it is proposed to amend §§ 293.40 and 293.41 of the Motor Carrier Safety Regulations to read as follows:

§ 293.40 Required brake systems.

(a) Every bus, truck, truck tractor and combination of motor vehicles, except as provided in § 293.42, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle or combination of vehicles.

(b) Two separate brake systems shall be provided. One shall be a service brake system adequate to conform to the requirements of § 293.52. The other shall

be a parking brake system which will conform to the requirements of § 293.41. Each system shall have a separate means of application.

(c) If the two brake systems are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the vehicle without operative brakes.

§ 293.41 Parking brake system.

(a) Every singly driven motor vehicle and every combination of motor vehicles shall at all times be equipped with a parking brake system adequate to hold the vehicle or combination on any grade on which it is operated under any condition of loading on a surface free from ice or snow.

(b) The parking brake system shall at all times be capable of being applied in conformance with the requirements of paragraph (a) by either the driver's muscular effort, or by spring action, or by other energy, provided that if such other energy is depended on for application of the parking brake then an accumulation of such energy shall be isolated from any common source and used exclusively for the operation of the parking brake.

(c) The parking brake system shall be held in the applied position by energy other than fluid pressure, air pressure, or electric energy. The parking brake system shall be such that it cannot be released unless adequate energy is available upon release of the parking brake to make immediate further application with the required effectiveness.

Issued in Washington, D.C., on October 29, 1968.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

[F.R. Doc. 68-13314; Filed, Nov. 1, 1968; 8:46 a.m.]

FEDERAL HOME LOAN BANK BOARD

[No. 22,218]

[12 CFR Part 545]

FEDERAL SAVINGS AND LOAN SYSTEM

Insured Loans and Title Purchase

OCTOBER 29, 1968.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System for the purpose of implementing section 304(b) of the Housing and Urban Development Act of 1968 (Public Law 90-448, approved Aug. 1, 1968) to authorize Federal savings and loan associations to invest in loans insured by the Secretary of Housing and Urban Development made for the purpose of financing purchases by homeowners of the fee simple title to property on which their homes are located. Accordingly, it is proposed to amend Part 545 by adding, immediately after section 545.8-2, a new section, § 545.8-3, as follows:

§ 545.8-3 Insured loans for title purchase.

Without regard to any other provision of this part except §§ 545.6-8 and 545.8-2, a Federal association which has a charter in the form of Charter K (rev.) or Charter N may invest in loans, or interests therein, made for the purpose of financing the purchase by homeowners of the fee simple title to property on which their homes are located and as to which the association has the benefit of insurance under section 240 of the National Housing Act, as amended, or of a commitment or agreement for such insurance.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by December 2, 1968, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68-13335; Filed, Nov. 1, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 141, 201, 260]

[Docket No. R-344]

REVISIONS IN UNIFORM SYSTEMS OF ACCOUNTS, AND FORMS 1 AND 2, TO MAKE THE INCOME STATEMENT MORE INCLUSIVE

Notice of Extension of Time

OCTOBER 25, 1968.

Upon consideration of the requests for an extension of time which have been filed, notice is hereby given that the time is extended to and including December 30, 1968, within which any interested person may file data, views, comments, and suggestions, in writing, in the above-designated matter.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-13300; Filed, Nov. 1, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20290; EDR-146A]

[14 CFR Part 241]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Modernization of Traffic and Capacity Data Collection System; Supplemental Notice

OCTOBER 29, 1968.

The Board, by circulation of notice of proposed rule making EDR-146, dated September 25, 1968, and publication at 33 F.R. 14717, gave notice that it had under consideration a proposed amendment to Part 241 which would, inter alia, provide for collection of traffic and capacity data on a flight-stage basis by route carriers and transmittal of such data to the Board on magnetic tape or punched cards for direct automatic processing. Interested persons were invited to participate in the proceeding by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before October 31, 1968.

Twenty-three route carriers have jointly requested that the Board extend the time for comments until January 31, 1969. In support of the request, the carriers allege that the proposal is of such magnitude and complexity that each major area of operation of every individual carrier must be reviewed, and that failure to consider every aspect of the proposal could be detrimental to the entire statistical reporting program.

The undersigned finds that good cause has been shown for the additional time requested for filing comments. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments to January 31, 1969.

All relevant comments received on or before January 31, 1969, will be considered by the Board before taking action on the proposal. Copies of such communications will be available for examination in the Docket Section, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

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

By the Civil Aeronautics Board.

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

[F.R. Doc. 68-13322; Filed, Nov. 1, 1968; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CHARLES R. BILBY

Statement of Financial Interest

OCTOBER 28, 1968.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Charles R. Bilby.
Name of Employing Agency: Department of the Interior.
The title of the appointee's position: Deputy Director, DEPA Area 6.
The name of the appointee's private employer or employers: Consumer Power Co.

The statement of financial interests for the above appointee is enclosed.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, as Deputy Director, DEPA Area 6, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Consumers Power Co., the Detroit Edison Co., Allied Stores.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

CHARLES R. BILBY.

OCTOBER 23, 1968.

[F.R. Doc. 68-13317; Filed, Nov. 1, 1968; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

BANK OF NEW ORLEANS AND TRUST CO.

Notice of Approval of Applicant as Trustee

Notice is hereby given that The Bank of New Orleans and Trust Co., a Louisiana banking corporation, with offices at 935 Common Street, New Orleans, La., has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: October 30, 1968.

M. I. GOODMAN,
Chief, Office of Ship Operations.

[F.R. Doc. 68-13362; Filed, Nov. 1, 1968; 8:48 a.m.]

[Docket S-221]

DELTA STEAMSHIP LINES, INC.

Notice of Application

Notice is hereby given of the application dated October 30, 1968, of Delta Steamship Lines, Inc., for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, for its owned vessel, either the "SS Delta Brasil" or the "SS Del Sud" to load (commencing about December 1, 1968) a cargo of 10,000 crossties of about 500 tons total weight for transportation from Lake Charles, La., to San Juan, P.R.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit a written statement with reference to the applicant must, by close of business on November 7, 1968, file same with the Secretary, Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in section 201.78 of the Rules of Practice and Procedure (46 CFR Part 201), petitions for leave to intervene received after the close of business November 7, 1968, will not be considered in this proceeding.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for November 8, 1968, at 10 a.m. in Room 4519, GAO Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

Dated: October 31, 1968.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-13363; Filed, Nov. 1, 1968; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

PUBLIC HEALTH SERVICE; HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Correction

In F.R. Doc. 68-13160 appearing at page 15953 of the issue for Wednesday, October 30, 1968, make the following change:

In column 3, page 15961, the four paragraphs headed *Management Appraisal Office (2815)*, *Information Office (2817)*, *Office of Administration (2819)*, and *Health Programs Systems Center (2820)* respectively, should be transposed so that they appear on page 15962, column 1, directly under the paragraph headed *Office of Tribal Affairs (2811)*.

Social and Rehabilitation Service

FEDERAL PERCENTAGE, FEDERAL MEDICAL PERCENTAGE, AND FEDERAL MEDICAL ASSISTANCE PERCENTAGE

Promulgation

Promulgation of (1) Federal percentage for purposes of State assistance expenditures under title I, X, XIV, XVI, or part A of title IV of the Social Security Act; (2) Federal medical percentage for purposes of State medical expenditures on behalf of recipients of aid or assistance under title I or XVI of said Act; and (3) Federal medical assistance percentage for purposes of State expenditures for medical assistance under title XIX of said Act.

Pursuant to section 1101(a)(8)(B) of the Social Security Act, as amended (42 U.S.C. 1301(a)(8)(B)), which provides for the determination and promulgation of the Federal percentage, and sections 6(c) and 1905(b) of said Act (42 U.S.C. 306(c) and 1396d(b)), which provide, respectively, that the Federal medical percentage and the Federal medical

assistance percentage shall be determined and promulgated in accordance with said section 1101(a)(8)(B).

And it having been found that the three most recent calendar years for which satisfactory data are available from the Department of Commerce as to the per capita income of each State and of the United States are the years 1965, 1966, and 1967.

The Federal percentage, the Federal medical percentage, and the Federal medical assistance percentage, as indicated below, to be used in determining Federal financial participation in State expenditures for the purposes specified herein, for each of the 50 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, as specified in said Act, or as determined pursuant thereto, and on the basis of said income data, are hereby promulgated for each of the eight quarters in the period beginning July 1, 1969, and ending with the close of June 30, 1971.

State	Federal percentage	Federal medical percentage	Federal medical assistance percentage
Alabama	65.00	76.15	78.54
Alaska	50.00	50.00	50.00
Arizona	62.69	62.69	66.42
Arkansas	65.00	77.51	79.76
California	50.00	50.00	50.00
Colorado	51.37	51.37	56.24
Connecticut	50.00	50.00	50.00
Delaware	50.00	50.00	50.00
District of Columbia	50.00	50.00	50.00
Florida	60.11	60.11	64.10
Georgia	65.00	68.31	71.48
Guam		50.00	50.00
Hawaii	50.00	50.00	50.75
Idaho	65.00	65.46	68.91
Illinois	50.00	50.00	50.00
Indiana	50.00	50.00	52.85
Iowa	50.30	50.30	55.27
Kansas	53.09	53.09	57.78
Kentucky	65.00	71.45	74.30
Louisiana	65.00	70.63	73.57
Maine	64.81	64.81	68.33
Maryland	50.00	50.00	50.00
Massachusetts	50.00	50.00	50.00
Michigan	50.00	50.00	50.00
Minnesota	52.17	52.17	56.95
Mississippi	65.00	80.00	83.00
Missouri	54.77	54.77	59.29
Montana	60.80	60.80	64.72
Nebraska	52.50	52.50	57.25
Nevada	50.00	50.00	50.00
New Hampshire	54.64	54.64	59.18
New Jersey	50.00	50.00	50.00
New Mexico	65.00	68.31	71.48
New York	50.00	50.00	50.00
North Carolina	65.00	71.07	73.96
North Dakota	65.00	67.20	70.48
Ohio	50.00	50.00	52.42
Oklahoma	65.00	65.38	68.84
Oregon	51.51	51.51	56.35
Pennsylvania	50.00	50.00	54.60
Puerto Rico		50.00	50.00
Rhode Island	50.00	50.00	51.70
South Carolina	65.00	76.32	78.68
South Dakota	65.00	66.57	69.91
Tennessee	65.00	71.81	74.62
Texas	62.95	62.95	66.66
Utah	64.70	64.70	68.23
Vermont	61.07	61.07	64.96
Virgin Islands		50.00	50.00
Virginia	61.16	61.16	65.04
Washington	50.00	50.00	50.00
West Virginia	65.00	73.03	75.73
Wisconsin	50.24	50.24	55.21
Wyoming	55.98	55.98	60.38

Dated: October 8, 1968.

[SEAL] MARY E. SWITZER,
Administrator.

Approved: October 26, 1968.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 68-13331; Filed, Nov. 1, 1968; 8:48 a.m.]

ALLOTMENT PERCENTAGES FOR PURPOSES OF VOCATIONAL REHABILITATION SERVICES

Promulgation

Pursuant to section 11(h) of the Vocational Rehabilitation Act (68 Stat. 661, 29 U.S.C. 41(h)), as amended, and it having been found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to the per capita income of the States and of the United States are the years 1965, 1966, and 1967, the following allotment percentages for the several States, the District of Columbia, the Virgin Islands, Puerto Rico, and Guam, as determined pursuant to said act and on the basis of said income data, are hereby promulgated, to be conclusive, for each of the 2 fiscal years beginning July 1, 1969, and July 1, 1970. The allotment percentages shall in no case be more than 75 per centum or less than 33⅓ per centum, and the allotment percentage for the District of Columbia, Puerto Rico, Guam, and the Virgin Islands shall be 75 per centum.

Alabama	65.47	New Jersey	41.61
Alaska	41.56	New Mexico	60.20
Arizona	56.81	New York	40.60
Arkansas	66.46	North Carolina	61.96
California	41.54	North Dakota	59.50
Colorado	50.69	Ohio	48.58
Connecticut	37.33	Oklahoma	58.39
Delaware	41.19	Oregon	50.76
Florida	55.34	Pennsylvania	49.78
Georgia	60.20	Rhode Island	48.20
Hawaii	47.69	South Carolina	65.59
Idaho	58.44	South Dakota	59.12
Illinois	40.41	Tennessee	62.45
Indiana	48.82	Texas	56.96
Iowa	50.15	Utah	57.99
Kansas	51.57	Vermont	55.88
Kentucky	62.22	Virginia	55.93
Louisiana	61.68	Washington	45.48
Maine	58.06	West Virginia	63.28
Maryland	45.60	Wisconsin	50.12
Massachusetts	44.37	Wyoming	53.08
Michigan	45.35	District of Columbia	75.00
Minnesota	51.10	Guam	75.00
Mississippi	70.37	Puerto Rico	75.00
Missouri	52.44	Virgin Islands	75.00
Montana	55.73		
Nebraska	51.26		
Nevada	41.57		
New Hampshire	52.38		

Dated: October 8, 1968.

[SEAL] MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: October 26, 1968.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 68-13332; Filed, Nov. 1, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

WIZ CORP.

Order Regarding Parking Brakes

On May 20, 1968, WIZ Corp. filed a petition for rulemaking seeking an amendment to § 293.41 of the Motor Carrier Safety Regulations which, among other things, would permit parking brakes to be held in the applied position by captive air pressure in self-contained cells, provided the cells do not lose more than 5 pounds per square inch of air pressure during a 30-day period from their standard operating pressure as established by the manufacturer. On June 5, 1968, an advance notice of proposed rulemaking was published in the FEDERAL REGISTER (33 F.R. 8349) as a result of this petition, inviting interested persons to submit data, views and arguments as to the desirability of amending § 293.41 so as to permit parking brakes that are kept in the applied position by means of captive air pressure in self-contained cells, electric energy or fluid pressure. Forty-four persons responded to the advance notice.

Study has been given to each of the responses received. These responses differ in their reaction to and comments on the proposal. Many responses were based upon the reported satisfactory experience of users and suppliers of the WIZ device. Aside from the petitioner, two respondents submitted laboratory test data on the captive air cell device. Their data showed evidence of failures related to temperature extremes or failures of the air retention cell. Laboratory test data submitted by the petitioner supported a parking brake system which would be held in the applied position by air pressure in self-contained cells. Six respondents opposed permitting parking brakes held in the applied position by captive air pressure, electric energy or fluid pressure, citing various conditions likely to affect reliability and effectiveness of these devices, such as variations in air pressure caused by temperature changes, disconnection of wiring, battery depletion, loss of air from cells as a result of age or deterioration of materials, or failures due to lack of inspection or maintenance.

Experience of many years in commercial motor vehicle regulation, as well as evaluation of laboratory and other data submitted, discloses that dependence on fluid pressure (including air pressure) is not satisfactory from a safety standpoint since these energy sources are susceptible to dissipation through leakage and changes in ambient temperature, and must be continually checked to assure that the requisite pressure is maintained in the parking brake system. Such experience is recognized in the United Nations "Draft Convention of Road Traf-

fic" (E/CONF. 56/1, Aug. 3, 1967) and in Federal Motor Vehicle Safety Standard No. 105 (relating to passenger automobiles), both of which require that the parking brake be retained in position by purely mechanical devices only.

Future public safety requires that the effectiveness of a parking brake system should not be dependent upon constant inspection and maintenance by individual motor carrier owners and operators. This is particularly important where a vehicle may be parked and not in use for a substantial period of time. WIZ Corp. proposes that the regulation allow each air parking brake unit to lose 5 pounds per square inch of air pressure in a 30-day period from whatever standard operating pressure may be prescribed by the air parking brake manufacturer. Under such a rule, air parking brakes could become ineffective at a comparatively rapid rate to the detriment of the public. In addition, evaluation of laboratory test data shows that changes in ambient temperature and conditions under which the brakes are used would intensify the problem of air pressure loss. These considerations are enhanced by the fact that in order for an air parking brake system to remain effective, it is required that the vehicle owner or operator make relatively frequent checks with an air pressure gauge to see if additional air needs to be added to the system to keep it operational.

Therefore, evaluation of the replies received, consideration of the test data submitted, past regulatory experience, and the matters discussed above warrant denial of the WIZ petition.

Accordingly, it is ordered, That WIZ Corp.'s petition for rulemaking be denied.

This order is issued under the authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1955) and the delegation of authority dated April 5, 1967 (32 F.R. 5606).

Issued in Washington, D.C., on October 29, 1968.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

[F.R. Doc. 68-13321; Filed, Nov. 1, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16196 et al.]

CENTRAL ROUTE 81 CASE

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is postponed from November 13, 1968, to November 20, 1968, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 30, 1968.

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

[F.R. Doc. 68-13323; Filed, Nov. 1, 1968; 8:47 a.m.]

OZARK AIR LINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

OCTOBER 30, 1968.

Notice is hereby given that the Civil Aeronautics Board on October 29, 1968, received an application, Docket 20420, from Ozark Air Lines, Inc., for amendment of its certificate of public convenience and necessity for Route 107 to authorize it to engage in nonstop service between Minneapolis/St. Paul, Minn., on the one hand, and Des Moines, Iowa, and St. Louis, Mo., on the other hand; and Des Moines, Iowa, on the one hand, and St. Louis, Mo., on the other hand. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-13324; Filed, Nov. 1, 1968; 8:47 a. m.]

[Docket No. 20421; Order 68-10-168]

OKLAHOMA-SOUTHEAST POINTS INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of October 1968.

We have decided to institute an investigation to determine whether new or improved service is required between the two largest cities in Oklahoma (Oklahoma City and Tulsa), on the one hand, and the major southeastern cities of Atlanta, Tampa, and Miami, on the other hand.

We will frame the issues in such a manner as to permit carriers who are granted Oklahoma City-Southeast authority the right to provide service either nonstop or via Tulsa.[1] This would allow some of the smaller markets here involved to receive increased traffic support.[2]

Interested applicants may file applications consistent with the scope of the investigation within the time for filing as hereinafter established.

Accordingly, it is ordered, That:

1. An investigation designated the Oklahoma-Southeast Points Investigation, be and it hereby is instituted in Docket 20421 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the alteration, amendment, or modification of air carrier certificates so as to add thereto one or more of the following two segments: Oklahoma City-Tulsa-Tampa-Miami, Oklahoma City-Tulsa-Atlanta;

2. Any authority granted herein will be in the form of a separate segment or segments;

3. Any service operated pursuant to an award in this case shall be subject to restrictions prohibiting new turnaround service between Tulsa and Oklahoma City, and between Tampa and Miami;

4. Motions to consolidate applications, and motions or petitions seeking modification or reconsideration are due no later than twenty (20) days after the date of service of this order and answers to such pleadings should be filed no later than ten (10) days thereafter;

5. This investigation shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated; and

6. A copy of this order be served on the cities of Tulsa, Oklahoma City, Atlanta, Tampa, and Miami who are hereby made parties to this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-13325; Filed, Nov. 1, 1968; 8:47 a.m.]

[1] Any authority granted in this proceeding will be in the form of a separate segment.

[2] We will not, however, authorize new turnaround service between Oklahoma City and Tulsa or between Tampa and Miami.

FEDERAL POWER COMMISSION

[Docket No. CP69-117]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

OCTOBER 28, 1968.

Take notice that on October 21, 1968, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP69-117 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction, during the period from December 13, 1968, to July 1, 1969, and operation of certain natural gas facilities to enable Applicant to make sales of gas to existing distributors, to make direct sales of natural gas to consumers located outside franchise areas and to make miscellaneous rearrangements of existing facilities, all as more fully set forth in the application which is on file with the Commission, and open to public inspection.

The purpose of the certificate requested is to augument Applicant's ability to supply, with the least possible delay, the natural gas requirements of its distributors in existing market areas and of small direct sale customers located in areas

outside the franchise areas of natural gas distributors.

The total cost of the natural gas facilities proposed herein is not to exceed $150,000. Applicant states that this amount will be financed with internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 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. 68-13298; Filed, Nov. 1, 1968; 8:45 a.m.]

[Project No. 2691]

TOWN OF BELHAVEN, N.C., ET AL.

Notice of Application for Preliminary Permit for Unconstructed Project

OCTOBER 28, 1968.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by the town of Belhaven, the town of Edenton, the city of Elizabeth City, the town of Enfield, the city of Greenville, the town of Hertford, the town of Robersonville, the town of Scotland Neck, the town of Tarboro, the city of Washington, and the town of Windsor, all located within the State of North Carolina. (Correspondence to: Philip P. Ardery, Kentucky Home Life Building, Louisville, Ky. 40202) for unconstructed Project No. 2691, known as Marble Valley Pumped Storage Project, to be located on Calfpasture River and Little Mill Creek in Rockbridge, Augusta, and Bath Counties, Va., near Craigsville, Goshen, Staunton, and Lexington, and would affect lands of the United States within the George Washington National Forest.

The Marble Valley Pumped Storage Project would consist of: (1) A 7-mile long lower reservoir created by a 160-foot high, 2,500-foot long earth and rockfill dam located on the Calfpasture River about 2 miles south of the Rockbridge County line; (2) a 1.75-mile long upper reservoir created by a 200-foot high, 2,000-foot long rockfill dam located on Little Mill Creek about 1,000 feet south of the Bath County line in the George Washington National Forest; (3) a conduit between the two reservoirs; (4) a powerhouse with an installation of 1,000,000 kw.; and (5) appurtenances.

Any person desiring to be heard or to make any protest to said application, should on or before January 20, 1969, 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 with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-13299; Filed, Nov. 1, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CENTRAL BANKING SYSTEM, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Central Banking System, Inc., which is a bank holding company located in Oakland, Calif., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Peninsula National Bank of Burlingame, Burlingame, Calif.

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

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

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

Dated at Washington, D.C., this 25th day of October 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-13301; Filed, Nov. 1, 1968; 8:45 a.m.]

FIRST WISCONSIN BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First Wisconsin Bankshares Corp., which is a bank holding company located in Milwaukee, Wis., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of The First National Bank of Rice Lake, Rice Lake, Wis.

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

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

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

The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Dated at Washington, D.C., this 25th day of October 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 68-13302; Filed, Nov. 1, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4685]

LYNN GAS CO., AND MYSTIC VALLEY GAS CO.

Notice Regarding Issue and Sale of Promissory Notes by Subsidiary Companies to Banks

OCTOBER 29, 1968.

Notice is hereby given that Lynn Gas Co. ("Lynn"), and Mystic Valley Gas Co. ("Mystic Valley"), 441 Stuart Street, Boston, Mass. 02116, subsidiary companies of New England Electric System, a registered holding company, have filed a joint declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act. All interested persons are referred to the joint declaration, which is summarized below, for a complete statement of the proposed transactions.

Lynn and Mystic Valley request authorization to increase the amounts of their authorized short-term debt to banks. By order dated February 19, 1968 (Holding Company Act Release No. 15973), Lynn was authorized to borrow up to $3,675,000 from the First National Bank of Boston, Mass. Lynn now requests that this amount be raised to $3,775,000. Pursuant to the same Commission order, Mystic Valley was authorized to borrow up to $10,125,000 from the First National City Bank, New York, N.Y. Mystic Valley now requests that this amount be raised to $10,625,000. The proposed borrowings will be made prior to the close of business on December 31, 1968, and will be evidenced by notes payable maturing on or prior to March 31, 1969. The notes will bear interest at not in excess of the prime rate in effect at the respective banks at the time the borrowings are made and will provide for prior payment in whole or in part without premium.

Lynn and Mystic Valley desire to consummate the proposed transactions in order to meet their cash requirements through December 31, 1968. It is stated that if any permanent financing is done prior to the maturity of the indebtedness to be issued hereunder, the companies will apply the proceeds therefrom, in excess of amounts used in connection with refunding other outstanding securities, in reduction of, or in total payment of, note indebtedness then outstanding; and that the maximum amount of note indebtedness proposed to be outstanding hereunder will be reduced by the amount of the proceeds, other than proceeds used for refunding purposes, of such permanent financing.

It is stated that there are no fees or commissions to be paid in connection with the proposed transactions and that incidental services will be performed by New England Power Service Co., an associated service company, at the actual cost thereof. The cost of such services is estimated not to exceed $300 for each of the parties, an aggregate of $600. The declaration further 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 November 18, 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 joint declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the joint declarants 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 joint 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. 68-13318; Filed, Nov. 1, 1968; 8:47 a.m.]

[70-4688]

MISSISSIPPI POWER & LIGHT CO.

Notice of Proposed Transfer From Earned Surplus to Common Stock Capital Account

OCTOBER 29, 1968.

Notice is hereby given that Mississippi Power & Light Co. ("MP&L"), Post Office Box 1640, Jackson, Miss. 39205, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

MP&L proposes to transfer from earned surplus to the common stock capital account the sum of $3,100,000—the equivalent of $1 for each of the 3,100,000 shares of common stock (no par value) now outstanding. At August 31, 1968, the common stock capital and the earned surplus of MP&L amounted to $58,900,000 and $13,473,890, respectively. Giving effect to the proposed transfer, common stock capital would be increased to $62 million and earned surplus would be reduced to $10,373,890. The transaction is proposed for the principal purpose of effectuating a permanent capitalization of a portion of the company's earned surplus.

It is stated that the fees and expenses in connection with the proposed transaction are estimated not to exceed $1,000, including legal fees. It is further stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

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

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-13319; Filed, Nov. 1, 1968; 8:47 a.m.]

[812-2399]

MUNICIPAL INVESTMENT TRUST FUND, SERIES M

Notice of Filing of Application for Order of Exemption

OCTOBER 29, 1968.

Notice is hereby given that Municipal Investment Trust Fund, Series M ("Applicant") 55 Broad Street, New York, N.Y., a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is one of a series of similar funds named "Municipal Investment Trust Fund," and will be governed by a trust agreement under which Goodbody & Co., Bache & Co., and Walston & Co., Inc., will act as sponsors and the United States Trust Company of New York as trustee. Pursuant to the trust agreement, the sponsors will deposit with the trustee between $4 million and $6 million principal amount of bonds which the sponsors shall have accumulated for such purpose and simultaneously with such deposit will receive from the trustee registered certificates for between 4,000 and 6,000 units. Applicant proposes to offer such units for sale to the public and for this purpose a registration statement under the Securities Act of 1933 has been filed which has not yet become effective. The trust agreement does not provide for the issuance of additional units. The proceeds of bonds which may be sold, redeemed of which mature will be distributed to unit holders.

Units will remain outstanding until redeemed or until the termination of the trust agreement, which may be terminated by 100 percent agreement of the unitholders of Applicant, or, in the event that the value of the bonds shall fall below 40 percent of the principal amount of the Fund, upon direction of the sponsors to the trustee. In connection with the requested exemption, the sponsors have agreed to refund the sales load to purchasers of units, if within 90 days after the registration statement under the Securities Act becomes effective, the net worth of Applicant shall be reduced to less than $100,000 or if Applicant is terminated. The sponsors will instruct the trustee on the date the bonds are deposited that if Applicant shall at any time have a net worth of less than 40 percent of the principal amount of bonds in the Fund, as a result of redemption by the sponsors of units constituting a part of the unsold units, the trustee shall terminate the trust in the manner provided in the trust agreement and distribute any bonds or other assets deposited with the trustee pursuant to the trust agreement as provided therein. The sponsors have agreed to refund any sales load to any purchaser of units purchased from the sponsors or any participating dealer on demand and without any deduction in the event of such termination. In addition, it is the sponsors' intention to maintain a market for the units of Applicant and continually to offer to purchase such units at prices in excess of the redemption price as set forth in the trust agreement, although the sponsors are not obligated to do so.

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000, or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 18, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-13320; Filed, Nov. 1, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 30, 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. 41486—*Potassium (potash) from Carlsbad and Loving, N. Mex.* Filed by The Atchison, Topeka and Santa Fe Railway Co. (No. 100-A), for and on behalf of itself and interested rail carriers. Rates on potassium (potash), and related articles, in carloads, from Carlsbad and Loving, N. Mex., to points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas.

Grounds for relief—Motortruck competition.

Tariff—Supplement 114 to The Atchison, Topeka and Santa Fe Railway Co.'s tariff ICC 14954.

By the Commission.

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

[F.R. Doc. 68-13311; Filed, Nov. 1, 1968; 8:45 a.m.]

[Notice 723]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 30, 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 59367 (Sub-No. 61 TA), filed October 28, 1968. Applicant: DECKER

TRUCK LINE, INC., Post Office Box 915, Highway 20 East, Fort Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fort Dodge, Iowa, to points in Wisconsin, Illinois, and Minnesota, for 150 days. Supporting shippers: Lamb-Weston, Inc., Post Office Box 12145, Portland, Oreg. 97212; Kold Storage, Inc., R.F.D. 2, Fort Dodge, Iowa 50501. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 109637 (Sub-No. 350 TA), filed October 28, 1968. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047 (4107 Bells Lane, 40211), Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uranium hexafluoride*, in bulk, in steel cylinders, from Metropolis, Ill., to the plantsites of the Atomic Energy Commission at Oak Ridge, Tenn., and at or near Sargents, Pike County, Ohio, for 180 days. Supporting shipper: Walter Brody, Manager, Motor Analysis, Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 116630 (Sub-No. 1 TA), filed October 28, 1968. Applicant: WILLIAM FASICK, doing business as FASICK TRUCKING CO., Route 39, Bordentown, N.J. 08505. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, in hopper vehicles, from Wilmington, Del. to points in New Jersey (except points in Burlington, Ocean, Monmouth, Mercer, Atlantic, Cumberland, Salem, and Gloucester Counties, N.J.), for 180 days. Supporting shipper: Ralston Purina Co., Chow Division, 35th and Edgemoor Avenue, Wilmington, Del. 19802. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 119988 (Sub-No. 20 TA), filed October 28, 1968. Applicant: GREAT WESTERN TRUCKING CO., INC., Post Office Box 1384, 811 North Timberland Drive, Lufkin, Tex. 75901. Applicant's representative: Paul J. Chitwood, 1605 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Planing mill wood shavings, wood chips, waste wood chips, waste wood, and sawdust*, in bulk, from Henderson, Rusk County, Tex., to Malvern, Hot Spring County, Ark., for 150 days. NOTE: Applicant does not intend to tack authority with presently authorized routes. Supporting shipper: Henderson Lumber Manufacturing Co. (Mr. C. T. Holland, president), Post Office Box 709, Henderson, Tex. 75652. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 128707 (Sub-No. 3 TA), filed October 28, 1968. Applicant: LLOYD W. PORSBORG, doing business as PORSBORG TRUCK LINE, 1405 Sixth Avenue NW., Great Falls, Mont. 59401. Applicant's representative: William P. Mufich, Post Office Box 1014, Helena, Mont. 59601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Portland, Oreg., to Billings, Glasgow, Glendive, Havre, Lewistown, Miles City, Plentywood, Mont.; to Sheridan, Wyo.; and to Williston, N. Dak., with return haul of *contaminated shipments, pallets, and empty containers or carriers*, for 180 days. Supporting shipper: Blintz-Weinhard Co., 1133 West Burnside Street, Portland, Oreg. 97209. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 129307 (Sub-No. 8 TA), filed October 23, 1968. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: William C. Harris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lactose*, from Winsted, Minn., to Livonia, Mich., and Springdale, Ohio, for 180 days. Supporting shipper: Pilgrim Dairy Service, Inc., 33 Union Street, South Weymouth, Mass. 02190. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 133250 TA, filed October 24, 1968. Applicant: UNITED AGRICULTURAL TRANSPORTATION ASSOCIATION OF AMERICA MARKETING CO-OP, 5713 Roberts Drive, Waco, Tex. 76710. Applicant's representative: John Cabaniss, Post Office Box 541, Lynwood, Calif. 90262. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (excluding classes A and B explosives), restricted to traffic when moving (1) on Government bills of lading and (2) on commercial bills of lading containing endorsements approval, in interpretation of *Government Rate Tariff for Eastern Central Motor Carrier Association Inc.*, 332 I.C.C. 161, 164, 165, between points in South Carolina, Texas, Indiana, Ohio, Nebraska, North Carolina, Pennsylvania, Massachusetts, Michigan, Illinois, Georgia, Virginia, Connecticut, New York, New Jersey, Kentucky, Tennessee, Minnesota, Alabama, Wisconsin, Oklahoma, Iowa, and Missouri, Arkansas, and Florida, on the one hand, and, on the other, points in California, Nevada, Utah, Arizona, Washington, and Oregon, for 180 days. Supporting shipper: U.S. Department of Defense, Washington, D.C. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133252 TA, filed October 24, 1968. Applicant: MIDWEST GROWERS COOPERATIVE CORPORATION, 966 First National Building, Oklahoma City, Okla. Applicant's representative: Marvin Martin, 7236 East Slauson Avenue, Los Angeles, Calif. 90022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (excluding classes A and B explosives), restricted to traffic when moving (1) on Government bills of lading and (2) on commercial bills of lading containing endorsements approval, in interpretation of *Government Rate Tariff for Eastern Central Motor Carrier Association Inc.*, 332 I.C.C. 161, 164, 165, between points in South Carolina, Texas, Indiana, Ohio, Nebraska, North Carolina, Pennsylvania, Massachusetts, Michigan, Illinois, Georgia, Virginia, Connecticut, New York, New Jersey, Kentucky, Tennessee, Minnesota, Alabama, Wisconsin, Oklahoma, Iowa, and Missouri, on the one hand, and, on the other, points in California, Nevada, Utah, Arizona, Washington, and Oregon, for 180 days. Supporting shipper: U.S. Department of Defense, Washington, D.C. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133256 TA, filed October 28, 1968. Applicant: CONSOLIDATED CALIFORNIA TERMINALS, INC., Post Office Box 6388, San Jose, Calif. 95150. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, crated and uncrated, and furniture parts*, from San Jose, Calif., to points in Sonoma, Napa, Yolo, Sacramento, San Joaquin, Stanislaus, Merced, Fresno, San Benito, Monterey, Santa Cruz, Santa Clara, San Mateo, San Francisco, Marin, Solano, Contra Costa, and Alameda Counties, Calif., for 180 days. Supporting shippers: There are approximately 19 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 Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-13312; Filed, Nov. 1, 1968; 8:46 a.m.]

[Notice 239]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 30, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70659. By order of October 23, 1968, the Transfer Board approved the transfer to Pratt's Dray & Storage, Inc., Spearfish, S. Dak., of corrected certificate in No. MC-94961, issued June 23, 1954, to Harlan Irion and Robert Irion, a partnership, doing business as Irion Trucking Co., Broadus, Mont., authorizing the transportation of: General commodities, petroleum products, and a wide variety of specified commodities, from, to, or between, specified points in Wyoming, Montana, and South Dakota. Walter Mueller, 618 State Street, Belle Fourches, S. Dak. 57717; attorney for applicants.

No. MC-FC-70704. By order of October 24, 1968, the Transfer Board, on reconsideration, approved the transfer to Ace Transport, Inc., Camden, N.J., of a portion of the operating rights in permit No. MC-42050 issued November 15, 1966, to Lee Weinstein and Leo Weinstein, doing business as Lee Forman, Old Bethpage, N.Y., authorizing the transportation of: Paper, paper products, machinery, materials, and supplies, used in the manufacture and shipping of those commodities, between Lansdowne, and Philadelphia, Pa., on the one hand, and, on the other, Camden, N.J., Baltimore, Md., Washington, D.C., Wilmington, Del., New York, N.Y., and 15 miles thereof, and points in New Jersey. G. Donald Bullock, Box 103, Wyncote, Pa., 19095, and LeRoy E. Perper, Land Title Building, Philadel-

No. MC-FC-70849. By order of October 23, 1968, the Transfer Board approved the transfer to Ray's Garage, Inc., 14429 West Highway 24, Hales Corners, Wis. 53130, of the operating rights in certificates Nos. MC-112298 and MC-112298 (Sub-No. 1) issued June 4, 1957, and January 27, 1961, respectively, to Raymond Salentine, doing business as Ray's Garage, 14429 West Highway 24, Hales Corners, Wis. 53130, authorizing the transportation of wrecked and disabled vehicles, between points in Dane, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Racine, Rock, Walworth, and Waukesha Counties, Wis., on the one hand, and, on the other, points in Illinois, Iowa, and Minnesota; and wrecked, damaged, or disabled motor vehicles, when moved by tow truck or wrecker equipment, and replacement motor vehicles or parts dispatched to relieve wrecked, damaged, or disabled motor vehicles, when moved by tow truck or wrecker equipment, between points in that part of Wisconsin on and south of Wisconsin Highway 33, and Green Bay, Appleton, Neenah, Menasha, Oshkosh, and Fond du Lac, Wis., on the one hand, and, on the other, points in Minnesota, Iowa, Illinois, Missouri, Nebraska, Michigan, Indiana, Ohio, and Pennsylvania.

No. MC-FC-70851. By order of October 23, 1968, the Transfer Board approved the transfer to Barnes Trucking Service, Inc., Canandaigua, N.Y., of the certificate of registration in No. MC-99531 (Sub-No. 1) issued November 29, 1963, to Lawrence C. Barnes, Floyd M. Barnes, and Thomas S. Dixon, a partnership, doing business as Barnes Trucking Service, Canandaigua, N.Y., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate of public convenience and necessity No. 2956 dated November 17, 1952, issued by the Public Service Commission of New York. Raymond A. Richards, registered practitioner, 23 West Main Street, Webster, N.Y. 14580, representative for applicants.

No. MC-FC-70867. By order of October 23, 1968, the Transfer Board approved the transfer to Lonnie Wood Truckaway, Ltd., Lawton, Okla., of certificate No. MC-118904, issued June 25, 1964, to Lonnie Wood, doing business as Lonnie Wood Truckaway Co., Lawton, Okla., authorizing the transportation of: Used mobile homes, in secondary movements, in truckaway service, from Lawton, Okla., to point in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, and Texas. David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73102, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-13313; Filed, Nov. 1, 1968; 8:46 a.m.]

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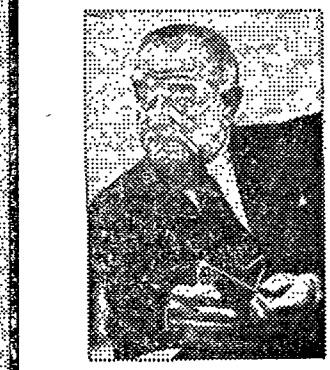

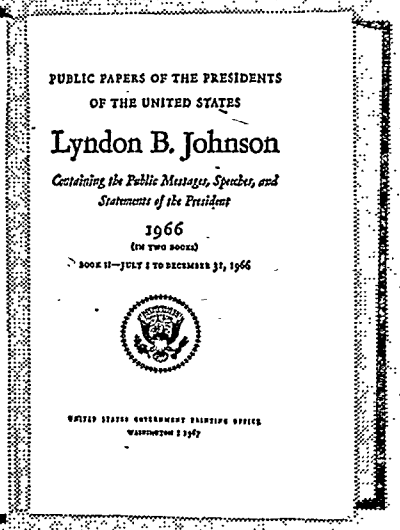

Book I *(January 1–June 30, 1966)*
$6.50

Book II *(July 1–December 31, 1966)*
$7.00

PRIOR VOLUMES—Volumes covering the administrations of Presidents Truman, Eisenhower, Kennedy, and the first two years of President Johnson are available at comparable prices from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.