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PART I

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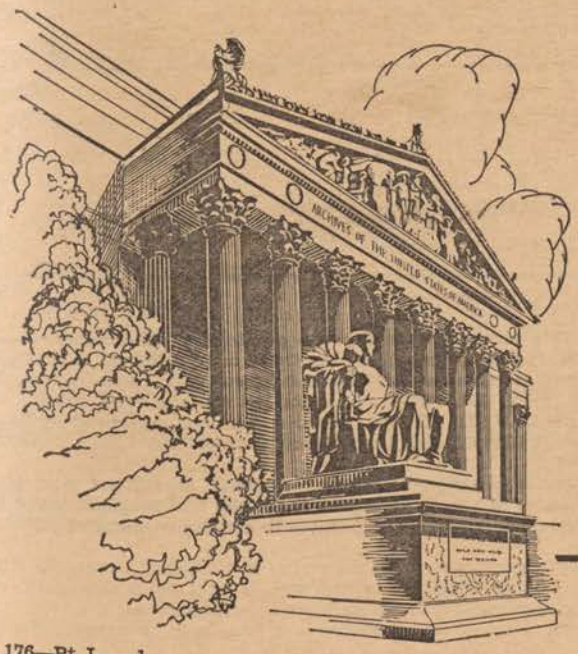

Announcing First 10-Year Cumulation

TABLES OF LAWS AFFECTED

in Volumes 70–79 of the

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1965. Includes index of popular name acts affected in Volumes 70–79.

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Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 21]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPLICATION

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended in the following respects:

Section 401.103 of this chapter is amended by adding the following new paragraph (e).

§ 401.103 Application for insurance.

* * * * *

(e) Applications for initial insurance shall be made on the following form:

U.S. DEPARTMENT OF AGRICULTURE

FEDERAL CROP INSURANCE CORPORATION

APPLICATION FOR FEDERAL CROP INSURANCE FOR 19_____ AND SUCCEEDING CROP YEARS

_____ _____
(Name and Address) (Zip Code)

_____
(Policy Number)

_____ _____
(County) (State)

A. The undersigned applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his share (for cotton, peanut and tobacco insurance, on his sharecropper or share tenant shares as specified in paragraph 8 below) in the crops stated below that are insurable crops planted on insurable acreage as shown on the applicable county actuarial table of the Corporation for the above-stated county. The applicant elects each plan of insurance, amount of insurance, or price at which indemnities shall be computed, shown below which in each case shall be an electable plan, amount, or price, as provided on the applicable county actuarial table on file in the Corporation's office for the above county. The premium rates and production guarantees shall be those shown on the applicable county actuarial table for each crop year.

Crops		
Elections	*(A)*	*(P)*

B. Applicable only to cotton, peanut and tobacco:

If the applicant intends to insure only the shares of his sharecroppers or share tenants who have no insurance on the crop with the Corporation, "(SC-Int.)" shall be entered following the name of the crop. If the applicant intends to insure both his individual share and the shares of his sharecroppers or share tenants, "(Comb. Int.)" shall be entered following the name of the crop. Insurance for sharecroppers and share tenants shall be provided in accordance with the regulations of the Corporation (7 CFR 401, 103(b)).

C. Upon acceptance of this application by the Corporation the contract shall be in effect for the first crop year specified above, except on any crop on which the time for the filing of applications has passed at the time this application is filed, and shall continue for each succeeding crop year until cancelled or terminated as provided in the contract. This application, the insurance policy, endorsements, and the county actuarial tables shall constitute the contract. Any changes in the contract shall be on file in the Corporation's office for the county at least 15 days prior to the applicable cancellation date.

D. This application, when executed by a person as an individual, shall not cover his share in a crop produced by a partnership or other legal entity.

The applicant is a _____
(Type of Entity)

All natural persons in whose behalf this application is made are over 21 years of age _____
(Yes or No)

E. Premium Note: In consideration hereof, the insured promises to pay to the order of the Corporation each crop year of the contract the annual premiums. It is agreed that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the U.S. Department of Agriculture.

_____
(Witness to Signature)

_____
(Signature of Applicant)

_____, 19__.
(Date)

Code _____
Address of office for county:

_____
Phone _____.
Location of farm(s) or headquarters:

_____
Phone _____.

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

Adopted by the Board of Directors on August 29, 1968.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved: September 4, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68-10872; Filed, Sept. 9, 1968; 8:48 a.m.]

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

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On August 20, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11781) regarding proposed expenses and the related rate of assessment for the period April 1, 1968, through March 31, 1969, and approval of carryover of unexpended funds from the fiscal period April 1, 1967, through March 31, 1968, pursuant to the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Fresh Peach Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 921.208 Expenses and rate of assessment.

(a) Expenses: Expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee during the period April 1, 1968, through March 31, 1969, will amount to $6,697.

(b) Rate of assessment: The rate of assessment for said period, payable by each handler in accordance with § 921.41, is fixed at $1 per ton of fresh peaches.

(c) Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended March 31, 1968, shall be carried over as a reserve in accordance with the applicable provisions of § 921.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of peaches grown in the designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable peaches handled during the aforesaid period; and (3)

such period began on April 1, 1968, and said rate of assessment will automatically apply to all such peaches beginning with such date.

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

Dated: September 5, 1968.

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

[F.R. Doc. 68–10893; Filed, Sept. 9, 1968; 8:46 a.m.]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On August 21, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11839) regarding proposed expenses and the related rate of assessment for the period April 1, 1968, through March 31, 1969, and approval of carryover of unexpended funds from the fiscal period April 1, 1967, through March 31, 1968, pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923) regulating the handling of sweet cherries grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Cherry Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 923.208 Expenses and rate of assessment.

(a) Expenses: Expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee during the period April 1, 1968, through March 31, 1969, will amount to $12,884.

(b) Rate of assessment: The rate of assessment for said period, payable by each handler in accordance with § 923.41, is fixed at $0.80 per ton of sweet cherries.

(c) Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended March 31, 1968, shall be carried over as a reserve in accordance with the applicable provisions of § 923.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of sweet cherries grown in the designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable cherries handled during the aforesaid period; and (3) such period began on April 1, 1968, and said rate of assessment will automatically apply to all such cherries beginning with such date.

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

Dated: September 5, 1968.

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

[F.R. Doc. 68–10895; Filed, Sept. 9, 1968; 8:46 a.m.]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Expenses and Rate of Assessment

On August 20, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11781) regarding proposed expenses and the related rate of assessment for the period April 1, 1968, through March 31, 1969, pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington-Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 924.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington-Oregon Fresh Prune Marketing Committee during the period April 1, 1968, through March 31, 1969, will amount to $12,288.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 924.41, is fixed at $0.60 per ton of fresh prunes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of fresh prunes grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable prunes handled during the aforesaid period; and (3) such period began on April 1, 1968, and said rate of assessment will automatically apply to all such prunes beginning with such date.

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

Dated: September 5, 1968.

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

[F.R. Doc. 68–10894; Filed, Sept. 9, 1968; 8:46 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Expenses of Date Administrative Committee and Rate of Assessment for 1968–69 Crop Year

Notice was published in the August 17, 1968, issue of the FEDERAL REGISTER (33 F.R. 11716) regarding proposed expenses of the Date Administrative Committee for the 1968–69 crop year and rate of assessment for that crop year. This current action approving such expenses and assessment rate is pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Date Administrative Committee, and other available information, it is found that the expenses of the Date Administrative Committee and the rate of assessment for the crop year which began August 1, 1968, and ends July 31, 1969, shall be as follows:

§ 987.313 Expenses of the Date Administrative Committee and rate of assessment for the 1968–69 crop year.

(a) *Expenses.* Expenses in the amount of $23,000 are reasonable and likely to be incurred by the Date Administrative Committee during the crop year which began August 1, 1968, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the Date Administrative Committee as his pro rata share of the expenses is fixed at 8 cents per hundredweight on all assessable dates. Assessable dates are all dates which the handler has certified during the crop year as meeting the requirements for marketable dates, including the eligible portion of any field-run dates certified

and set aside or disposed of pursuant to § 987.45(f).

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all dates certified during that crop year as meeting the requirements for marketable dates, including the eligible portion of certain field-run dates; and (2) the current crop year began on August 1, 1968, and the rate of assessment herein fixed will automatically apply to all such dates beginning with that date.

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

Dated: September 5, 1968.

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

[F.R. Doc. 68–10892; Filed, Sept. 9, 1968; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68–EA–90]

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

Alteration of Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Flint Stone, Md., low altitude reporting point. A recent flight inspection of the Flint Stone intersection disclosed that the St. Thomas, Pa., VOR 246° M (239° T) radial utilized for this reporting point can not be sustained at 4,000 feet MSL.

Accordingly, action is taken herein to redescribe the Flint Stone intersection by use of the Kessel, W. Va., VOR 045° M (039° T) radial. Use of this radial will sustain the 4,000 feet MSL minimum en route altitude.

Since this reporting point alteration is editorial in nature and does not alter the extent of controlled airspace, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., November 14, 1968, as hereinafter set forth.

In § 71.203 (33 F.R. 2280) "Flint Stone INT:" is amended to read:

Flint Stone INT:

INT of Kessel, W. Va. 039°, Martinsburg, W. Va., 297° radials.

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

Issued in Washington, D.C., on August 30, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68–10881; Filed, Sept. 9, 1968; 8:45 a.m.]

[Airspace Docket No. 67–SW–36]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the Brownsville, Tex., terminal area.

On June 28, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 9171) stating the Federal Aviation Administration proposed to alter the Brownsville, Tex., control zone and transition area.

Interested persons were given 45 days in which to submit written data, views, or arguments. All comments received were favorable.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 14, 1968, as hereinafter set forth.

In § 71.171 (33 F.R. 2067), the Brownsville, Tex., control zone is amended to read:

BROWNSVILLE, TEX.

That airspace overlying the United States within a 5-mile radius of Rio Grande Valley International Airport (lat. 25°54'25" N., long. 97°25'25" W.), within 2 miles each side of the Brownsville VORTAC 071° radial extending from the 5-mile radius zone to 8 miles east of the VORTAC, and within 2 miles each side of the Brownsville ILS localizer northwest course extending from the 5-mile radius zone to the OM.

In § 71.181 (33 F.R. 2154) the Brownsville, Tex., transition area is amended as follows:

BROWNSVILLE, TEX.

That airspace overlying the United States extending upward from 700 feet above the surface within a 7-mile radius of the Rio Grande Valley International Airport (lat. 25°54'25" N., long. 97°25'25" W.); and that airspace extending upward from 1,200 feet above the surface * * *.

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

Issued in Fort Worth, Tex., on August 27, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68–10885; Filed, Sept. 9, 1968; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68224]

PART 1—GENERAL PROVISIONS

Connecticut Ports of Entry

SEPTEMBER 3, 1968.

Notice that it was proposed to extend the geographical limits of the Bridgeport, Hartford, New Haven, and New London Customs ports of entry was published in the FEDERAL REGISTER on July 17, 1968 (33 F.R. 10210). No objections to this proposal were received.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 5 (33 F.R. 5811), the limits of the Bridgeport, Hartford, New Haven, and New London ports of entry in the Bridgeport, Conn., Customs district (Region I), are hereby extended as proposed.

As extended, the geographical areas of the ports are described as follows:

The Port of Bridgeport includes all of the territory within the boundaries of the cities and towns of:

Bridgeport, Norwalk, Westport, Fairfield, Stratford, and Milford, including any independent cities and towns located therein, in the State of Connecticut;

the Port of Hartford includes all of the territory within the boundaries of the cities and towns of:

Hartford, Newington, East Hartford, West Hartford, Windsor, East Windsor, South Windsor, and Windsor Locks, including any independent cities and towns located therein, in the State of Connecticut;

the Port of New Haven includes all of the territory within the boundaries of the cities and towns of:

New Haven, Orange, North Haven, East Haven, and West Haven, including any independent cities and towns located therein, in the State of Connecticut;

and the Port of New London includes all of the territory within the boundaries of the cities and towns of:

New London, Waterford, and Groton, including any independent cities and towns located therein, in the State of Connecticut.

Section 1.2(c) of the Customs Regulations is amended by inserting "(including territory described in T.D. 68–224)" after "*Bridgeport", "*Hartford", and "*New Haven", in the column headed "Ports of entry" in the Bridgeport, Conn., district (Region I) and by deleting "(including Groton) (E.O. 10238, Apr. 27, 1951; 16 F.R. 3627)," after "*New London" in the column headed "Ports of entry" in the Bridgeport, Conn., district

(Region I), and inserting in lieu therefor "(including territory described in T.D. 68-224)."

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

This Treasury decision shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-10909; Filed, Sept. 9, 1968; 8:47 a.m.]

[T.D. 68-223]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Withdrawal for Consumption of Merchandise in Customs Bonded Warehouses

It has been determined that the filing of customs Form 7505 in quadruplicate at the Port of New York for withdrawals for consumption from customs bonded warehouses as required by § 8.37(a) is not necessary. To provide for the filing of that form in triplicate at the Port of New York as at all other customs ports, the first sentence of § 8.37(a) is amended to read:

§ 8.37 Withdrawal; form and contents.

(a) Withdrawals for consumption of merchandise in bonded warehouses shall be filed in triplicate on customs Form 7505.[34] * * *

* * * * *

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

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

Approved: August 29, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-10910; Filed, Sept. 9, 1968; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Dimethylsulfoxide (DMSO) Preparations; Clinical Testing and Investigational Use

A statement of policy, § 3.52, concerning clinical testing and investigational use of dimethylsulfoxide (DMSO) preparations was published in the FEDERAL REGISTER of November 25, 1965 (30 F.R. 14639), and revised December 23, 1966 (31 F.R. 16403). A previous evaluation of all data available on DMSO indicated that further clinical investigations in treating certain serious clinical conditions were justified.

Data are now available establishing that short-term use of DMSO involving application of not more than 1 gram of DMSO per kilogram of body weight for not more than 14 consecutive days will be reasonably safe. Therefore, in addition to long-term clinical studies in serious conditions, short-term clinical investigation of DMSO for relatively benign conditions can be justified. Also, additional information is required to evaluate the possible relationship and the incidence of certain subtle toxic manifestations of DMSO on the liver and the hemopoietic system. The next step in the investigation is adequately monitored short-term trials on a limited number of patients (Phase II), involving cutaneous application of DMSO, in order to obtain the essential information described above prior to consideration of the initiation of broader clinical studies (Phase III).

Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052-53, as amended, 1055; 21 U.S.C. 355, 371(a)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 3.52 is revised to read as follows:

(NOTE: This revision revokes the requirements of preclearance of dimethylsulfoxide (DMSO) for clinical testing in man and in animals.)

§ 3.52 Dimethylsulfoxide (DMSO) preparations; clinical testing and investigational use.

(a) (1) Chronic-toxicity studies with dimethylsulfoxide (DMSO) in animals, including dogs, rabbits, and swine, reported by a consulting laboratory in England and by a number of laboratories in the United States show that the administration of dimethylsulfoxide (DMSO) causes changes in the refractive index of the lens of the eyes of such animals. On the basis of these reports, clinical testing of dimethylsulfoxide (DMSO) preparations was discontinued for a time and later resumed under restricted conditions.

(2) An adequate, controlled human toxicity study (Phase I) involving short-term cutaneous application of 1 gram of dimethylsulfoxide (DMSO) per kilogram of body weight daily for 14 consecutive days has recently been completed. Data obtained, not previously available, show that when dimethylsulfoxide (DMSO) was applied topically to the skin of healthy volunteers, it did not produce adverse effects upon the eyes of the subjects. Mild, apparently reversible, changes were seen suggesting that the drug may have some effect upon the liver and upon the hemopoietic system in some subjects.

(b) A comprehensive evaluation of all available data on dimethylsulfoxide (DMSO) preparations justifies further clinical investigation of the drug in treating certain serious conditions. Although reports concerning the use of dimethylsulfoxide (DMSO) in relatively benign conditions are equivocal regarding its efficacy, short-term clinical use has been established as reasonably safe by adequate Phase I studies. Under appropriate protocols, further short-term clinical investigations in the treatment of such benign conditions can be justified.

(c) No person may ship dimethylsulfoxide (DMSO) within the jurisdiction of the Federal Food, Drug, and Cosmetic Act for clinical testing in man until a "Notice of Claimed Investigational Exemption for a New Drug," pursuant to § 130.3 of this chapter, is on file with the Food and Drug Administration and all the following conditions are met:

(1) Proposed long-term clinical studies (Phase II) are restricted to the use of DMSO to cutaneous application in serious conditions, such as the incapacitating arthropathies, scleroderma, dermatomyositis, and intractible pain due to malignancy, are to be conducted in medical centers having adequate facilities and well-trained, experienced medical personnel, and are to include the following essential conditions in the study protocol. All subjects will receive a full examination including:

(i) An eye evaluation by an ophthalmologist to include actual refractive error measurements and slit-lamp findings as well as other parameters of the ocular examination prior to receiving the drug, at intervals not exceeding 3 months during the study and 3 months after discontinuing the drug.

(ii) Liver function tests and a complete blood count (CBC) prior to receiving the drug, at intervals not exceeding 4 weeks during the study and 4 weeks after discontinuing the drug.

(2) Proposed short-term studies (Phase II) restrict the use of dimethylsulfoxide (DMSO) to cutaneous application for not more than 14 days in closely monitored investigations, with appropriate control groups, that may include studies of use in such conditions as acute musculoskeletal conditions (acute arthritis, peri arthritis, capsulitis, bursitis, tendonitis, synovitis, and post-traumatic lesions) and soft tissue injuries. The proposed studies shall provide for pretreatment liver function studies and a complete blood count (CBC), to be repeated within 7 days after commencing treatment and at the conclusion of the study. Routine monitoring of effects upon the eye is not required.

(3) All proposals must show that patient consent requirements will be carefully observed and shall include a commitment that patients will be fully informed of: The effects of dimethylsulfoxide (DMSO) in animals, the possibility that these may occur in humans, and the known possible effects of the drug in humans.

(d) Dimethylsulfoxide (DMSO) preparations may be shipped within the jurisdiction of the act for tests in vitro and in laboratory research animals in accord with § 130.3a(a) of this chapter and for clinical investigation in animals in accord with § 130.3a(b) of this chapter.

(Secs. 505, 701(a), 52 Stat. 1052-53, as amended 1055; 21 U.S.C. 355, 371(a))

Dated: August 30, 1968.

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

[F.R. Doc. 68-10899; Filed, Sept. 9, 1968; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Creamed Cottage Cheese, Identity Standard; Confirmation of Effective Date of Order Listing Lactose as Optional Ingredient

In the matter of amending the standard of identity for creamed cottage cheese (21 CFR 19.530) to list lactose as an optional ingredient for the creaming mixture with provision for label declaration:

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of July 16, 1968 (33 F.R. 10141). Accordingly, the amendments promulgated by that order will become effective September 14, 1968.

Dated: August 29, 1968.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 68-10898; Filed, Sept. 9, 1968; 8:46 a.m.]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

[Hazardous Occupations Order 2]

PART 1500—CHILD LABOR REGULATIONS, ORDERS, AND STATEMENTS OF INTERPRETATIONS

Student Learners and Schoolbus Drivers

A proposal was published at 33 F.R. 5100 inviting written and oral communications of data, views, or argument on the subject and issue of what, if any, modifications should be made to Subpart C (Child Labor Regulation 3) and Subpart E (Hazardous Occupations Orders 1 through 17) of 29 CFR Part 1500 in order to adapt those regulations to the changes in the conditions and practices to which they relate which have occurred since they were promulgated.

After consideration of all matter submitted and testimony received concerning graduate student-learners and schoolbus drivers, §§ 1500.50(c) and 1500.52 of Subpart E (Hazardous Occupations Order No. 2) are revised as set forth below. As the changes in these revisions relieve present restrictions, delay in the effective date is not required by 5 U.S.C. 553. As such delay will serve no useful purpose, these revisions shall be effective immediately.

1. As revised, § 1500.50(c) reads as follows:

§ 1500.50 General.

* * * * *

(c) *Student-learners.* Some sections in this subpart contain an exemption for the employment of student-learners. Such an exemption shall apply when (1) the student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school and; (2) such student-learner is employed under a written agreement which provides:

(i) That the work of the student-learner in the occupations declared particularly hazardous shall be incidental to his training;

(ii) That such work shall be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person;

(iii) That safety instructions shall be given by the school and correlated by the employer with on-the-job training; and

(iv) That a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

Each such written agreement shall contain the name of student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of each agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation where it is found that reasonable precautions have not been observed for the safety of minors employed thereunder. A high school graduate may be employed in an occupation in which he has completed training as provided in this paragraph as a student-learner, even though he is not yet 18 years of age.

2. As revised, § 1500.52 reads as follows:

§ 1500.52 Motor-vehicle driver and outside helper (Order 2).

(a) *Finding and declaration of fact.* Except as provided in paragraph (b) of this section, the occupations of motor-vehicle driver and outside helper on any public road, highway, in or about any mine (including open pit mine or quarry), place where logging or sawmill operations are in progress, or in any excavation of the type identified in § 1500.68(a) are particularly hazardous for the employment of minors between 16 and 18 years of age.

(b) *Exemptions*—(1) *Incidental and occasional driving.* The finding and declaration in paragraph (a) of this section shall not apply to the operation of automobiles or trucks not exceeding 6,000 pounds gross vehicle weight if such driving is restricted to daylight hours: *Provided,* Such operation is only occasional and incidental to the child's employment; that the child holds a State license valid for the type of driving involved in the job which he performs and has completed a State approved driver education course: *And provided further,* That the vehicle is equipped with a seat belt or similar device for the driver and for each helper, and the employer has instructed each child that such belts or other devices must be used. This subparagraph shall not be applicable to any occupation of motor-vehicle driver which involves the towing of vehicles.

(2) *School bus driving.* The finding and declaration in paragraph (a) of this section shall not apply to driving a school bus during the period of any exemption which has been granted in the discretion of the Secretary of Labor on the basis of an application filed and approved by the Governor of the State in which the vehicle is registered. The Secretary will notify any State which inquires of the information to be furnished in the application. Neither shall the finding and declaration in paragraph (a) of this section apply in a particular State during a period not to exceed the first 40 days after this amendment is effective while application for such exemption is being formulated by such State seeking merely to continue in effect unchanged its current program using such drivers, nor while such application is pending action by the Secretary.

(c) *Definitions.* For the purpose of this section:

(1) The term "motor vehicle" shall mean any automobile, truck, truck-tractor, trailer, semitrailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but shall not include any vehicle operated exclusively on rails.

(2) The term "driver" shall mean any individual who, in the course of his employment, drives a motor vehicle at any time.

(3) The term "outside helper" shall mean any individual, other than a driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.

(4) The term "gross vehicle weight" includes the truck chassis with lubricants, water and full tank or tanks of fuel, plus the weight of the cab or driver's compartment, body, and special chassis and body equipment, and payload.

(29 U.S.C. 203(l))

Signed at Washington, D.C., this 5th day of September 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-10897; Filed, Sept. 9, 1968; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 33—SPORT FISHING

Great Meadows National Wildlife Refuge, Mass.

On page 10942 of the FEDERAL REGISTER of August 1, 1968, there was published a notice of a proposed amendment to 50 CFR 33.4. The purpose of this amendment is to provide sport fishing on the Great Meadows National Wildlife Refuge, Mass., as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on fishing, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i as amended; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd)

Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 **List of open areas; sport fishing.**

* * * * *

MASSACHUSETTS

Great Meadows National Wildlife Refuge.

* * * * *

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 3, 1968.

[F.R. Doc. 68-10888; Filed, Sept. 9, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 927]

BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Expenses and Fixing of Rate of Assessment for 1968–69 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Control Committee, established pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and necessary to be incurred by the Control Committee, during the period July 1, 1968, through June 30, 1969, will amount to $40,847.75.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 927.41, be fixed at $0.01 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(3) That unexpended funds in excess of expenses incurred during the fiscal period ended June 30, 1968, in the amount of $4,571, be carried over as a reserve in accordance with § 927.42 of the said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 5, 1968.

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

[F.R. Doc. 68-10920; Filed, Sept. 9, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 25, 33]

[Docket No. 7521; Notice 68-22]

TURBOFAN ENGINES

Durability Requirements

The Federal Aviation Administration is considering an amendment to Part 33 of the Federal Aviation Regulations (FARs) that would except from damage containment design requirements the fan cases of turbofan and liftfan engines having fan blades that meet proposed new blade standards. Part 25 would be amended to incorporate engine installation requirements for airplanes incorporating turbofan engines that meet the new Part 33 blade standards.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before December 9, 1968, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The present FAR § 33.19 requires that compressor and turbine rotor cases provide for the containment of damage due to rotor blade failure. The requirement was imposed at a time when blade failures, with consequent passage of blade fragments through the engine case, occurred in substantial numbers. With the advent of turbofan engines, the containment requirement has been applied to the fan cases to ensure containment of damage from fan blade failure.

In recent engine developments, where individual fan blades are as much as 29 inches long and weigh 13 pounds, the installed fan rotor may be 8 feet in diameter. For engines of such large size, the mass of shielding required to insure containment imposes a weight increase that may be operationally prohibitive. Thus, depending upon the metal used, the containment structure for the fan stages may be as high as 20 percent of the basic engine weight. Moreover, the increased engine weight will result in weight increases for related structures such as engine frames, casings, mounting systems, pylons, and possibly even wing structures. These weight increases would tend to nullify the economic and performance advantages of the turbofan type engine.

To avoid the severe design restraints and large weight penalties imposed on the propulsion system and the aircraft by § 33.19, the FAA is proposing, as an alternative to containment, that fan blades be designed and their strength substantiated in a manner similar to that for propellers which are not required to be shielded. It is believed that for a large turbofan system in which the fan blades are designed and demonstrated to meet standards comparable to those for propellers, the requirement for fan case containment capability is overly conservative and imposes a significant weight penalty without a corresponding benefit to safety.

The fan blades of turbofan and liftfan engines are significantly longer than the main compressor blades and in turbofan engines the fan stages occupy a separate duct location from the main compressor rotor stages. A separate passage is provided through which fan air bypasses the main compressor flow to the propelling jet nozzle. The size and location of fan blades, quite apart from strength and weight considerations, tend to support an amendment that would permit substitution of fan blade characteristics for fan case containment capability. The large fan blading of high bypass ratio turbofan and liftfan propulsion systems is not as susceptible to front stage blade failure as is the case with nonfan turbine engines which do not lend themselves to convenient inspections of the large number of small internal blades. In addition, the usually smaller and thinner nonfan engine blading is more susceptible to foreign object damage. In connection with foreign object damage, where there is adequate axial spacing between rotating and nonrotating parts to prevent interference by foreign objects, the larger the blade the less susceptible it will be to foreign object damage for a given energy level.

Under the present requirements of Part 33, the design of the compressor and turbine rotor cases must provide for the containment of damage from rotor blade failure. This proposal provides for an exception from this containment requirement for fan rotor cases. It sets forth the fan blade characteristics which must exist in order that the fan rotor case be excepted from the damage containment requirement. These characteristics would be stated in a new § 33.75, and, in general, would cover blade location, material, condition and strength. Thus, for blades that may be readily inspected as installed, under conditions corrected to reflect fabrication out of minimum quality blade material where each blade has sustained specified damage and been subjected to a certain

fatigue stress concentration, the exception for the fan case would apply if each fan blade can be shown to be capable of sustaining specified stresses due to rotational speed, air distortion and vibration.

It is also proposed to amend the airplane turbine engine installation requirements of present § 25.903 consistent with the Part 33 proposed changes. Under the proposed changes to Part 33, the engine type certificate for turbofan and liftfan engines would not specify an ability to contain fan blade damage, but would provide an exception from such a requirement if the engine meets certain requirements. The proposed change to § 25.903 would require that the airplane be designed and its structure, components and systems be arranged to implement the engine requirements.

In consideration of the foregoing, it is proposed to amend Parts 25 and 33 of the Federal Aviation Regulations as follows:

§ 25.903 [Amended]

1. By amending the introductory statement of § 25.903(d) by deleting the first sentence.

2. By adding a new paragraph (e) to § 25.903 to read as follows:

(e) *Turbofan and liftfan engine installations.* If the engine is a turbofan or liftfan design that meets the requirements of § 33.75 of this subchapter, the airplane must—

(1) Be designed so that all fan blades in the engine are clearly visible for easy inspection (for critical deterioration or damage) without the removal of any part of the airplane; and

(2) Be designed and the structure, components and systems so arranged that in the event of fan blade failure, the resulting damage would not prevent continued safe flight and landing.

3. By amending § 33.19 to read as follows:

§ 33.19 Durability.

Engine design and construction must minimize the development of an unsafe condition of the engine between overhaul periods. Except as provided in § 33.75, the design of the compressor rotor case including fan case and the turbine rotor case must provide for the containment of damage from rotor blade failure.

4. By adding the following new section immediately after § 33.73:

§ 33.75 Containment of damage in turbofan engines.

The design of each turbofan engine or liftfan engine fan case must provide for the containment of damage from rotor blade failure unless—

(a) Installed fan blades can be inspected without removal of any component from the engine;

(b) Each fan blade and each fan rotor disc is capable of sustaining twice the steady stress produced when operating at maximum specified rotational speed without failure (or indication of impending failure);

(c) The measured maximum combined stress in each fan blade is not greater than two-thirds of the endurance limit stress when the blade is operated under conditions of maximum allowable inlet air distortion and maximum vibration, induced by all other causes, and the blade—

(1) Has sustained the type and degree of damage which requires its removal from service to preclude blade failure; and

(2) Has been subjected to the maximum effective fatigue stress concentration factor applicable to the blade material applied at the focus of damage; and

(d) Each fan blade is capable of meeting the requirements of this section by test when—

(1) The blade is fabricated of material having only the minimum quality allowed by each material specification parameter; or

(2) If the blade is not fabricated as in subparagraph (1) of this paragraph, the test results are corrected to reflect use of blade material having such minimum quality.

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

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

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[F.R. Doc. 68-10886; Filed, Sept. 9, 1968; 8:45 a.m.]

[14 CFR Part 61]

[Docket No. 9114; Notice 68-21]

AIRPLANE TRANSPORT PILOT CERTIFICATE WITH AIRPLANE RATING

Aeronautical Experience Requirements

The Federal Aviation Administration is considering amending Part 61 of the Federal Aviation Regulations to: (1) Change the minimum total pilot flight time required by § 61.145(b)(2) as aeronautical experience for an airline transport pilot certificate with an airplane rating to 1,500 hours (from 1,200 hours within the 8 years before the date of application), and delete the present requirement that this flight time must include 5 hours within the 60 days before the application; (2) allow a commercial pilot to credit toward this flight time a limited kind and amount of flight engineer flight time acquired while serving in the latter capacity in airplanes required to have flight engineers by their approved Aircraft Flight Manuals, in operations conducted under Part 121 of the Federal Aviation Regulations, and while participating at the same time in a pilot training program approved under Part 121; (3) also allow a commercial pilot to credit toward this flight time all of the flight time logged as second in command in airplanes required to have more than one pilot by their approved Aircraft Flight Manuals or their airworthiness certificates, in operations conducted under Part 121 (instead of only 50 percent, as presently limited); (4) also allow an applicant to substitute one night takeoff with a landing to a full stop for each hour of required night flight time (but not more than 25 times), this substitution to be allowed, however, only after the applicant already has made 20 night takeoffs with landings; (5) require an applicant for an airline transport pilot certificate with an airplane rating to have the minimum 250 hours of flight time as pilot in command (or as copilot performing the duties and functions of a pilot in command under the supervision thereof) specified by § 61.145(b)(1) in airplanes; and (6) change the endorsement reference prescribed in § 61.145(c) to 150 hours as pilot in command (from 250 hours), and thereby make the endorsement consistent with Annex 1 to the Convention on International Civil Aviation.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before December 9, 1968, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

(1)–(4) The first three listed changes proposed by this notice would, together, revise the total pilot flight time requirement for an airline transport pilot certificate with an airplane rating; delete the currency features thereof; and allow credit towards that requirement of certain additional second-in-command time and certain flight engineer flight time.

On June 30, 1966, Air Transport Association of America (ATA) petitioned the FAA for amendment of Part 61 to make changes, as modified by a supplementary letter of July 25, 1967, that would in substance accomplish the following:

(a) As to an applicant currently employed by a scheduled air carrier as a flight crewmember, who has successfully completed the training required under that air carrier's approved training program and is sponsored by it as an applicant for an airline transport pilot certificate, § 61.145(b) would be changed to require at least 1,200 hours of flight time as a pilot, including at least 600 hours of flight time within the 5 years before the date he applies. This would replace the minimum total of 1,200 hours in 8 years, of pilot flight time now required by § 61.145(b)(2), as to the applicants concerned. It also would delete other parts of the present "1200 in 8" requirements as

to the applicants concerned, namely, the prescribed cross-country, night flight, and instrument time, as well as the prescribed minimum of 5 hours of flight time within the 60 days before application.

(b) Pilots assigned to flight engineer duties by a U.S. scheduled air carrier would be allowed to accrue up to 200 hours of the required 1,200 hours of pilot flight time on the basis of 3 hours of flight engineer time to 1 hour as a pilot.

(c) Commercial pilots would be allowed to credit toward an airline transport pilot certificate 100 percent of second-in-command time, instead of 50 percent now allowed by § 61.39(d).

The ATA urged these changes to provide recognition, for certification purposes, of the training and experience obtained by flight crewmembers (copilots and flight engineers) while they are in scheduled air carrier employment. It asserted that the present regulations do not distinguish between the value of pilot experience gained in a small aircraft flown for pleasure on weekends and the value of the more comprehensive experience, training, and checking obtained by a pilot or other flight crewmember with a scheduled air carrier. It asserted further that the expansion of the air carrier industry carries with it a requirement for concurrent, orderly expansion of the industry's complement of flight crewmembers; pilot-in-command positions should be filled from the ranks of second-in-command pilots who have been with the air carrier and trained in its policies, procedures, and equipment; vacated second-in-command positions should be filled by the next most senior group of flight crewmembers that is, flight engineers; a pilot in command progressing through the various flight crewmember positions would have been subject to the air carrier's training program, and would have been flying the line as copilot and flight engineer; and the present qualification requirements do not accommodate the utilization of these well-qualified flight crewmembers.

The FAA considers it appropriate now to revise the rules to attune to current conditions the total pilot flight time required for an airline transport pilot certificate with an airplane rating, and at the same time delete the currency requirements in § 61.145(b)(2); and properly reflect the training and experience a commercial pilot obtains while serving as second in command or flight engineer in airplanes operated in Part 121 operations, all as companion features of one modernization step.

The currency-of-experience requirements in § 61.145(b)(2), namely, the need to have at least 1,200 pilot hours within the last 8 years, and 5 pilot hours within the 60 days before application, have presented problems to the FAA, requiring the processing of numerous requests for relief. The original purpose of the currency provisions apparently was to safeguard the public from the possibility that a pilot with an airline transport pilot certificate would be allowed to exercise the privileges of that certificate without having been in an airplane for a considerable length of time. This chance does not exist now. Flight operations under Part 121 of the Federal Aviation Regulations are the only ones for which an airplane pilot must hold an airline transport pilot certificate. The training program and proficiency and currency requirements of Part 121 are comprehensive enough to assure that a pilot does not serve as pilot in command in operations conducted under that Part unless he has a reasonable amount of flight currency. Accordingly, safety would not be adversely affected by deleting the currency requirements from § 61.145(b)(2). This action would apply to all applicants, since each must undergo an approved Part 121 pilot training program before exercising the privileges of an airline transport pilot certificate with an airplane rating where it is required.

Since the 1,200-hour total pilot flight time requirement first became a prerequisite for an airline transport pilot certificate, numerous changes have occurred in aviation. Airplanes operated under Part 121 are much larger and more complex, and they carry more passengers. Also, the air traffic picture has changed: Air traffic density has increased, traffic control procedures have become more complex, and instrument operations have become the norm rather than the exception. Accordingly, in the judgment of the FAA, the total pilot flight time requirement should be increased to 1,500 hours, as a part of the revision encompassing both the dropping of the currency requirements and the making of the other substantive changes proposed herein. As to this total pilot flight time requirement, and its component parts that prescribe important specific types of flight experience, the FAA does not agree with the ATA that different standards should be applied to air carrier pilots and other pilots. The proposed increase in total hours, and retention of the component specific requirements, therefore would apply to all applicants for airline transport pilot certificates.

As to the other requests made by the ATA, the FAA agrees that the rules should be revised to reflect the training and experience a commercial pilot obtains while serving as second in command or flight engineer in Part 121 operations.

A second in command may be performing the duties and functions of the pilot in command under the latter's supervision. Yet under the present rules he may credit no more than 50 percent of that time toward the required total flight time required by § 61.145(b)(2), although a pilot who operates a small, single-pilot, uncomplicated airplane for pleasure may credit all of his time toward the airline transport pilot certificate.

Under Part 121, a copilot is trained for, and exposed to, the actual performance of the functions of an airline transport pilot in transport type airplanes, usually for several years. In this way his training and experience uniquely prepare him for the pilot-in-command function. This training and experience, that would be recognized by the proposed amendment, includes for each airplane type: Successful completion of the appropriate initial training and qualification requirements of Subparts N and O of Part 121 and Appendix F to that part, and of a proficiency check; performance of initial flight assignment under Appendix E; and recurrent training each 12 months. Most Part 121 operators require their copilots to complete successfully the pilot-in-command general subject matter and initial ground training. In any event, Subpart N of Part 121 covers initial (and recurrent) ground training in all of the subject matter required for the pilot in command that is pertinent to the copilot's duties and responsibilities, as well as practically the same flight training as that for a pilot in command, except that a lesser degree of skill is acceptable.

Thus, the average new copilot is reasonably well equipped to participate as a full-working partner of the pilot in command on his first assignment. Then, he generally gains pilot-in-command experience by flying every other leg in operations, in addition to preparing a flight plan, checking load and runway computations, performing other preflight chores, copying and confirming ATC clearances, estimating and reporting en route times, and handling aircraft logs.

Accordingly, it is proposed to allow a commercial pilot to credit toward the total pilot flight time experience requirement of § 61.145(b)(2) all (instead of only 50 percent) of the flight time he logs as second in command in airplanes required to have more than one pilot by their approved Aircraft Flight Manuals or airworthiness certificates, in operations conducted under Part 121. This recognizes the value of this kind of time accumulated in large complex airplanes, even though it is second-in-command time.

Also, a commercial pilot serving as a required flight engineer, assisting the pilot in command of a large modern airplane in operations under Part 121, receives no pilot credit for this type of flight experience even though he may have served in the flight engineer capacity for several years and logged several thousand hours.

It is proposed to allow a commercial pilot to credit toward that flight time requirement as much as 500 hours (one-third of the required total) of the flight engineer time he accumulates while serving as a flight engineer required by the airplane's approved Aircraft Flight Manual, in operations conducted under Part 121, and while participating, at the same time, in a pilot training program approved under Part 121.

Section 61.153 also has the "1200 in 8" requirement for an airline transport pilot certificate with a rotorcraft rating. It is not proposed to change this requirement, nor to recognize therefor 100 percent of second-in-command nor any flight engineer flight time, in view of inherent differences between airplanes and rotorcraft, including the non-use of flight engineers in rotorcraft. The rotorcraft situation would not be analogous to that of

airplanes for the aeronautical experience changes proposed by this notice.

Section 61.145(b)(2)(iii) presently includes at least 100 hours of night flight time in the required aeronautical experience for an airline transport pilot certificate with an airplane rating. This provision does not specify a minimum number of night landings. These landings are more critical than day landings because of a reduction in a pilot's vision, associated darkness, and available lighting. It is considered that the rule should provide credit for a specified number of night takeoffs with landings within a specified total number of hours.

When the flight time requirements were first developed, airplanes required frequent refueling stops. Consequently, more night takeoffs with landings were made at that time than with airplanes now in use—that is, many airplanes now operated go much longer without refueling. Thus, with the latter a pilot may make as few as 20 night takeoffs and landings in accumulating the required 100 hours of night flight time.

It is now proposed that the applicant may, after 20 night takeoffs and landings have been accomplished, credit one such additional takeoff and landing for 1 hour of night flight time, but not to exceed credit against more than 25 hours of the required 100 hours for this purpose. This action would extend relief to aircraft operators who normally do very little night flying and consequently do not automatically provide the night flying experience for their pilots who are not yet airline transport pilots.

(5) Section 61.145 currently does not specify that any of the required aeronautical experience for an airline transport pilot certificate with an airplane rating must have been in airplanes. Conceivably, the entire experience may have been had in aircraft other than an airplane, a possibility that apparently was not considered when the rule was adopted. On the other hand, rotorcraft flight time is required under § 61.153 for an airline transport pilot certificate with a rotorcraft rating. It is considered that airplane flight time should contribute to the flight time required under § 61.145. Accordingly, it is proposed to require that the minimum 250 hours of flight time as pilot in command (or as copilot performing the duties and functions of a pilot in command under the supervision of the latter), specified by § 61.145(b)(1), must be had in airplanes.

(6) Section 61.145(c) provides that if an applicant for an airline transport pilot certificate (airplane rating) with less than 250 hours of pilot-in-command time otherwise meets the experience requirements of § 61.145(b)(1), his certificate will be endorsed "Holder does not meet the pilot-in-command flight experience requirements of ICAO," as prescribed by Article 39 of the Convention on International Civil Aviation. The ICAO requirement, as stated in Annex 1 to the Convention, now specifies 250 hours either as pilot in command, or made up of not less than 150 hours as pilot in command and the additional time necessary as copilot performing, under the supervision of a pilot in command, the duties and functions of a pilot in command. Accordingly, it is proposed to change § 61.145(c) to require the endorsement when the applicant lacks 150 (rather than 250) hours as pilot in command, and thereby make the provision consistent with the current ICAO provision.

In consideration of the foregoing, it is proposed to amend Part 61 of the Federal Aviation Regulations as follows:

1. By amending the second sentence in § 61.39(d) to read as follows:

§ 61.39 Pilot logbooks: except airline transport pilots.

* * * * *

(d) * * * Except as provided in § 61.145(d)(1), he may be credited with not more than 50 percent of that kind of flight time required for a higher certificate or rating. * * *

* * * * *

§ 61.145 [Amended]

2. By amending § 61.145 as follows:

a. By amending paragraph (b) to read as follows:

(b) An applicant must have had—

(1) At least 250 hours of flight time as pilot in command of an airplane, or as copilot of an airplane performing the duties and functions of a pilot in command under the supervision of a pilot in command, or any combination thereof, at least 100 hours of which were cross-country time and 25 hours of which were night flight time; and

(2) At least 1,500 hours of flight time as a pilot, including at least—

(i) 500 hours of cross-country flight time;

(ii) 100 hours of night flight time; and

(iii) 75 hours of actual or simulated instrument time, at least 50 hours of which were in actual flight.

Flight time used to meet the requirements of subparagraph (1) of this paragraph may also be used to meet the requirements of subparagraph (2) of this paragraph. Also, for an applicant who has made 20 night takeoffs and landings to a full stop, the hours of night flight time required by subparagraph (2)(ii) of this paragraph may be reduced (not to exceed 25 percent) by substituting one night takeoff and landing to a full stop for each required hour of flight.

b. By striking out the number "250" in the first and second sentences of paragraph (c), and inserting the number "150" in place thereof.

c. By inserting a new paragraph (d) to read as follows:

(d) A commercial pilot may credit toward the 1,500 hours total flight time requirement of paragraph (b)(2) of this section the following flight time in operations conducted under Part 121 of this chapter:

(1) Second-in-command time acquired in airplanes required to have more than one pilot by their approved Aircraft Flight Manuals or airworthiness certificates; and

(2) Flight engineer time acquired in airplanes required to have a flight engineer by their approved Aircraft Flight Manuals, while participating at the same time in an approved pilot training program approved under Part 121 of this chapter.

However, the applicant may not credit under subparagraph (2) of this paragraph more than 1 hour for each 3 hours of flight engineer flight time so acquired, nor more than a total of 500 hours.

These amendments are proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422).

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

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 68-10882; Filed, Sept. 9, 1968; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SW-61]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration and Designation

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

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

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

The College Station, Tex., transition area described in FAR, Part 71, § 71.181 (33 F.R. 2164) was revoked and that airspace was incorporated in the Houston, Tex., transition area effective March 28, 1968 (Airspace Docket No. 67-SW-83 (33 F.R. 2629)).

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

(1) In § 71.171 (33 F.R. 2072), the College Station, Tex., control zone is amended to read:

COLLEGE STATION, TEX.

Within a 5-mile radius of Easterwood Field, College Station, Tex. (lat. 30°35'00" N., long. 96°22'00" W.), within 2 miles each side of the College Station VOR 287° radial extending from the 5-mile radius zone to 8 miles west of the VOR, within 2 miles each side of the College Station VOR 307° radial extending from the 5-mile radius zone to 9 miles northwest of the VOR, and within 2 miles each side of the College Station VOR 107° radial extending from the 5-mile radius zone to 10 miles east of the VOR.

(2) In § 71.181 (33 F.R. 2137), the College Station, Tex., transition area is designated as follows:

COLLEGE STATION, TEX.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the College Station VOR 107° radial extending from 10 miles east of the VOR to 18 miles east of the VOR.

The alterations, as proposed, will provide airspace protection for aircraft executing new instrument approach procedures proposed at Easterwood Field.

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

Issued in Fort Worth, Tex., on August 27, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68-10883; Filed, Sept. 9, 1968; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-53]

FEDERAL AIRWAYS AND REPORTING POINTS

Proposed Alteration and Revocations

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter and revoke certain VOR Federal airways in the vicinity of Scotland and West Point, Ind.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. 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.

The Federal Aviation Administration is considering the following airspace actions that will permit the Scotland VORTAC and West Point VOR to be deleted from the airway system, and permit a more efficient utilization of the airspace.

1. Realign V-4 north alternate segment from Evansville, Ind., to Louisville, Ky., with a 1,200-foot AGL floor via the intersection of Evansville 068° T (065° M) and Louisville 286° T (285° M) radials.

2. Realign V-7 airway segment from Terre Haute, Ind., with a 1,200-foot AGL floor direct to Lafayette, Ind.

3. Realign V-11 segment from Evansville to Indianapolis, Ind., with a 1,200-foot AGL floor via Bloomington, Ind., including a standard east alternate with a 1,200-foot AGL floor from Evansville to Bloomington.

4. Realign V-49 segment from Bowling Green, Ky., to Mystic, Ky., with a 1,200-foot AGL floor via the intersection of Bowling Green 012° T (010° M) and Mystic 186° T (184° M) radials.

5. Realign V-53 segment from Louisville to Peotone, Ill., with a 1,200-foot AGL floor via the intersection of Louisville 335° T (334° M) and Indianapolis 167° T (166° M) radials; Indianapolis; intersection of Indianapolis 312° T (311° M) and Lafayette 159° T (158° M) radials; Lafayette; and the intersection of Lafayette 313° T (312° M) and Peotone 152° T (150° M) radials.

6. Realign V-128 segment from Peotone with a 1,200-foot AGL floor to Indianapolis via the intersection of Peotone 152° T (150° M) and Indianapolis 312° T (311° M) radials.

7. Realign V-171 segment from Louisville to Danville, Ill., with a 1,200-foot AGL floor via the intersection of Louisville 320° T (319° M) and Bloomington 143° T (142° M) radials; Bloomington; and Terre Haute.

8. Revoke V-227, airway from Indianapolis to Lafayette.

9. Realign V-243 segment from Bowling Green with a 1,200-foot AGL floor direct to Bloomington.

10. Revoke V-491 airway from Lafayette to Peotone.

11. Revoke the Scotland, Ind., and West Point, Ind., low altitude reporting points.

These actions are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

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

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-10884; Filed, Sept. 9, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Docket No. 20184; PDR-28]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Expedited Procedures for Modifying or Removing Nonstop and Long Haul Restrictions Contained in Certificates of Public Convenience and Necessity of Certain Air Carriers

SEPTEMBER 4, 1968.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 302 of its rules of practice in Economic Proceedings (14 CFR Part 302) which would provide an expedited procedure for modifying or removing certain limitations on operations between points authorized to be served pursuant to certificates of public convenience and necessity of air carriers with 20 percent or more participation in the relevant market.

The principal features of the proposed amendment are further described in the Explanatory Statement below, and the proposed amendments are set forth in the proposed rule. This regulation is proposed under the authority of sections 204(a) and 401 of the Federal Aviation Act of 1958, as amended, (72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 754, as amended by 76 Stat. 143, 49 U.S.C. 1371).

Interested persons may participate in this rule making proceeding through submission of twelve (12) copies of written data, views, and arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before October 10, 1968, will be considered by the Board. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. As in the case of the local service carriers which are already provided with expedited procedures under Subpart M of Part 302 of the Board's regulations, the certificates of other carriers frequently have restrictions requiring intermediate stops to be made on flights in specified markets. In addition, "long haul" restrictions in certificates require flights providing service in a specified market to have an origin or destination at a beyond point.

Frequently a carrier is able to carry a significant amount of traffic in a particular market, notwithstanding the fact that its authority may be subject to a nonstop or long haul restriction. Its ability to do so indicates that there may be deficiencies in the service of carrier or carriers having unrestricted authority in

that market, that the restrictions may not be serving the purpose for which they were imposed, and that a number of passengers may be inconvenienced by the lack of flexibility on the part of the restricted carrier to schedule consistent with the needs of the market. The Board considers these to be ample reasons for establishing procedures for expedited hearings on applications to eliminate such restrictions. While such procedures will probably have more general application to the trunklines than to local service carriers, a decision whether to exclude the latter is reserved for a later stage of rule making.

The proposed rule provides for hearing priority and expedited hearing procedures for applications requesting removal of nonstop and long-haul restrictions in markets where the applicant is already providing single-plane service; the applicant is carrying 20 percent or more of the single carrier passengers; and it does not appear that grant of the application will increase significantly the subsidy need of any subsidized carrier.

The procedures under the proposed rule are essentially the same as those set forth in Subpart M of Part 302 of the Board's rules of practice, with the following exceptions: (1) Since the primary purpose of the rule is not subsidy need reduction, the rule does not require applicant carriers to furnish financial estimates of the first two years of services; [1] and (2) the provisions of Rule 1305(a) of Subpart M, for automatic application of expedited procedures after expiration of ten days from the filing date, are not included in the proposal. Most applications under the new rule will involve complicated issues more like those involved in off-segment operations under Subpart M. Therefore, further procedures after filing an application would be activated by a Board order (see § 302.1405(a)).[2]

Proposed rule. It is proposed to adopt a new Subpart N of Part 302 to read as follows:

Subpart N—Establishing Expedited Procedures for Modifying or Removing Nonstop and Long-Haul Restrictions Contained in Certificates of Public Convenience and Necessity of Air Carriers Whose Participation in the Market is 20 Percent or More

Sec.
302.1401 Applicability.
302.1402 Subpart A governs.
302.1403 Filing of application and publication of notice.
302.1404 Contents of application.
302.1405 Preliminary procedures; summary dismissal of application.
302.1406 Answers to application.
302.1407 Service of application and answer.
302.1408 Intervention.
302.1409 Motions to consolidate.
302.1410 Reply to answers.
302.1411 Procedures after filing of answers and reply.
302.1412 Hearing.
302.1413 Briefs to the examiner.
302.1414 Examiner's initial decision.
302.1415 Subsequent procedures.

AUTHORITY: The provisions of this Subpart N issued under secs. 204(a), 401, Federal Aviation Act of 1958, as amended (72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 754, as amended by 76 Stat. 143, 49 U.S.C. 1371.

Subpart N—Establishing Expedited Procedures for Modifying or Removing Nonstop and Long-Haul Restrictions Contained in Certificates of Public Convenience and Necessity of Air Carriers Whose Participation in the Market is 20 Percent or More

§ 302.1401 Applicability.

This subpart sets forth the special rules applicable to proceedings on applications for amendment of certificates of public convenience and necessity to remove or modify provisions which restrict the authority of the holder to provide service between a specified pair of points by requiring (a) that one or more intermediate stops be made or, (b) that the flight serving such pair of points originate and/or terminate at a point or points beyond the specified pair of points. Application of this subpart is further limited to cases where the applicant is already providing single plane service, is carrying 20 percent or more of the single carrier passengers transported between those points and it does not appear that the grant of the application will increase significantly the subsidy needs of any subsidized carrier.

§ 302.1402 Subpart A governs.

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

§ 302.1403 Filing of application and publication of notice.

Any carrier may file an application for amendment of its certificate as described in § 302.1401. If the applicant desires the Board to process the application pursuant to the expedited procedure provided by this subpart, the application should clearly so state. Applications shall be served as provided in § 302.1407.

§ 302.1404 Contents of application.

The application shall set forth all the facts upon which the applicant relies to show that the public convenience and necessity require the relief sought, and that for the most recent 12-month period, the applicant has carried 20 percent or more of the single carrier passengers transported by all certificated route carriers between the subject pair of points. The application shall set forth the names of the parties served as required by § 302.1407.

§ 302.1405 Preliminary procedures; summary dismissal of application.

(a) Upon consideration of any application filed under § 302.1403 and any statement filed pursuant to paragraph (b) of this section, the Board shall issue an order either (1) providing for further proceedings pursuant to §§ 302.1406-302.1410, or (2) dismissing the application without prejudice to the refiling thereof under the normal certificate procedure, if the Board finds that the application is not in compliance with, or is inappropriate for processing under, the provisions of this subpart.

(b) Any interested person may, within 7 calendar days after the filing of an application under § 302.1403, file and serve upon the applicant a statement requesting the Board to exercise its discretion to dismiss the application without further procedures in accordance with paragraph (a) of this section.

§ 302.1406 Answers to application.

(a) Any interested person may file and serve an answer with the Docket Section of the Board in opposition to or in support of an application. Answers shall set forth the economic data and other facts upon which the party relies to support its position including proof of significant subsidy need increases for subsidized carriers. Such answers shall be filed and served within 25 days after service of a Board order providing for further proceedings pursuant to §§ 302.1406-302.1410.

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

§ 302.1407 Service of application and answer.

(a) *Persons to be served.* A copy of an application or an answer shall be served on (1) any certificated air carrier which is authorized to engage in individually ticketed or waybilled air transportation at each of the points with respect to which the applicant seeks improved authority; (2) the chief executive of any State of the United States in which any point which is involved in the application is located: *Provided, however,* That if there be a State commission or agency having jurisdiction over transportation by air, the application shall be served on such commission or agency rather than the chief executive of the State; and (3) the chief executive of the city, town, or other unit of local government having jurisdiction over aviation matters of each of the points located in the United States with respect to which the applicant seeks improved authority, as well as each certificated point which has during the 12-month period preceding the filing of an application received regularly scheduled

[1] Of course, the parties to the proceedings under the rule will have the burden of supporting their cases with appropriate evidence and economic data. The burden would be the same as that attending the normal route case, in which the discretion as to the type of evidence required is generally left in the hands of the party presenting it. We see no need at this stage to specify the exact nature of such evidence to be furnished under the rule, but proposals on this score may be submitted for consideration.

[2] Also modified is the specification of those persons to be served notice, to conform with the applicability of the rule to the removal of long-haul restrictions.

service on a flight subject to the restriction sought to be removed or modified.

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

§ 302.1408 **Intervention.**

(a) *Persons served.* A person who is served pursuant to § 302.1407 with a copy of an original application and who files an answer to such application will automatically become a party to the proceeding without the necessity of filing a petition for intervention. A person who is so served and who does not file an answer is not entitled to seek intervention under the provisions of paragraph (b) of this section.

(b) *Persons not served.* A person who is not served pursuant to § 302.1407 with a copy of an original application may petition for intervention not later than 7 calendar days after service of the Board's order of hearing. Answers to such petition shall be filed within 5 calendar days after the petition is filed.

§ 302.1409 **Motions to consolidate.**

(a) Motions to consolidate for hearing other applications shall be filed within the time limits specified by § 302.1406 for filing of answers. Motions to consolidate which request different authority from that requested in the original application with which consolidation is sought shall be denied, except where consolidation is required by law. Motions to consolidate shall include economic data and other facts in support of both the motion to consolidate and the application sought to be consolidated. Data in support of the application sought to be consolidated shall conform, to the extent applicable, to the provisions of § 302.1404 with respect to original applications. Such motions shall be served upon the persons specified in § 302.1407.

(b) Answers to motions to consolidate shall be filed within 15 days after service of the motion. Such answers shall (1) set forth the basis of the support of or opposition to the motion to consolidate, and (2) with respect to the merits of the application for route authority, set forth the type of data required by § 302.1406 for answers to an original application.

§ 302.1410 **Reply to answers.**

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

§ 302.1411 **Procedures after filing of answers and reply.**

After the time for filing a reply or replies has expired, the Board shall issue an order setting the matter for hearing or denying the application without prejudice to refiling the application under normal certificate procedure, or taking other appropriate action. Such order shall be published in the FEDERAL REGISTER. The Board shall also dispose of motions to consolidate filed pursuant to § 302.1409. Except where the Board issues a final order disposing of an application on the pleadings, petitions for reconsideration of these Board actions shall not be entertained.

§ 302.1412 **Hearing.**

If the Board determines, pursuant to § 302.1411, that a hearing should be held, the application or applications shall be set promptly for hearing in Washington, D.C., before an examiner of the Board. No prehearing conference shall be held. The issues shall be restricted to the relief requested in the application or applications. Unless the examiner finds that additional evidence is necessary in order to assure a party a fair hearing, the hearing shall be limited to (a) introduction into evidence of the application, answer and reply, and the motion to consolidate and related pleadings, and (b) oral testimony on cross-examination of any witness sponsoring such application, answer or reply or motion to consolidate or related pleadings.

§ 302.1413 **Briefs to the examiner.**

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

§ 302.1414 **Examiner's initial decision.**

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

(a) Unless a petition for discretionary review is filed pursuant to §§ 302.28 and 302.1415 or the Board issues an order to review upon its own initiative, the initial decision shall become effective as the final order of the Board 15 days after service thereof; and

(b) Where a petition for discretionary review is timely filed or action to review is taken by the Board upon its own initiative, the effectiveness of the initial decision is stayed until the further order of the Board.

§ 302.1415 **Subsequent procedures.**

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

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

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

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

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

[F.R. Doc. 68-10914; Filed, Sept. 9, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 21, 87]

[Docket No. 16073, RM 1303; FCC 68-885]

PUBLIC AIR-GROUND RADIOTELEPHONE SERVICE

Memorandum Opinion and Order

1. The Commission has before it for consideration a request filed on May 3, 1968, by Litcom Division, Litton System, Inc., New Rochelle, N.Y., requesting that expedited action be taken to (1) amend the Commission rules to reduce the separation between assignable frequencies in the 454.6625–455.000 Mc/s and 459.6625–460.000 Mc/s bands to 25 kc/s and to establish a nationwide radiotelephone system available to aircraft; and (2) that pending such amendment of the rules, the policy announced in paragraph 8 of the memorandum opinion and order in Docket 14615 (FCC 65–558) be rescinded to permit expansion and licensing of additional ground and airborne stations in the existing developmental Public Air Ground Radiotelephone System.

2. Briefly, and by way of review: By report and order in Docket 14615, released June 10, 1963 (FCC 63–512, 28 F.R. 6093), the Commission denied the request to adopt proposed rule changes to establish a nationwide two-way public air-ground radiotelephone service on a regular basis in the 454.6625–455.000 Mc/s and 459.6625–460.000 Mc/s bands with 50 kc/s channel spacing, concluding inter alia that although there was general agreement in the need for the service, limited channel capacity and lack of spectrum space raised concern whether these frequencies would be adequate for future growth; and further, that notwithstanding the demand for the extension of the type of system being operated on a developmental basis over Chicago to New York and Washington routes, the regularizing of such a new service would result in relatively inefficient use of a portion of the spectrum, benefiting so few as not to serve the public interest, convenience and necessity. However, the developmental authorization was extended for 1 year to September 10, 1964,[1] in the belief that a more adequate and feasible system could be developed either within the present allocations or on frequencies higher in the spectrum, and Docket 14615 was thus terminated. Thereafter, in a memorandum opinion and order released July 1, 1965 (FCC 65–558), the Commission denied reconsideration finding a new proffered proposal no more adequate than the original proposal in accommodating a telephone communications system for passenger and airline use after the first

[1] Additional 1 year extension was thereafter granted by notice released July 31, 1964 (FCC 64–723).

few years. The Commission stated affirmatively in the latter memorandum:

8. * * * we have found that the present developmental air-ground system cannot provide an adequate service to the public within its present frequency allotment. We have also determined that, in view of the congestion prevalent in the land mobile service, no additional frequency space can be made available in which to expand this service in the vicinity of its present allotment. Consequently, we have decided to terminate the present developmental operation within 5 years * * *. In the meantime, we will authorize no expansion of the service.[2]

3. Simultaneously, and pending termination of the 5-year period for the developmental operation authorized in Docket 14615, the Commission instituted a new rule making proceeding in Docket 16073 (FCC 65–559), wherein the Commission stated that it would be willing to consider constructive recommendations for the development of a new system using single sideband emissions within the existing frequency allocations and having a capacity of at least 60 two-way channels. Specific responsive comments proposing definite rule changes warranted the issuance of a second notice of proposed rule making on May 20, 1966 (FCC 66–438). Comments and reply comments to the second notice offered no tangible solution to the problem, but reestablished the deficiency in air-ground service and pointed up once again the need for continued search for new frequencies in light of the inadequacy of the present frequencies to permit future expansion.

4. Litcom Division of Litton Industries (recent acquirer of complete manufacturing-sales rights, inventory, and all related facilities of the Public Air-Ground Radiotelephone Systems airborne equipment known as SKYPHONE, formerly marketed by AC Spark Plug Division GMC), now requests that the rules be amended (1) to reduce to 25 kc/s the channel separation in the 454.6625–455.000 Mc/s and 459.6625–460.000 Mc/s bands, and establish expeditiously a nationwide radiotelephone system available to aircraft; and (2) pending the amendment to the rules, the Commission permit expansion and licensing of additional ground and airborne stations in the existing developmental public Air-Ground Radiotelephone System on a regular basis.[3] In support of its request, Litcom contends essentially that the present 450 Mc/s is well suited to provide excellent service to fast moving aircraft as demonstrated by tests performed over a 10-year period on the present ground stations and approximately 100 licensed SKYPHONES; that the 12 channels made available by reduction of channel spacing to 25 kc/s would be adequate to take care of the needed services for airline crew traffic, although commercial passengers might have to await the development of a more advanced system in a less congested portion of the spectrum for comfortable service; that the split-channel service will enable the establishment of a national network which could provide as many as four simultaneous channels in major aviation hubs; that this regularized service to the aviation industry over the 12-channel national network would serve as a realistic vehicle for guidance to the Commission and the industry in determining the parameters of the ultimate system; that during this interim 7- to 10-year period, an ultimate overall system could be established on the basis of this guidance which will be economically available to all aviation users and which will make the most efficient use of the frequency spectrum while providing the much needed telephone service to aircraft.

5. Several comments were filed in support[4] of Litcom's proposal; none in opposition. AT&T stated specifically in support that the regularizing of the system was "an indispensable prerequisite to the expenditure of the considerable time and money which may be required to develop a more sophisticated system to meet long range system capacity and frequency spectrum requirements", and that it was prepared to serve additional airborne stations through its 10 existing developmental land stations for whatever period of time may be required to take appropriate action to amend the rules in accordance with the petition. AT&T pointed out that it was prepared to modify its land stations under the same circumstances as Litcom and make its equipment available to operate on 25 kc/s spacing if the service were authorized on a regular basis.[5] AOPA contended that absent regularization a large segment of the public would be denied service for 5 to 10 years pending the development of a replacement system. NBAA likewise supported the use of the 25 kc/s separation and expansion of the number of radiotelephone stations, but asked that additional frequencies in the 1000 Mc/s or higher band be allocated immediately for air-ground service.

6. We do not, on the basis of the information before us, find that regularizing of the proposed operation is warranted. We do, however, believe that for the following reasons, the present developmental operation should be expanded and extended. As indicated, for the past 3 years since the institution of the within rule making proceeding, the single sideband development has produced nothing of a tangible nature promising fulfillment of the problem within the foreseeable future. Litcom does however, offer some respite by its proposal to increase the number of available channels by decreasing the separation between channels (or channel splitting).[6] The present technical state of the art makes possible and feasible the splitting of this common carrier frequency segment pending resolution of the air-ground matter and the Litcom proposal provides the vehicle for initiating such action. The proposed operation will make available 12 rather that six channels and will, in addition to doubling the number of two-way frequencies, permit implementation of up to four simultaneous two-way channels at or near major aviation hub centers; AT&T has indicated the feasibility of sharing the frequencies between land and airborne systems and since these frequencies are assigned to wireline telephone carriers, it would appear that such sharing is largely a matter of self-policing in order to be effective; Litcom has indicated immediate availability of additional airborne equipment to accommodate demand and it is reasonable to expect that other segments of the industry are ready to provide similar equipment when the service is expanded; Litcom states that it intends to enter into lease arrangements with respect to airborne equipment (SKYPHONE) rather that insist on outright sales, thus removing an obstacle to possible future reallocation of frequencies for the service if such is found to be warranted in the public interest.

7. In view of the foregoing, we find that it will be in the public interest to authorize an expansion of the developmental air-ground radiotelephone service nationwide to permit operation with reduced separation of 25 kc/s in the present frequency allocation of 454.6625–455.000 Mc/s and 459.6625–460.000 Mc/s. To the limited extent of permitting the expansion of the developmental operation, we are rescinding our previous restriction in Docket 14615, paragraph 8.[7] We are also for the first time permitting a sharing of the frequencies between the land mobile and air-ground systems, and expect that the wireline companies will

[2] There were approximately 100 air-ground authorizations then outstanding and the same number continue in operation today. These mobile airborne units are served by 10 land stations operated within the northeast section of the United States by Bell system companies.

[3] The Commission in its memorandum opinion and order released in Docket 14615 (FCC 65–558), prohibited such further expansion. See paragraph 2, supra.

[4] Comments in support were filed by: Aircraft Owners and Pilots Association on May 15, 1968; American Telephone and Telegraph Co. on May 29, 1968; National Business Aircraft Association; and the National Association of State Aviation Officials each on June 4, 1968.

[5] In an attachment to its comments AT&T depicts how 25 kc/s spacing could provide a significant increase in capacity over that presently available for the developmental system, providing as many as four channels in major aviation hubs. AT&T also reiterates its belief that these frequencies can be used for both land and airborne mobile service.

[6] For all practical purposes, the Litcom proposal parallels that of one filed by American Telephone & Telegraph Co. (AT&T), which resulted in the issuance of a notice of proposed rule making in docket 14615 (released May 4, 1962, FCC 62–457, 27 F.R. 4459). It was recognized at that time that six channels would be inadequate to provide a useful air-ground service. In an effort to overcome the obvious handicap the Commission modified the AT&T proposal to embrace "split channel" technical standards which would eventually permit doubling the number of available channels. However, respondents stated that these standards were too restrictive, beyond the state of the art and prohibitive in cost. (See paragraph 2, supra.) Had the Commission's proposal been accepted by industry at that time, the air-ground service would be 6 years advanced.

[7] See paragraph 2, and footnote 3, supra.

immediately initiate appropriate developmental programs designed to demonstrate the feasibility of such sharing. We are concurrently issuing a third notice of proposed rule making (FCC 68-886), and we are asking for comments addressed thereto which would help resolve the immediate question of communications between aircraft and ground stations. We will also at this time terminate RM 1303 by incorporating it into Docket 16073 herein. Pending resolution of this rule making, applications for facilities of the decreased channel spacing will be accepted for filing on a developmental basis subject to the showing required in Subpart F, Part 21 of the Commission's rules. Applications under this provision should be in accordance with the allocation plan and standards set forth in the third notice of proposed rule making, infra.

8. However we wish to continue to encourage further exploration and testing in order that a more adequate and more acceptable system may be found. To this end we expect that industry will actively investigate the possibility of ultimately accommodating this service on higher frequencies, and anticipate that appropriate definitive comments in this regard will be addressed to the outstanding notice of inquiry and notice of proposed rule making in Docket 18262, released July 26, 1968 (FCC 68-745, 33 F.R. 1037).

Accordingly, it is ordered, That the request filed by Litcom Division of Litton Industries, Inc., on May 3, 1968, is granted to the extent indicated herein and in all other respects is denied.

It is further ordered, That the developmental service now in operation of 450 MC/s is extended and expanded as indicated in this memorandum opinion and order, and to the extent necessary to implement such extension and expansion, the limitations established in Docket 14615 are hereby rescinded.

It is further ordered, That pending resolution of the third notice of proposed rule making issued concurrently (FCC 68-886), applications for additional facilities as indicated herein will be accepted for filing on a developmental basis subject to the showing required to be made in Subpart F, Part 21 of the Commission's rules.

It is further ordered, That RM 1303 is hereby closed and all pleadings and comments incorporated in Docket 16073.

Adopted: August 28, 1968.

Released: September 4, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-10796; Filed, Sept. 9, 1968; 8:45 a.m.]

[5] Commissioner Cox abstaining from voting; Commissioner Wadsworth absent; Commissioner Johnson concurring in the result.

[47 CFR Parts 2, 21, 87]

[Docket Nos. 16073, 13348; FCC 68-886]

DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Public Air-Ground Radiotelephone Service

In the matter of amendment of Parts 2, 21, and 87 of the Commission's rules to establish a Public Air-Ground Radiotelephone Service, Docket No. 16073; amendment of Part 21 of the Commission's rules governing Domestic Public Radio Services (other than Maritime Mobile) to provide for the assignment of frequencies in the 450-460 Mc/s band to control stations in the Domestic Public Land Mobile and Point-to-Point Microwave Radio Services, Docket No. 13348.

1. Notice is hereby given of this further proposed rule making in the above-entitled matter.

2. The Commission found in a separate memorandum opinion and order issued concurrently (FCC 68-885) that the public interest would best be served by authorizing an expansion of the developmental air-ground radiotelephone service nationwide to permit operation with reduced separation of 25 kc/s in the present frequency allocation of 454.6625-455.000 Mc/s and 459.6625-460.000 Mc/s. The information brought to our attention in support of the proposal warranting expansion of the developmental operation, and more fully set forth in the memorandum opinion and order, supra, indicates the possibility of developing an adequate system with the present frequency allotment utilizing the decreased separation. The proposal also affords for the first time the additional opportunity of permitting a sharing of the frequencies between the land mobile and air-ground systems. Consequently, in order that our objective of establishing a regular air-ground radiotelephone system may be accomplished, we propose to adopt rules and standards in accordance with the details set forth below. We are therefore, issuing this third notice of proposed rule making and requesting that comments and views be submitted.

3. Authority for the amendments proposed below is contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

4. Comments addressed to the proposal detailed below should be filed by interested persons, pursuant to applicable procedures set forth in section 1.415 of the Commission's rules and regulations on or before December 2, 1968, and reply comments on or before January 2, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken thereon. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this third notice.

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

Adopted: August 28, 1968.

Released: September 4, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 21.1 is amended by adding a new definition for "Airborne station" and by modifying the definition of "General communication" to read as follows:

§ 21.1 Definitions.

* * * * *

Airborne station. A mobile station in the domestic public land mobile radio service aboard aircraft.

* * * * *

General communication. Two-way voice communication, through a base station, between (1) a common carrier land mobile or airborne station and a landline telephone station connected to a public message landline telephone system, or (2) two common carrier land mobile stations, or (3) two common carrier airborne stations, or (4) a common carrier land mobile station and a common carrier airborne station.

* * * * *

2. Section 21.29(b) is amended to read as follows:

§ 21.29 Forms to be used.

* * * * *

(b) *Application for license for mobile stations.* No construction permit is required for mobile stations. A separate application on FCC Form 401 shall be submitted for a license for the maximum number of mobile units expected to be placed in operation within the ensuing license period: *Provided, however,* In the Domestic Public Land Mobile Radio Service, an application for license for land mobile or airborne units to be licensed in the name of the base station licensee may be combined on the same application form with an application for the base station with which the land mobile units will be associated. In the preparation of such blanket applications, care should be exercised that data furnished therein in all particulars is clearly differentiated between the land mobile, airborne and base station installations. In any event, the mobile station license will be issued simultaneously with the issuance of the related base station license in the case of applications in the Domestic Public Land Mobile Radio Service. Applications for land mobile or airborne stations in the Domestic Public Land

[1] Commissioner Cox abstaining from voting; Commissioner Wadsworth absent; Commissioner Johnson concurring in the result.

Mobile Radio Service, which are submitted by persons who propose to become subscribers to a common carrier service for public correspondence, shall be accompanied by the supplementary showing set forth in § 21.15(i).

* * * * *

3. Section 21.107(b) is amended to read as follows:

§ 21.107 Transmitter power.

* * * * *

(b) The rated power output of a transmitter employed in these radio services shall not exceed the values shown in the following tabulation:

Frequency range (Mc/s):	*Rated power output*
Below 30	50 watts.
30 to 50	350 watts.
50 to 76	50 watts.
76 to 500	250 watts.[1]
500 to 10,000	100 watts.[2]
Above 10,000	Unlimited.

[1] Transmitter rated power output is limited to a maximum of 25 watts on frequencies in the bands 454.6625–455.000 Mc/s and 459.6625–460.000 Mc/s.

[2] As an exception, in the band 5925–6425 Mc/s, the power delivered by a transmitter to the antenna of a station in the fixed service shall not exceed 20 watts. Additionally, in this band, the maximum effective radiated power of the transmitter and associated antenna of a station in the fixed service shall not exceed +55 dbW. These limitations are necessary to minimize the probability of harmful interference to reception in this band on board communication-satellite space stations.

* * * * *

4. In § 21.213, paragraph (a) is amended and a new paragraph (b)(5) is added to read as follows:

§ 21.213 Station identification.

(a) Each station in these services, except as otherwise provided in this section, shall identify itself by transmitting its assigned call sign in connection with each communication or exchange of communication. In the event of a prolonged series of communications, a station shall identify itself at least every half hour. However, stations engaged in a public telephone message, telegram, radiophoto, or program transmission shall not be required to transmit identifying call signs when such identification would interrupt the continuity of the message, radiophoto, or program that is being transmitted. In any such case, the identifying call sign shall be transmitted immediately following the conclusion of the message, radiophoto or program: *Provided,* That the requirement for transmission of station identification is waived for fixed stations automatically retransmitting by self-actuating means, for transmitters using multichannel transmission at fixed stations employing continuous radiation, and for the exclusive signaling channel common to all base stations which are specifically authorized to communicate with airborne stations in the Domestic Public Land Mobile Radio Service.

(b) * * *

(5) An airborne station in the Domestic Public Land Mobile Radio Service shall identify itself by the official FAA registration number of the aircraft or by a word designating the name of the airline followed by the scheduled flight number, and adequate records shall be maintained by the base station licensee to permit ready identification of the airborne station.

* * * * *

5. In § 21.501, paragraph (b) is amended and a new paragraph (j) is added to read as follows:

§ 21.501 Frequencies.

* * * * *

(b) For assignment to stations of communication common carriers engaged also in the business of affording public landline message telephone service, for General and Dispatch Communications (provided that Signaling Communications may also be furnished by any facility rendering such General or Dispatch Service):

Base station frequencies (Mc/s):	*Mobile, dispatch, and auxiliary test station frequencies (Mc/s)*
152.51	157.77
152.54	157.80
152.57	157.83
152.60	157.86
152.63	157.89
152.66	157.92
152.69	157.95
152.72	157.98
152.75	158.01
152.78	158.04
152.81	158.07
454.375	459.375
454.400	459.400
454.425	459.425
454.450	459.450
454.475	459.475
454.500	459.500
454.525	459.525
454.550	459.550
454.575	459.575
454.600	459.600
454.625	459.625
454.650	459.650
454.700[1]	459.700
454.725[1]	459.725
454.750[1]	459.750
454.775[1]	459.775
454.800[1]	459.800
454.825[1]	459.825
454.850[1]	459.850
454.875[1]	459.875
454.900[1]	459.900
454.925[1]	459.925
454.950[1]	459.950
454.975[1]	459.975

[1] Use of the frequencies for base stations, as indicated herein, is limited on an interference-free basis to the areas specified for the nationwide plan for assignment of frequencies to land mobile systems which also provide communication service to airborne stations and is subject to prior coordination with wireline common carriers in the area providing such service.

* * * * *

(j) In lieu of a wireline circuit for control of a specific base station transmitter from its required control point or in lieu of wirelines for an audio circuit to a base station control point from a remotely located fixed receiver used for reception of mobile station transmissions, and upon an affirmative showing that the conditions set forth in subparagraphs (1) through (5) of this paragraph are satisfied, a single control and repeater station may be authorized to communication common carriers, who are engaged also in the business of affording public landline message telephone service, upon the frequencies indicated below:

454.375	459.375
454.400	459.400
454.425	459.425
454.450	459.450
454.475	459.475
454.500	459.500
454.525	459.525
454.550	459.550
454.575	459.575
454.600	459.600
454.625	459.625
454.650	459.650

(1) The control station, and the base station controlled thereby, are located over 50 airline miles from the nearest geographical boundary of the nearest urbanized area having a population over 300,000 (as determined and defined in the most recent census reports of the U.S. Bureau of the Census).

(2) The repeater station, and the point to which its transmissions are directed, are located over 50 airline miles from the nearest geographical boundary of the nearest urbanized area having a population over 300,000 (as determined and defined in the most recent census reports of the U.S. Bureau of the Census).

(3) The effective radiated power of the control or repeater station does not exceed 150 watts.

(4) The use of the frequencies by a control or repeater station will not cause harmful interference to any other station authorized to use such frequencies and shall be on a secondary basis to the provision of mobile and rural radio service by other classes of stations.

(5) Series operation of more than one control or repeater station is not involved.

NOTE: The provisions of subparagraphs (1) and (2) of this paragraph may be waived by the Commission upon a factual showing, supported by such engineering proof as may be necessary, that all of the currently assignable pairs of 152–162 Mc/s band frequencies listed in paragraph (b) of this section are not assigned or applied for within interference range of existing or possible station assignments within the urbanized area having a population of over 300,000 and, upon a satisfactory showing, that in such area over a substantial period of years the growth of the public land mobile radio service has not been hampered by a shortage of frequencies allocated to such service in the 152–162 Mc/s band. Facilities authorized under the provisions of such waivers shall be on a secondary basis and subject to the condition that, in the event the frequencies are required for assignment to base and mobile stations in the area, operation thereon shall be terminated within 60 days after notice is received from the Commission.

6. Section 21.502 is amended to read as follows:

§ 21.502 Classification of base stations.

Base stations in the Domestic Public Land Mobile Radio Service shall be classified, as set forth below, according to their transmitting antenna height above average terrain in any particular direction and according to their effective radiated power in the horizontal plane of

the antennae in that direction. This classification is not applicable to base stations in the frequency bands 454.6625–455.000 M/cs and 459.6625–460.000 Mc/s.

Antenna height above average terrain (feet)	Class of station				
400 to 500	C	B	B	A	A
300 to 400	C	C	B	B	A
200 to 300	D	C	C	B	B
100 to 200	D	D	C	C	B
0 to 100	E	D	D	C	C
	30	60	120	250	500
	Effective radiated power (watts).				

7. Section 21.506 is amended to read as follows:

§ 21.506 Power limitations.

(a) Stations in this service shall not be permitted to exceed 500 watts effective radiated power and shall not be authorized to use transmitters having a rated power output in excess of the limits set forth in § 21.107(b): *Provided, however,* That the effective radiated power of dispatch stations, and auxiliary test stations and base stations operating on frequencies specified in § 21.521 shall not exceed 100 watts: *Provided, further,* That the rated power output of transmitters used on frequencies specified in § 21.521 shall not exceed 25 watts and that the effective radiated power of airborne stations operating on such frequencies shall not be less than 10 watts nor more than 25 watts. A base station standby transmitter having a rated power output in excess of that of the main transmitter of the base station with which it is associated will not be authorized.

(b) Under idle traffic conditions, a base station assigned frequencies specified in § 21.521 shall radiate continuously on its working channel(s) a tone modulated carrier reduced in power by at least 15 decibels, but not more than 20 decibels, below its normal power. (See also § 21.508(b).)

8. In § 21.508, paragraph (b) is amended and paragraph (h) is added to read as follows:

§ 21.508 Modulation requirements.

* * * * *

(b) During idle traffic conditions, the working channel carrier of a base station on frequencies specified in § 21.521 shall be modulated continuously with a distinctive tone except during periods required for station identification.

* * * * *

(h) Each airborne station shall use suitable means to prevent impairment of transmission by the ambient noise present when the aircraft is in operation. Ambient noise in excess of 95 decibels Reference Acoustical Pressure (flat weighting) shall require use of a noise-canceling type of microphone, or suitable environmental acoustic treatment to reduce the ambient noise level to 95 decibels RAP or less.

9. In § 21.509, paragraphs (d) and (e) are amended to read as follows:

§ 21.509 Permissible communications.

* * * * *

(d) Mobile stations in this service may not be operated aboard aircraft except when licensed for such installation as airborne stations upon frequencies designated in § 21.521.

(e) Base stations in this service which are authorized to render one-way signaling service may also render such service to receivers aboard aircraft and vessels, and may engage in two-way communication with airborne stations upon frequencies designated in § 21.521.

* * * * *

10. Section 21.510 is amended to read as follows:

§ 21.510 Base stations may be authorized only as part of integrated radio system.

Base stations will be authorized only as a part of an integrated communication system wherein land mobile units associated therewith are also licensed to the base station licensee. (See also § 21.15 (i).)

11. A new § 21.521 is added to read as follows:

§ 21.521 Nationwide plan for assignment of frequencies to land mobile systems rendering communication service to airborne stations.

(a) The following frequency pairs designated by the working channel numbers indicated below are designated for assignment only to land mobile radio systems, which are interconnected to the nationwide public landline message telephone system and afford communication service to airborne stations:

Base station frequencies (Mc/s)	Working channel designations	Mobile and auxiliary test station frequencies (Mc/s)
454.675 [1]		
454.700	1	459.700
454.725	2	459.725
454.750	3	459.750
454.775	4	459.775
454.800	5	459.800
454.825	6	459.825
454.850	7	459.850
454.875	8	459.875
454.900	9	459.900
454.925	10	459.925
454.950	11	459.950
454.975	12	459.975

[1] This frequency is to be associated with each of the base station channels listed herein and is to be used exclusively as a signaling channel for calling airborne stations.

(b) Base stations operating on the frequencies specified in this section shall be situated within 25 statute miles of the location specified below. This distance shall be measured from the intersection of the geographic coordinates shown, or from the main post office where coordinates are not specified herein.

Location	*Channel*
Alabama:	
Troy	6
Alaska:	
Anchorage	8, 10
Fairbanks	5, 6
Juneau	2, 7
Ketchikan	4, 3
Nome	2, 7
Arizona:	
Grand Canyon	2
Phoenix	5, 8
Arkansas:	
Little Rock	5
California:	
East of Fresno (36°44′ N. lat.) (119°17′ W. long.)	3, 11
Northwest of Los Angeles (34°20′ N. lat.) (118°36′ W. long.)	4, 7, 10
North of Redding (40°55′ N. lat.) (122°27′ W. long.)	6, 7
Northeast of San Francisco (37°51′ N. lat.) (122°11′ W. long.)	1, 8, 9
Northwest of Santa Barbara (34°32′ N. lat.) (119°58′ W. long.)	
East of San Diego (32°53′ N. lat.) (116°25′ W. long.)	1, 9
Colorado:	
Denver	2, 7, 8
Grand Junction	4, 12
Trinidad	10
District of Columbia:	
Washington	1, 8, 11
Florida:	
Cocoa	5, 11
Miami	2, 7, 8
Tampa	3, 10
Georgia:	
Atlanta	4, 7, 8
Waycross	1, 12
Hawaii:	
Hilo (Hawaii)	2, 4
Honolulu (Oahu)	1, 3, 5, 7
Kailua-Kona (Hawaii)	6, 8
Kamuela (Hawaii)	9
Kahului (Maui)	10, 12
Lihue (Kauai)	11
Idaho:	
Boise	4
Idaho Falls	10
Illinois:	
Alton	3, 10
Chicago	1, 7, 8, 9
Indiana:	
Vincennes	4, 11
Iowa:	
Waterloo	5
Kansas:	
Colby	1, 9
Salina	4, 11
Kentucky:	
Middlesboro	5
Louisiana:	
New Orleans	3, 11
Shreveport	6
Maine:	
Bangor	3
Massachusetts:	
Boston	4, 12
Michigan:	
Detroit	2, 10
Minnesota:	
Duluth	3
Minneapolis	4, 7, 12
Mississippi:	
Jackson	2
Montana:	
Billings	4
Glendive	3
Great Falls	2
Missoula	6
Nebraska:	
Alliance	5
North Bend	6
Nevada:	
Elko	5
Las Vegas	6, 12
Northwest of Reno (39°35′ N. lat.) (119°56′ W. long.)	2, 10
New Jersey:	
Newark	2, 7, 9, 10
New Mexico:	
Albuquerque	6
Artesia	1
Silver City	3

Location	Channel
New York:	
Elmira	5
Southwest of Albany (42°38' N. lat.) (73°59' W. long.)	6
North Carolina:	
Charlotte	2, 10
Rocky Mount	6, 12
North Dakota:	
Bismarck	1
Fargo	2
Ohio:	
Dayton	6
Oklahoma:	
Oklahoma City	3, 12
Oregon:	
Klamath Falls	12
Pendleton	3
Salem	1, 9
Pennsylvania:	
Pittsburgh	4, 12
Puerto Rico:	
Mayaguez	12
Ponce	11
San Juan	8, 9, 10
South Carolina:	
Columbia	9
South Dakota:	
Pierre	10
Rapid City	11
Texas:	
Amarillo	5
Dallas	4, 7, 8
El Paso	9
Harlingen	3
Houston	1, 9, 10
San Antonio	5
Sweetwater	2
Utah:	
Ogden	3, 11
Richfield	1, 9
Virgin Islands:	
Charlotte Amalie	7
Fredericksted	6
Washington:	
Seattle	2, 6, 7, 8, 10
Spokane	5
West Virginia:	
Beckley	3
Wisconsin:	
Wausau	6
Wyoming:	
Casper	6

12. A new § 21.522 is added to read as follows:

§ 21.522 Base station signaling system requirements for calling airborne stations.

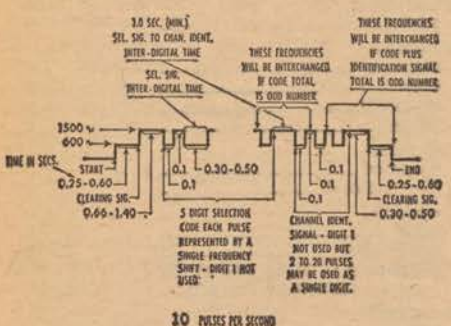
(a) Each base station operating on frequencies specified in § 21.521 shall be equipped for two-tone selective signaling of airborne stations by means of a code comprised of seven basic elements, A through G, as follows:

A	B	C	D	E	F	G
Digit one (1)	Pause	Five digits (e.g., 29035).	Pause	One or more digits (e.g., 3).	Pause	Digit one (1)

A—A clearing pulse to reset selectors to zero.
B—An idle period pulse of 0.66 to 1.4 seconds between the transmission of the clearing pulse and the time of start of transmission of the assigned selective signaling code.
C—The selective signaling code or "number" assigned to the airborne station. This always comprises five digits. The digit one is not used. The arithmetic sum of the five digits will be anything from 10 to 50, counting 0 as 10.
D—An idle period, 1.0 second (minimum) between the transmission of the five-digit code and element E, the channel designation number.
E—The channel designation number to indicate the working channel of the calling base station. This may also be used to activate an audible ringing signal in the aircraft. It may be one or more digits, other than digit 1.
F—A 0.30 second period is provided prior to transmission of a clearing pulse.
G—A clearing pulse to enable the airborne station selective signaling receiver equipment to return the selective signaling selector to zero.

(b) The basic elements of the selective signaling system shall conform to the frequencies and time intervals illustrated. The times shown apply to automatic-pulsing selective-signaling equipments using digit counting circuitry at the ground station. If manual dialing is employed, the pauses and interdigit times will be dependent upon the speed of the operator.

TWO-TONE SIGNAL FOR GROUND-TO-AIR CALLING



13. A new § 21.523 is added to read as follows:

§ 21.523 Airborne station receiver requirements.

(a) An airborne station desiring to receive calls originated by a base station shall be equipped to receive and respond to its assigned telephone number when transmitted by the selective signaling system prescribed by § 21.522.

(b) Airborne stations desiring to receive calls originated by a base station must employ a receiver designed to automatically revert to the signaling channel frequency upon completion of a call.

14. Section 21.601(a) is amended to read as follows:

§ 21.601 Frequencies.

(a) The following frequencies are available primarily to the Domestic Public Land Mobile Radio Service and, on a secondary basis, to stations in the Rural Radio Service, provided no harmful interference is caused to stations in the Domestic Public Land Mobile Radio Service:

Central office and interoffice station frequencies (Mc/s):	*Rural subscriber and interoffice station frequencies (Mc/s)*
152.51 [1]	[1] 157.77
152.54 [1]	[1] 157.80
152.57 [1]	[1] 157.83
152.60 [1]	[1] 157.86
152.63 [1]	[1] 157.89
152.66 [1]	[1] 157.92
152.69 [1]	[1] 157.95
152.72 [1]	[1] 157.98
152.75 [1]	[1] 158.01
152.78 [1]	[1] 158.04
152.81 [1]	[1] 158.07
	[2] 158.49
	[2] 158.52
	[2] 158.55
	[2] 158.58
	[2] 158.61
	[2] 158.64
	[2] 158.67
	[2] 459.025
	[2] 459.050
	[2] 459.075
	[2] 459.100
	[2] 459.125
	[2] 459.150
	[2] 459.175
	[2] 459.200
	[2] 459.225
	[2] 459.250
	[2] 459.275
	[2] 459.300
	[2] 459.325
	[2] 459.350
454.375 [1]	[1] 459.375
454.400 [1]	[1] 459.400
454.425 [1]	[1] 459.425
454.450 [1]	[1] 459.450
454.475 [1]	[1] 459.475
454.500 [1]	[1] 459.500
454.525 [1]	[1] 459.525
454.550 [1]	[1] 459.550
454.575 [1]	[1] 459.575
454.600 [1]	[1] 459.600
454.625 [1]	[1] 459.625
454.650 [1]	[1] 459.650

[1] This frequency is available for assignment only to stations of communication common carriers also engaged in the business of affording public landline message telephone service.

[2] This frequency is available for assignment only to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service.

* * * * *

15. In § 21.701(e), the intro text and subparagraph (4) are amended to read as follows:

§ 21.701 Frequencies.

* * * * *

(e) Upon a satisfactory factual showing that it is impracticable to use wireline circuits for control of a specific point-to-point microwave fixed station from its control point or for automatically telemetering information relative to the operation of such station to its attended alarm center, the frequencies listed below may be assigned to a control station for such purposes: *Provided*, That:

* * * * *

(4) The use of such frequencies for control purposes shall be on a secondary

basis to the provision of mobile and rural radio service by other classes of stations.

454.025 Mc/s [1]	[1] 459.025 Mc/s
454.050 Mc/s [1]	[1] 459.050 Mc/s
454.075 Mc/s [1]	[1] 459.075 Mc/s
454.100 Mc/s [1]	[1] 459.100 Mc/s
454.125 Mc/s [1]	[1] 459.125 Mc/s
454.150 Mc/s [1]	[1] 459.150 Mc/s
454.175 Mc/s [1]	[1] 459.175 Mc/s
454.200 Mc/s [1]	[1] 459.200 Mc/s
454.225 Mc/s [1]	[1] 459.225 Mc/s
454.250 Mc/s [1]	[1] 459.250 Mc/s
454.275 Mc/s [1]	[1] 459.275 Mc/s
454.300 Mc/s [1]	[1] 459.300 Mc/s
454.325 Mc/s [1]	[1] 459.325 Mc/s
454.350 Mc/s [1]	[1] 459.350 Mc/s
454.375 Mc/s [2]	[2] 459.375 Mc/s
454.400 Mc/s [2]	[2] 459.400 Mc/s
454.425 Mc/s [2]	[2] 459.425 Mc/s
454.450 Mc/s [2]	[2] 459.450 Mc/s
454.475 Mc/s [2]	[2] 459.475 Mc/s
454.500 Mc/s [2]	[2] 459.500 Mc/s
454.525 Mc/s [2]	[2] 459.525 Mc/s
454.550 Mc/s [2]	[2] 459.550 Mc/s
454.575 Mc/s [2]	[2] 459.575 Mc/s
454.600 Mc/s [2]	[2] 459.600 Mc/s
454.625 Mc/s [2]	[2] 459.625 Mc/s
454.650 Mc/s [2]	[2] 459.650 Mc/s

[1] This frequency is available for assignment only to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service.

[2] This frequency is available for assignment only to stations of communication common carriers also engaged in the business of affording public landline message telephone service.

* * * * *

[F.R. Doc. 68-10797; Filed, Sept. 9, 1968; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

PLASTIC MATTRESS HANDLES FROM CANADA

Antidumping Proceeding Notice

AUGUST 30, 1968.

On March 21, 1968, information was received indicating a possibility that plastic mattress handles manufactured by Fibre Conversion Co., Ltd., Toronto, Canada, are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information is in proper form pursuant to §§ 53.26 and 53.27 of the Customs Regulations (19 CFR 53.26, 53.27).

The information was submitted by Congressman Louis C. Wyman, on behalf of The Morley Co., Portsmouth, N.H.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The net price for export to the United States is substantially lower than the net price for exportation to countries other than the United States.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

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

[F.R. Doc. 68-10911; Filed, Sept. 9, 1968; 8:48 a.m.]

LOUDSPEAKERS FROM JAPAN

Antidumping Proceeding Notice

SEPTEMBER 3, 1968.

On March 22, 1968, information was received indicating a possibility that loudspeakers from Japan are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information is in proper form pursuant to §§ 53.26 and 53.27 of the Customs Regulations (19 CFR 53.26, 53.27).

The information was submitted by Lincoln & Stewart, Washington, D.C., on behalf of the World Trade Committee, Parts Division, Electronic Industries Association.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices of the loudspeakers for exportation to the United States are less than the prices of such or similar merchandise for home consumption in Japan.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

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

[F.R. Doc. 68-10912; Filed, Sept. 9, 1968; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CAROLINE E. BEHRENS

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Mrs. Caroline E. Behrens, Martiusstrasse 8, Munich, Germany; Claim No. 61547; Vesting Order Nos. 17841, 17898, 17903, 17906, 18006 and 18007; $106,738.49 in the Treasury of the United States.

Executed at Washington, D.C., on September 5, 1968.

For the Attorney General.

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

[F.R. Doc. 68-10904; Filed, Sept. 9, 1968; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 7571]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 30, 1968.

The Forest Service, U.S. Department of Agriculture, has filed an application, New Mexico 7571, for the withdrawal of lands described below, from location and entry under the mining laws. The applicant desires the lands for recreational areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

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

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

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

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

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

CARSON NATIONAL FOREST

Cabresto Campground

T. 29 N., R. 14 E., unsurveyed,
Sec. 19, S½N½SW¼, and N½S½SW¼, except HES No. 340.

Santa Barbara Campground

T. 21 N., R. 12 E., unsurveyed,
Sec. 1, E½E½NE¼.
T. 21 N., R. 13 E., unsurveyed,
Sec. 6, W½W½NW¼.
T. 22 N., R. 12 E., unsurveyed,
Sec. 36, SW¼SE¼NE¼ and W½NE¼SE¼.

Silver Bell Campground

T. 28 N., R. 13 E., unsurveyed,
Sec. 1, SE¼SE¼SW¼, SE¼NE¼SE¼SW¼, N½SW¼SE¼, SE¼NW¼SE¼, N½SW¼SW¼SE¼, and SE¼SW¼NW¼SE¼.

Sangre de Cristo Winter Sports Area

T. 27 N., R. 14 E., unsurveyed,
Sec. 1;
Sec. 12.
T. 27 N., R. 15 E., unsurveyed,
Sec. 6, W½W½E½ and W½, except that portion contained in HES 102;
Sec. 7, W½W½E½ and W½;
Sec. 18, W½W½NE¼ and NW¼.
T. 28 N., R. 14 E., unsurveyed,
Sec. 36, S½SW¼ and SE¼, except that portion contained in HES 102.
T. 28 N., R. 15 E., unsurveyed,
Sec. 31, SW¼ except that portion contained in HES 102.

La Jara Campground

T. 25 N., R. 15 E.,
Sec. 9, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, and NW¼SE¼SE¼.

The areas described aggregate 2,844 acres, more or less.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 68-10908; Filed, Sept. 9, 1968; 8:47 a.m.]

[U-6651, U-6698, U-6701]

UTAH

Order Opening Lands to Application, Entry and Patenting

SEPTEMBER 3, 1968.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 8 N., R. 6 E.,
Sec. 27, W½, W½E½.
T. 12 N., R. 6 E.,
Sec. 1, SE¼NE¼;
Sec. 11, W½SW¼, SE¼SW¼;
Sec. 14, N½NW¼, SE¼NW¼.
T. 13 N., R. 6 E.,
Sec. 16, W½, SW¼SE¼.
T. 12 N., R. 7 E.,
Sec. 5, NE¼SE¼;
Sec. 16, all;
Sec. 18, NE¼SW¼;
Sec. 20, NE¼NW¼.
T. 10 N., R. 15 W.,
Sec. 6, beginning at southwest corner of lot 7, thence east 54½ rods, thence north 80 rods, thence west 54½ rods, thence south 80 rods to beginning.
T. 9 N., R. 16 W.,
Sec. 3, lots 3 and 4.
T. 10 N., R. 16 W.,
Sec. 25, NW¼NW¼.
T. 7 N., R. 17 W.,
Sec. 15, that portion lying northerly of a line parallel with and 200 feet distance northerly of center line of SPRR Co.'s railroad as now constructed.

The areas described aggregate 2,164.93 acres.

2. The lands are located in Box Elder and Rich Counties. The topography is generally rolling. They are semiarid in character and are not suitable for farming. The lands have values for watershed, grazing, wildlife, and recreation, which can best be managed under principles of multiple use.

3. The United States did not acquire minerals in the lands described herein.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on October 9, 1968, be opened to application, petition, and selection. All valid applications received at or prior to 10 a.m. on October 9, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[F.R. Doc. 68-10896; Filed, Sept. 9, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

COLGATE PALMOLIVE CO.

Notice of Filing of Petition Regarding Potassium Sodium Copper Chlorophyllin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 77) has been filed by the Colgate Palmolive Co., 300 Park Avenue, New York, N.Y. 10022, proposing the issuance of a color additive regulation (21 CFR Part 8) to provide for the safe use and exemption from certification of potassium sodium copper chlorophyllin (chlorophyllin-copper complex) as a color for dentifrices, which are either drugs or cosmetics, at a level not to exceed 0.10 percent.

Dated: August 30, 1968.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 68-10900; Filed, Sept. 9, 1968; 8:46 a.m.]

NATIONWIDE CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0719) has been filed by the Nationwide Chemical Corp., Post Office Box 775, Fort Myers, Fla. 33901, proposing the establishment of tolerances for negligible residues of the fungicide and bactericide hexachlorophene (2,2'-methylenebis(3,4,6-trichlorophenol)) and its sodium salt in or on the raw agricultural commodities citrus, cotton, cucurbits, peppers, potatoes, and tomatoes at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the pesticide is a colorimetric procedure in which the sample is extracted with an acidified chloroform solution. The extract is evaporated on a steam bath and sodium carbonate (0.025 percent) is added to the residue. The solution is adjusted to pH 10.5 and then mixed with solutions of potassium ferricyanide (8 percent) and 4-aminoantipyrine (2 percent). After 5 minutes the solution is filtered and measure spectrophotometrically.

Dated: August 30, 1968.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 68-10901; Filed, Sept. 9, 1968; 8:47 a.m.]

SALSBURY LABORATORIES

Notice of Withdrawal of Petitions for Food Additives

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

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Salsbury Laboratories, Charles City, Iowa 50616, has withdrawn its petitions (3) proposing amendments to the food additive regulations to provide for the safe use of specified food additives as follows:

1. A combination drug containing 3,5-dinitrobenzamide, acetyl-(*p*-nitrophenyl)-sulfanilamide, and 3-nitro-4-hydroxyphenylarsonic acid with low-level antibiotics in chicken feeds (the notice of filing was published in the FEDERAL REGISTER of April 22, 1965 (30 F.R. 5717)).

2. A combination drug containing 2-chloro-4-nitrobenzamide, acetyl-(*p*-nitrophenyl)-sulfanilamide, 3-nitro-4-hydroxyphenylarsonic acid, and growth promotent levels of certifiable antibiotics in chicken feeds (the notice of filing was published April 14, 1966 (31 F.R. 5770)).

3. A combination drug containing 2-chloro-4-nitrobenzamide, 3-nitro-4-hydroxyphenylarsonic acid, and low-level antibiotics in chicken feed (the notice of filing was published August 18, 1966 (31 F.R. 10966)).

Dated: August 30, 1968.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 68-10902; Filed, Sept. 9, 1968; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Order Changing Location of Hearing

On August 7, 1968, the Atomic Energy Commission issued a notice of hearing to consider the issuance of a provisional construction permit in the captioned proceeding to Maine Yankee Atomic Power Co. at a hearing before this Atomic Safety and Licensing Board to be held at 10 a.m., local time on September 18, 1968, in the Hearing Room, Municipal Building, U.S. Route 1, Wiscasset, Maine. This notice was published in 33 F.R. 11423 on August 10, 1968.

At the prehearing conference held in Wiscasset, Maine, September 4, 1968, it was noted that the space available in the room provided might be inadequate to accommodate all of the participants and members of the public who might wish to attend the hearing. In order to provide additional space which would permit greater public attendance: *It is hereby ordered*, That the hearing shall be convened in Memorial Gymnasium, Federal Street, Wiscasset, Maine. The date and time of the hearing shall remain as previously scheduled, namely, 10 a.m., local time on Wednesday, September 18, 1968.

It is further ordered, That this order shall be published in the FEDERAL REGISTER.

Issued: September 6, 1968, at Washing, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
VALENTINE B. DEALE,
Chairman.

[F.R. Doc. 68-10984; Filed, Sept. 9, 1968; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18078; Order 68-9-8]

MILITARY ORDINARY MAIL

Order Fixing Final Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of September 1968.

On August 6, 1968, the Board issued a Statement of Provisional Findings and Conclusions and Order To Show Cause 68-8-21 proposing the establishment of service mail rates for military ordinary mail (MOM). The time allowed for the filing of objections to that order has expired.

No objections having been filed within the time allowed, all persons have waived the right to a hearing and all other procedural steps prior to a decision fixing the rate.

The Board adopts herein the findings and conclusions set forth in the statement accompanying Order 68-8-21. The Board is, however, effecting two changes of a technical and clarifying nature in the proposed rate order which accompanied the order to show cause. In addition, the order provides for the standard mileage between San Francisco, Portland, or Seattle and Tokyo, which was included in the previous rate order applicable to transpacific MOM but was inadvertently omitted from the proposed rate order accompanying the order to show cause.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a) and 406 thereof, and the Board's rules of practice (14 CFR Part 302):

It is ordered, That:

1. For that mail matter (for convenience sometimes referred to as military mail) consisting of all classes of U.S. mail other than airmail and air parcel post, including official and personal letters and parcels addressed to or from Armed Forces Post Offices outside of the United States and tendered from time to time to an air carrier by the Post Office Department or its agents or representatives for transportation in this class of service,[1] transported by Pan American World Airways, Inc., in transatlantic,[2] transpacific,[3] and Latin American [4] service; by Seaboard World Airlines, Inc., and Trans World Airlines, Inc., in transatlantic service; [5] by Northwest Airlines, Inc., in transpacific service; [6] and by Aerovias Sud Americana, Inc., American Airlines, Inc., Braniff Airways, Inc., Caribbean-Atlantic Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., and Western Air Lines, Inc., in Latin American service,[7] the rate of compensation for the period January 1, 1967, through June 30, 1968, shall be 24.57 cents per ton-mile; and, on and after July 1, 1968, the rate of compensation shall be 21.84 cents per ton-mile.

The rates of compensation set forth above shall be applied in accordance with the following terms and conditions:

The rates established herein, 24.57 cents per ton-mile for the period January 1, 1967, through June 30, 1968, and 21.84 cents per ton-mile on and after July 1, 1968, shall be applied to the mail ton-miles carried each month by each carrier in the class of service to which such rates are applicable. The mail ton-miles shall be computed in accordance with the standard mileages between point of origin and destination concurrently used in computing the compensation applicable to airmail and other classes of mail: *Provided, however*, That for military mail transported between San Francisco, Portland, or Seattle and Tokyo, the mail ton-miles shall be computed on the basis of a standard mileage of 4,843.

No such mail may be transported in this class of service on any aircraft unless the air carrier has first provided fully for the needs of the postal service for the transportation of airmail and air parcel post on that aircraft, and (in the case of a service offering passenger transportation) has also first provided fully for the passenger requirements on that flight.

The rate here fixed, determined, and published is a service mail rate payable in its entirety by the Postmaster General, pursuant to section 406(c) of the Federal Aviation Act of 1958. The compensation provided herein shall be in lieu of, and not in addition to, the service mail compensation for this class of service received by each carrier for mail transported on and after January 1, 1967.

2. The investigation in Docket 18078 is hereby terminated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[8]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-10915; Filed, Sept. 9, 1968; 8:48 a.m.]

[Docket No. 19797]

SUBSTITUTION OF OTHER SERVICE FOR AIR TRANSPORTATION RULE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 20, 1968, at 10 a.m., e.d.t., in

[1] Mail transported in this class of service is distinct from that mail matter transported on a space-available basis and compensated pursuant to Order E-25654, Sept. 8, 1967, as amended.

[2] "Transatlantic service" as used herein is defined as those services performed by Pan American, Seaboard, and TWA over their respective routes:

(1) Between points in the United States, on the one hand, and points in Bermuda, Europe, Africa, and Asia, on the other hand, via the Atlantic; and

(2) Between points in Bermuda, Europe, Africa, and Asia, as authorized by certificates of public convenience and necessity or exemptions.

[3] "Transpacific service" as used herein is defined as those services performed by Pan American and Northwest over their respective routes:

(1) Between points in the United States, on the one hand, and foreign and overseas points in the Pacific area, on the other hand; and

(2) Between foreign and overseas points in the Pacific area, as authorized by certificates of public convenience and necessity or exemptions.

[4] See footnote 7, infra.

[5] See footnote 2, supra.

[6] See footnote 3, supra.

[7] "Latin American service" as used herein is defined as services performed by Aerovias, American, Braniff, Caribbean-Atlantic, Delta, Eastern, Pan American, and Western over their respective routes:

(1) Between points in the United States, on the one hand, and foreign and overseas points other than Puerto Rico in the Caribbean area, the Central America area, South America, Mexico, the Bahama Islands, and Bermuda in the case of all the aforementioned carriers other than Pan American, on the other hand, and

(2) Between foreign and overseas points in the Caribbean area, Central America area, South America, Mexico, Bermuda, and the Bahama Islands, as authorized by certificates of public convenience and necessity.

[8] Dissenting statement of members Minetti and Adams filed as part of original document.

Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner E. Robert Seaver.

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

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-10916; Filed, Sept. 9, 1968; 8:48 a.m.]

[Docket No. 18078; Order 68-9-9]

TRANSATLANTIC AND TRANSPACIFIC PRIORITY MAIL

Order Fixing Final Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of September 1968.

On August 6, 1968, the Board issued a Statement of Provisional Findings and Conclusions and Order To Show Cause 68-8-21 proposing the establishment of new transatlantic and transpacific service rates applicable to priority mail. The time allowed for filing objections pursuant to that order has expired.

No objections having been filed within the time allowed, all persons have waived the right to a hearing and all other procedural steps prior to a decision fixing the rate.

The Board adopts herein the findings and conclusions set forth in the statement accompanying Order 68-8-21. Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a) and 406 thereof, and the Board's rules of practice (14 CFR Part 302):

It is ordered, That:

1. For all mail matter other than specific mail matter for which rates are elsewhere established, the rates of compensation shall be as follows:

a. During the period January 1, 1967, through June 30, 1968, the compensation to be paid Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc., in transatlantic service[1] shall be a rate of 36 cents per ton-mile to be paid in accordance with the terms and conditions set forth below.

b. During the period January 1, 1967, through June 30, 1968, the compensation to be paid Pan American World Airways, Inc., and Northwest Airlines, Inc., in transpacific service[2] shall be a rate of 32.4 cents per ton-mile to be paid in accordance with the terms and conditions set forth below.

c. On and after July 1, 1968, the transatlantic services[3] of Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc., shall be compensated at the rate of 32 cents per ton-mile; and the transpacific services[4] of Pan American World Airways, Inc., and Northwest Airlines, Inc., shall be compensated at the rate of 28.8 cents per ton-mile. These rates are to be paid in accordance with the terms and conditions set forth below.

Mail ton-miles. The mail ton-miles for each shipment of mail shall be based upon the standard mileage established herein for service between the points of origin and destination of each shipment.

Standard mileage. The standard mileage for each pair of points shall be as set forth in the appendix to this order.[5]

Changes in standard mileage. The standard mileages set forth in the appendix to this order shall remain in effect throughout the period this rate order is in effect: *Provided, however,* That at any time the Board may institute a proceeding and any carrier subject to this order and/or the Postmaster General may make application to the Board for establishment of standard mileages to a new point: *And provided further, however,* That once each fiscal year the Board may institute a proceeding and any carrier subject to this order and/or the Postmaster General may make application to the Board for revision of any standard mileage effective July 1 of such fiscal year. Such applications will not be regarded as reopening the rate. Applications provided for above shall be clearly entitled "Application for (New) (Revised) Standard Mileage", shall contain a clear and concise statement of the requested standard mileage or standard mileage revision, the facts upon which such request is based, and shall in all other respects conform to the applicable requirements of the rules of practice.

In establishing standard mileages to a new point, the Board will consider the routings of flights to such point and the number of flights required by the postal service. In establishing revised standard mileages, the Board will consider the effect of changes in airport location, mail flow, and flight routings reflected in the carriers' general schedules during the first seven days of the month of May immediately preceding the July 1 effective date of such revision.

Origin and destination of mail shipments. As used herein "point of origin" means the point at which the carrier first enplanes the mail shipment after receipt thereof from a Postal Administration or its representatives, from another rate-making division of the same carrier the operations of which division are not encompassed herein, or from another carrier; and "point of destination" means the point at which the carrier deplanes the mail shipment for delivery to a Postal Administration or its representatives, to a separate rate-making division of the same carrier the operations of which division are not encompassed herein, or to another carrier.

Equalization of rates—1. *Election to equalize.* Any air carrier, or, pursuant to agreement, any two or more air carriers providing service on an interline or interchange basis, may, by notice, elect to establish a reduced charge for the carriage of mail between:

(a) Any point where a U.S. Post Office Department international exchange office is located[6] and any other point to which such international exchange office is authorized to dispatch airmail, or

(b) Foreign points,

equal to the charge then in effect for service between such points by any other air carrier or air carriers.[7]

2. *Common-rating of certain points.* Any carrier, or, pursuant to agreement, any two or more carriers providing service on an interline or interchange basis, may, by notice, elect to establish a reduced charge for the carriage of mail

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[1] "Transatlantic service" as used herein is defined as those services performed by Pan American, Seaboard, and TWA over their respective routes:

(1) Between points in the United States, on the one hand, and points in Bermuda, Europe, Africa, and Asia, on the other hand, via the Atlantic; and

(2) Between points in Bermuda, Europe, Africa, and Asia, as authorized by certificates of public convenience and necessity or exemptions.

[2] "Transpacific service" as used herein is defined as those services performed by Pan American and Northwest over their respective routes:

(1) Between points in the United States, on the one hand, and foreign and overseas points in the Pacific area, on the other hand; and

(2) Between foreign and overseas points in the Pacific area, as authorized by certificates of public convenience and necessity or exemptions.

[3] See footnote 1, supra.

[4] See footnote 2, supra.

[5] On July 11, 1968, the Post Office Department filed an application to revise the standard mileages effective July 1, 1968. The standard mileages set forth in the appendix hereto will therefore be applicable through June 30, 1968. A separate order will be issued in this docket establishing revised standard mileages effective July 1, 1968. The appendix is filed as part of the original document.

[6] International exchange offices currently authorized to dispatch mail for the transatlantic area are located in Boston, New York, Washington, Chicago, Miami, San Francisco, Los Angeles, Seattle, Detroit, New Orleans, Dallas, Houston, and San Juan. Such offices for the transpacific area are currently located in Seattle, Anchorage, San Francisco, Los Angeles, Honolulu, Wake, Guam, Pago Pago, Washington, Chicago, and New York. The terms of this paragraph shall apply to points at which international exchange offices are hereafter established and shall cease to apply to any points at which international exchange offices are discontinued. The Postmaster General will file a notice of such new and discontinued offices in this docket and serve a copy on each carrier subject to this order.

[7] Outstanding equalizations effected under the terms of Order E-21514, Nov. 19, 1964, shall continue in effect hereunder until canceled by the equalizing carrier or carriers.

between San Francisco, Calif., and Tokyo, Japan, equal to the charge then in effect for service between Seattle, Washington, and Tokyo, Japan. Any such reduced charge shall apply to all mail carried between San Francisco, Calif., and Tokyo, Japan, moving to, from, or beyond San Francisco and to, from, or beyond Tokyo.

Notice of election to equalize rate. An original and three copies of each notice of election and agreement pursuant to equalization paragraph 1 or 2 above shall be filed with the Board and a copy thereof shall be served upon the Postmaster General and each carrier providing on-line or connecting service between the stated points. Such notices shall contain a complete description of the reduced charge being established, the routing over which it applies, how it is constructed, and the charge with which equalization is sought.

Any equalized rate established pursuant to this order shall be effective for the electing carrier or carriers as of the date of filing of the notice required by such paragraphs or such later date as may be specified in the notice and shall continue in effect until such election is terminated. Elections may be terminated by any electing carrier upon 10 days notice filed with the Board and served upon the Postmaster General and each carrier providing on-line or connecting service between the stated points.

Division of equalized rates. In case of equalization of rates by agreement pursuant to equalization paragraph 1 or 2 above, the agreement shall provide for the proration of the mail compensation between participating carriers on the basis of the relative compensation which would otherwise be payable to each carrier in the absence of the provisions of equalization paragraph 1 or 2 above. In the absence of an agreement among carriers pursuant to equalization paragraph 1 or 2 above for equalization of rates for interline or interchange shipments between a stated pair of points, any carrier (or two or more carriers jointly) may, by notice, elect to receive as its portion of the total compensation for each shipment the amount remaining after subtracting from such total compensation the compensation due the other carrier or carriers involved (nonelecting carriers). Such total compensation shall be computed on the basis of the lowest rate then in effect for service between the stated pair of points for any carrier or carriers. The compensation due the nonelecting carrier or carriers shall be that otherwise applicable to the point-to-point service it actually provides. In those instances where there is a nonelecting carrier or carriers involved in providing the through service and two or more carriers elect to receive payment under this provision, the total payment due such electing carriers shall be prorated by them on the basis of the relative compensation which would otherwise be payable to each of them in the absence of the provisions of this paragraph.

Divisions of equalized rates prescribed by the Board. In the event that any carrier is unable to enter into an agreement with any other carrier to transport mail between any stated points at a reduced rate pursuant to equalization paragraph 1 or 2 above, it may file an application with the Board requesting it to determine and fix a different method of apportioning the total compensation for each such shipment of mail between the participating carriers. Such applications shall not be deemed to reopen the mail rates fixed by this order. Applications filed pursuant to this paragraph shall conform generally to the provisions of the rules of practice governing the filing of petitions in mail rate cases. Within 7 days after the application is served any party may file an answer in support of or in opposition to the application together with any documentary material upon which it relies. Any order upon an application filed pursuant to this paragraph shall be effective no earlier than the filing date of the application with the Board.

In reviewing such application, the Board will consider, among other pertinent factors, the need for the proposed service, the historical participation of electing carrier or carriers in the transportation of mail between such stated points, the amount of absorption required, and the grounds for refusal by the carrier or carriers to enter into an equalization agreement. After hearing the carriers concerned, either in writing or orally in those cases where it deems such action appropriate, the Board will, by order, prescribe the method for apportioning the total compensation between such carriers, but in no event shall the carrier or carriers which refuse to enter into an agreement to equalize compensation be required to accept less than the compensation which would have been payable if the service were performed under voluntary agreement pursuant to equalization paragraph 1 or 2, above.

The rates here fixed, determined, and published are service mail rates payable in their entirety by the Postmaster General, pursuant to section 406(c) of the Federal Aviation Act of 1958. The compensation provided herein shall be in lieu of, and not in addition to, the service mail compensation received by each carrier for mail transported on and after January 1, 1967.

2. The investigation in Docket 18078 is hereby terminated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[8]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-10917; Filed, Sept. 9, 1968; 8:48 a.m.]

[8] Dissenting statement of Members Minetti and Adams filed as part of original document.

CIVIL SERVICE COMMISSION

ATTORNEY (ESTATE TAX), ESTATE TAX EXAMINER, AND LAW CLERK TRAINEE (ESTATE TAX)

Notice of Cancellation of Special Rates and Manpower Shortage Finding

Effective at the beginning of the first pay period which commences on or after September 1, 1968, the following nationwide special rate ranges established under 5 U.S.C. 5303 are canceled: Attorney (Estate Tax), GS-905-7/9; Estate Tax Examiner, GS-920-7/9; and Law Clerk Trainee (Estate Tax), GS-954-7/9.

The pay of employees on the rolls in the affected special rate ranges shall be adjusted in accordance with the provisions of § 530.306 of Civil Service Regulations.

Authority to pay the travel and transportation expenses of appointees to first post of duty under the provisions of 5 U.S.C. 5723 will terminate effective October 15, 1968.

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

[F.R. Doc. 68-10950; Filed, Sept. 9, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17648, 17649; FCC 68R-358]

EL CAMINO BROADCASTING CORP. AND SOUTH COAST BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In re applications of El Camino Broadcasting Corp., San Clemente, Calif., Docket No. 17648, File No. BPH-5566; Leon Hyzen, Charles W. Jobbins, and Leon F. Westendorf, doing business as South Coast Broadcasting Co., San Clemente, Calif., Docket No. 17649, File No. BPH-5756; for construction permits.

1. This proceeding involves the mutually exclusive applications of El Camino Broadcasting Corp. (El Camino) and South Coast Broadcasting Co. (South Coast), each seeking an authorization to construct a new FM broadcast station at San Clemente, Calif. The applications were designated for hearing by order (mimeo No. 4796), released August 18, 1967. On March 15, 1968, the Review Board adopted a Memorandum Opinion and Order, FCC 68R-111, 12 FCC 2d 25, adding an issue inquiring into the availability of the site proposed by El Camino.[1]

[1] The Board had previously added an issue to determine whether El Camino would provide the required signal over its principal community. FCC 67R-426, 10 FCC 2d 505.

Subsequently, the Board, by Memorandum Opinion and Order FCC 68R–154, 12 FCC 2d 329, adopted on April 10, 1968, added an issue to determine whether South Coast has sufficient land to effectuate its proposal, but denied a request for a site availability issue, and dismissed a request for a character qualifications issue contained in El Camino's reply pleading. Now before the Review Board is a petition to enlarge issues, based upon newly discovered evidence, filed on July 25, 1968, by El Camino.[2]

2. In its motion, El Camino again seeks the addition of site availability and character qualifications issues against South Coast. To support its request for a site availability issue, petitioner alleges that, following the Board's addition of an issue inquiring into the availability of its site, it commenced an investigation looking toward specifying the site proposed by South Coast, which is located on property owned by the city of San Clemente (known as Reservoir No. 5 site); that inquiries were directed to the Mayor and City Planning Commission regarding the use of this site, and El Camino was informed that it would have to apply for a use permit; that it subsequently did apply for such a permit, but, at a meeting of the Planning Commission held on July 10, 1968, the application was denied. Petitioner submits a copy of the minutes of that meeting, which reflect that the denial was predicated on the recommendation by the City Engineer. He testified that the building proposed by El Camino would be located within 10 feet of a main feed line, and might interfere with the operation of the water reservoir. He further stated that there was no other satisfactory location available at the reservoir site, and urged that no further installation be permitted at that site. The minutes also reflect that there was some discussion of "other and higher hill sites," but that the applicant explained that the requested site is the most desirable. Petitioner's request for a character qualifications issue is based on affidavits filed by it and its opponent in connection with its previous request for a site availability issue. With its opposition, South Coast had filed affidavits from four of the five members of the San Clemente City Council, all of whom stated that they saw no reason why the successful applicant herein could not obtain a lease for the proposed site. El Camino filed affidavits from three of these council members in reply, each of whom stated that they were previously unaware of the height of the tower, and would not have signed the earlier statement had they been aware of the proposed height. Petitioner argues that since South Coast did not inform the councilmen of the proposed height, a "moral issue arises."

3. Opposing the motion, South Coast first contends that El Camino's requests are untimely, and that good cause for the late filing has not been shown. With regard to the merits of the site availability issue, South Coast notes that the procedures for obtaining a use permit include an appeal from the Planning Commission to the City Council, and that El Camino did not exercise this right of appeal. South Coast further points out that the coordinates of the site proposed by El Camino are slightly different than those which it has specified, and that the minutes of the Planning Commission meeting reflect that El Camino "cut off" discussion regarding the use of other sites. Finally, South Coast also points out that it is proposing a guyed tower whereas El Camino proposes a self-supporting tower, and alleges that a self-supporting tower could require as much as 150 times the area as a guyed tower, and that there is no necessity to locate a transmitter building so close to a main feed line from the reservoir.[3] In view of these differences, South Coast contends that no substantial question has been raised as to whether it will be able to obtain approval of its plans from the local authorities. The Broadcast Bureau also urges that El Camino's motion should be denied or dismissed because of procedural and substantive deficiencies.

4. The Review Board agrees with South Coast and the Broadcast Bureau that the subject motion is untimely, and that good cause for the delay has not been shown. The requested character qualifications issue is based on the same allegations and affidavits as were contained in petitioner's previous reply pleading. 12 FCC 2d 329, 330 (footnote 6). Petitioner has set forth no reason for the delay of more than 3 months between the time the Board acted on its previous motion and the date the instant petition was filed. Moreover, we do not believe that the affidavits raise a substantial question regarding South Coast's character qualifications. Thus, there is no indication that South Coast knew that the height of its tower would be a critical factor to the councilmen, or that the failure to mention that height to the councilmen was designed to deceive them. The request for a character qualifications issue will be denied.

5. A more difficult question is raised by the request for a site availability issue. While this request is also untimely, the Board is of the view that petitioner has raised a substantial doubt as to whether South Coast has a reasonable expectancy of obtaining permission from the appropriate local authorities to construct its proposal at the site specified in its application. The Commission and the Board have long held that although an applicant must have reasonable assurance of approval from local zoning authorities,[4] such matters should be left to the local authorities, and, absent evidence to the contrary, there is an assumption that the local authorities will act favorably on zoning requests.[5] However, where a reasonable showing is made that an applicant cannot obtain proper zoning, an evidentiary inquiry is required. See Massillon Broadcasting Co., supra; Edina Corp., FCC 62R–82, 24 RR 455; and Coastal Broadcasters, Inc., FCC 63R–50, 24 RR 949. Here, petitioner has been denied a use permit for the site which South Coast, in its opposition, concedes is apparently "the same general plot upon which [it] proposes to locate its tower and transmitter shack." Although there is a minor difference in the coordinates specified and the two applicants propose different types of towers, we find it significant that the minutes of the Planning Commission meeting reflect that the denial was specifically based on the testimony of the City Engineer, and that he "recommended that no further installations whatsoever be permitted at that site." Under these circumstances, we believe that petitioner has met the Edgefield-Saluda test,[6] and that an appropriate issue should be added.

6. *Accordingly, it is ordered,* That the petition to enlarge issues, based upon newly discovered evidence, filed on July 25, 1968, by El Camino Broadcasting Corp., is granted to the extent indicated below, and is denied in all other respects; and

7. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue: To determine whether South Coast Broadcasting Co. has a reasonable assurance of obtaining permission from the appropriate authorities for the construction of the proposed tower and antenna system, and transmitter building at the site specified in its application.

8. *It is further ordered,* That the burden of proceeding with the introduction of evidence and burden of proof under the issue added herein will be on South Coast Broadcasting Co.

Adopted: August 22, 1968.

Released: August 26, 1968.

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

[F.R. Doc. 68–10918; Filed, Sept. 9, 1968; 8:48 a.m.]

[2] The following related pleadings are also before the Board: (a) Opposition, filed on Aug. 7, 1968, by South Coast; (b) Broadcast Bureau's comments, filed on Aug. 7, 1968; and (c) reply filed Aug. 19, 1968 by El Camino.

[3] These allegations are supported by an affidavit from South Coast's engineer

[4] Massillon Broadcasting Co., FCC 61–1102, 32 RR 95.

[5] See, e.g., Eastside Broadcasting Co., FCC 63R–528, 1 RR 2d 763.

[6] 5 FCC 2d 148, 8 RR 2d 611 (1965).

FEDERAL RESERVE SYSTEM

CITIZENS STATE BANK

Order Approving Acquisition of Bank's Assets

In the matter of the application of The Citizens State Bank for approval of acquisition of assets of E. Hill & Sons State Bank & Trust Co. There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by The Citizens State Bank,

Sturgis, Mich., a State member bank of the Federal Reserve System, for the Board's prior approval of its acquisition of assets and assumption of deposit liabilities of E. Hill & Sons State Bank & Trust Co., Solon, Mich., and, as an incident thereto, The Citizens State Bank has applied, under section 9 of the Federal Reserve Act, for the Board's prior approval of the establishment by that bank of a branch at the location of the sole office of E. Hill & Sons State Bank & Trust Co. Notice of the proposed acquisition of assets and assumption of deposit liabilities, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed transaction:

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said applications be and hereby are approved: *Provided,* That said acquisition of assets and assumption of deposit liabilities and establishment of the branch shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order.

Dated at Washington, D.C., this 3d day of September 1968.

By order of the Board of Governors.[2]

[SEAL] ELIZABETH L. CARMICHAEL, *Assistant Secretary.*

[F.R. Doc. 68-10877; Filed, Sept. 9, 1968; 8:45 a.m.]

UNITED VIRGINIA BANKSHARES INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of United Virginia Bankshares Inc., Richmond, Va., for approval of acquisition of 90 percent or more of the voting shares of Staunton Bank, N.A., Staunton, Va., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by United Virginia Bankshares Inc., Richmond, Va., for the Board's prior approval of the acquisition of 90 percent or more of the voting shares of Staunton Bank, N.A., Staunton, Va., a proposed new bank into which will be merged The National Valley Bank of Staunton, Staunton, Va., under the charter of the former and the title of the latter.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 18, 1968 (33 F.R. 8361), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved; *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

Dated at Washington, D.C., this 3d day of September 1968.

By order of the Board of Governors.[2]

[SEAL] ELIZABETH L. CARMICHAEL, *Assistant Secretary.*

[F.R. Doc. 68-10878; Filed, Sept. 9, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

PARAMOUNT GENERAL CORP.

Order Suspending Trading

SEPTEMBER 4, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Paramount General Corp., Los Angeles, Calif., and all other securities of Paramount General Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 5, 1968, through September 14, 1968, both dates inclusive.

By the Commission.

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

[F.R. Doc. 68-10880; Filed, Sept. 9, 1968; 8:45 a.m.]

TARIFF COMMISSION

CARPETS AND RUGS

Report to the President

SEPTEMBER 5, 1968.

The U.S. Tariff Commission today sent to the President an annual report on developments in the trade in Wilton and velvet carpets and rugs. The report was submitted in accordance with section 351(d)(1) of the Trade Expansion Act of 1962, which provides as follows:

> So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

Under the escape-clause procedure of the Trade Agreements Extension Act of 1951, the President increased the rate of duty applicable to imported Wiltons and velvets from 21 percent to 40 percent ad valorem, effective in June 1962. In a Presidential proclamation dated October 11, 1967, the increased rate of duty was extended to the close of business December 31, 1969.

The report issued today contains statistical data and other information on Wiltons and velvets, with emphasis on developments that have occurred since the Commission reported to the President last September.

Copies of the report are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commision, 8th and E Streets NW., Washington, D.C. 20436.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 68-10891; Filed, Sept. 9, 1968; 8:46 a.m.]

[337-21]

FURAZOLIDONE

Postponement of Hearing Date

On August 1, 1968, the Tariff Commission issued a notice of investigation and date of hearing, in respect to a complaint filed under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) by Norwich Pharmacal Company of Norwich, N.Y., which alleged unfair methods of competition and unfair acts in

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Vice Chairman Robertson, and Governors Daane, Maisel, and Sherrill. Absent and not voting: Chairman Martin, and Governors Mitchell and Brimmer.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Governors Daane, Maisel, Brimmer, and Sherrill. Voting against this action: Governor Robertson. Absent and not voting: Chairman Martin and Governor Mitchell.

the importation into and sale of furazolidone in the United States in violation of the provisions of section 337. Public notice of the investigation and date of hearing was published in the FEDERAL REGISTER for August 7, 1968 (33 F.R. 11192).

The Tariff Commission, on September 4, 1968, ordered that the public hearing in this investigation heretofore scheduled for September 10, 1968, be postponed to September 30, 1968, 10 a.m., e.d.s.t. The hearing will be held in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and give testimony at the hearing should follow the requirements stated in the original notice in the FEDERAL REGISTER of August 7, 1968 (33 F.R. 11192).

Issued: September 5, 1968.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 68-10903; Filed, Sept. 9, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 684]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 4, 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 21720 (Sub-No. 6 TA), filed August 29, 1968. Applicant: WILLIAM M. STEGMEIER, doing business as PANTHER VALLEY CARRIERS, Rural Delivery 3, Tamaqua, Pa. 18252. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from Philadelphia, Pa., to Atlantic City, Deptford, Manasquan, Riverside, Trenton, and Vineland, N.J.; and (2) from Philadelphia and Norristown, Pa., to Wilmington, Del.; Washington, D.C.; Baltimore, Salisbury, Brentwood, Centreville, Aberdeen, and Silver Spring, Md.; Endicott, Newark, Elmira, and Poughkeepsie, N.J.; Alexandria, Va.; and Atlantic City, N.J., for 180 days. Supporting shipper: C. Schmidt Sons, Inc., 127 Edward Street, Philadelphia, Pa. 19123, Henry F. Ortlieb Brewing Co., American and Poplar Streets, Philadelphia, Pa. 19123. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 30657 (Sub-No. 24 TA), filed August 30, 1968. Applicant: DIXIE HAULING COMPANY, a corporation, 959 Bankhead Avenue NW., Atlanta, Ga. 30318. Applicant's representative: Charles M. Wilbanks, 2851 Clifton Church Road SE., Atlanta, Ga. 30316. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, from points in Gwinnett County, Ga., to points in Alabama, Florida, Mississippi, and Tennessee, for 180 days. Supporting shipper: L. B. Foster and Southern Pipe Coating, a subsidiary, Gwinnett County, Ga. Send protests to: William L. Scroggs, District Supervisor, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 107012 (Sub-No. 83 TA), filed August 29, 1968. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East, Fort Wayne, Ind. 46801. Applicant's representative: Blaine E. Sowers (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and fixtures*, uncrated, from Laramie, Wyo., to points in Minnesota, Iowa, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California, for 180 days. Supporting shipper: Lutz Cabinet Co., Box 372, Laramie, Wyo. 82070. Send protests to: District Supervisor, J. H. Gray, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 109538 (Sub-No. 19 TA), filed August 30, 1968. Applicant: CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, Eau Claire, Wis. 54701. Applicant's representative: Arthur J. Berg (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Jackson County Iron Co. located in Jackson County, Wis., approximately 5 miles from Black River Falls, Wis., as an off-route point in connection with applicant's authorized regular route operations, for 150 days. Supporting shipper: Dravo Corp., Pittsburgh, Pa. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 109637 (Sub-No. 344 TA), filed August 30, 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: *Sulphuric acid and phosphatic fertilizer solution*, in bulk, in tank vehicles, from the plantsite of Freeport Chemical Co., Division of Freeport Sulphur Co., at or near Uncle Sam, St. James Parish, La.; to points in Alabama, Arkansas, Florida, Georgia, Illinois, on and south of U.S. Highway 50 including East St. Louis, Kentucky, Louisiana, Mississippi, Missouri, on and south of the Missouri River, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Freeport Sulphur Co., 161 East 42d Street, New York, N.Y. 10017. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 128356 (Sub-No. 3 TA), filed August 29, 1968. Applicant: DOWNINGTOWN TRAILER CARRIERS, INC., Box 251A, Boot Road, Rural Delivery 1, West Chester, Pa. 19380. Applicant's representative: John H. Derby, 2122 Cross Road, Glenside, Pa. 19038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New freight trailers*, except trailers designed to be drawn by passenger automobiles and house trailers, in initial movements, in driveaway and truckaway service, from the plant sites of Gindy Manufacturing Corp., in Lebanon, Honeybrook, Village of Eagle (Upper Uwchland Township, Chester County), Pa., and Pennsauken and Moorestown, N.J., to points in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Vermont, Virginia, and West Virginia, and, *used freight trailers*, except trailers designed to be drawn by passenger automobiles and house trailers, in initial movements, in driveaway and truckaway service, from points in the above-named States, to plant sites of the Gindy Manufacturing Corp., in Lebanon, Honeybrook, Village of Eagle (Upper Uwchland Township, Chester County), Pa., and Pennsauken and Moorestown, N.J., for 180 days. Supporting shipper: Gindy Manufacturing Corp., Downingtown, Pa. 19335. Send protests to: Peter R. Guman, District Supervisor, 900 U.S. Customhouse, Interstate Commerce Commission, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 129459 (Sub-No. 3 TA), filed August 29, 1968. Applicant: Kearney's Trucking Service, Inc., U.S. Alternate Route 11, Portland, Pa. 18351. Applicant's

representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building blocks*, from the plantsite of L. F. Taylor, Inc., at Mount Bethel, Pa., to points in Westchester, Nassau, and Suffolk Counties, N.Y., New York City, N.Y., and points in New Jersey, (2) *lime and limestone products*, from Newton, N.J., to the plantsite of L. F. Taylor, Inc., at Bethel, Pa., for 150 days. Supporting shipper: L. F. Taylor, Inc., Mount Bethel, Pa. 18343. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 129710 (Sub-No. 1 TA), filed August 29, 1968. Applicant: TERMINAL WAREHOUSE SERVICES, INC., Post Office Box 186, Port of Vicksburg, Vicksburg, Miss. 39181. Applicant's representative: William Beanland, Post Office Box, 991, Vicksburg, Miss. 39181. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liner board*, in coils or rolls; and *pulpboard*, not corrugated, in rolls, from the site of the International Paper Co. plant at Redwood, Miss., to the Public Terminal at The Port of Vicksburg, Vicksburg, Miss., for 180 days. Supporting shipper: International Paper Co., Post Office Box 2328, Mobile, Ala. 36601. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Room 212, 145 East Amite Building, 145 East Amite Street, Jackson, Miss. 39201.

No. MC 133042 (Sub-No. 1 TA), filed August 29, 1968. Applicant: LIONEL LAROSE, doing business as LAROSE TRANSPORT, 106 Western Avenue, Sutton, Quebec, Canada. Applicant's representative: Edwin W. Free, Jr., 25 Keith Avenue, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry brewery grain*, from Montreal, Quebec, Canada, via various ports of entry on the international boundary line between the United States and Canada, to Castleton, Newport, Richford, St. Albans, St. Johnsbury, and Westminster, Vt. *Limestone*, from Bedford, Quebec, Canada, via various ports of entry on the international boundary line between the United States and Canada, to Richford, Vt., for 150 days. Supporting shippers: H. K. Webster Co., Post Office Box 8, Lawrence, Mass.; Lockwood Nutritian Service, Inc., 177 Milk Street, Boston, Mass. Send Protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 133121 (Sub-No. 1 TA), filed August 29, 1968. Applicant: SILLS TRUCKING COMPANY, INC., Apartment 5, 339 Whitaker Street, Savannah, Ga. 31401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plant mix asphalt and such aggregates* as are used in the construction of highways or other paved surfaces, in bulk, in dump type vehicles, from Chatham County, Ga., to points in South Carolina, for 150 days. Supporting shipper: K & M Paving Co., Inc., Division of Claussen-Lawrence Construction Co., Staley Avenue, Savannah, Ga. 31403. Send protests to: District Supervisor, G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, 400 West Bay Street, Jacksonville, Fla. 32202.

By the Commission.

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

[F.R. Doc. 68-10905; Filed, Sept. 9, 1968; 8:47 a.m.]

[Notice 685]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 5, 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 3468 (Sub-No. 156 TA) (Amendment), filed August 5, 1968, published FEDERAL REGISTER issue of August 13, 1968, and republished as amended this issue. Applicant: F. J. BOUTELL DRIVEAWAY COMPANY, INC., 705 South Dort Highway, Flint, Mich. 48503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in truckaway and driveaway service, from Jessup, Md., to points in Virginia, restricted to vehicles which have had an immediate prior movement by rail from the plantsite of the G.M. Truck and Coach Division of General Motors Corp. at Pontiac, Mich., for 180 days. Supporting shipper: GMC Truck & Coach Division, General Motors Corp., 660 South Boulevard, East Pontiac, Mich. 48053. Send protests to: District Supervisor Gerald J. Davis, Bureau of Operations, Interstate Commerce Commission, 110 Broderick Tower, Detroit, Mich. 48226. NOTE: The purpose of this republication is to restrict the transportation to the above-named plantsite.

No. MC 83322 (Sub-No. 3 TA), filed August 1, 1968. Applicant: Morris Obligen, doing business as Links Trucking, 1239 De Kalb Avenue, Brooklyn, N.Y. 11221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Knitting machinery and parts*, uncrated from New York, N.Y., to Edinburg, Va., and *return of used or traded—in Knitting machines and parts*, for 180 days. The purpose of this republication is to show the return movement inadvertently omitted from previous publication. Supporting Shipper: Aileen, Inc., 331 East 38th Street, New York, N.Y.; Speizman Knitting Machine Corp., 2894 Fulton Street, Brooklyn, N.Y. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 103721 (Sub-No. 16 TA) (Correction), filed August 1, 1968, published FEDERAL REGISTER of August. Applicant: RAYMOND B. LONG, INC., Ridge Road, Tylersport, Pa. 18971. Applicant's representative: Theodore Polydoroff, Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl plastic coated stone*, from points in Northampton County, Pa., to points in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, and the District of Columbia for 180 days. The purpose of this republication is to add the destination State of West Virginia, inadvertently omitted from previous publication. Supporting shipper: Alpha Aggregates, a division of Alpha Portland Cement Co., Alpha Building, Easton, Pa. 18042. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 125624 (Sub-No. 9 TA), filed August 30, 1968. Applicant: EVERGREEN FREIGHT LINES, INC., 5205 East Union Avenue, Spokane, Wash. 99206. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Davenport, Wash., and Nespelem, Wash., from Davenport over U.S. Highway 2 to Wilbur, Wash., thence over Washington Highway 174 to Grand Coulee, Wash., thence over Washington Highway 155 to Nespelem, and return serving the intermediate points of Grand Coulee, Coulee Dam, and Elmer City, Wash., between Grand Coulee, Wash., and Moses Lake, Wash., from Grand Coulee, Wash., over Washington Highway 155 to junction with U.S. Highway 2, thence over U.S. Highway 2 to junction Washington Highway 17, thence over Washington Highway 17 to junction Washington Highway 28, thence over Washington Highway 28 to Ephrata, Wash., thence over Washington Highway 282 to junction Washington Highway 17, thence over Washington Highway 17 to Moses Lake, Wash., and return over the same route, serving the intermediate points of Ephrata and Moses Lake, Wash.,

for the purpose of handling joinder traffic only from authorized Interstate common carriers serving these points. Between Adrian, Wash., and Soap Lake, Wash., over Washington Highway 28 for joinder purposes only. Applicant desires to tack its regular route operations at Davenport and Adrian, Wash., and interchange traffic with other common carriers. Supporting shippers: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 129054 (Sub-No. 4 TA), filed August 30, 1968. Applicant: GILDER TRUCKING COMPANY, 280 Memorial Drive SE., Atlanta, Ga. 30312. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded polystyrene forms and shapes*, from Lawrenceville, Ga., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Missouri, Mississippi, North Carolina, Tennessee, Texas, and Virginia, for 180 days. Supporting shipper: Dolco Packaging Corp., Post Office Box 567, Lawrenceville, Ga. 30245. Send protests to: William L. Scroggs, District Supervisor, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 129416 (Sub-No. 4 TA), filed August 30, 1968. Applicant: B. D. C. LTD., 20 Sheffield Street, Toronto, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit and accounting media, business records and documents*, between Buffalo and Rochester, N.Y., on the one hand, and, on the other, ports of entry at or near Fort Erie or Niagara Falls, N.Y., on the international boundary line between the United States and Canada, for 150 days. Supporting shippers: Credico, Inc., 110 Place Cremazie, Montreal, Province of Quebec, Canada; Identicard, Ltd., 110 Yonge Street, Toronto, Ontario, Canada; University of Toronto Press, University of Toronto, Toronto 5, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, 121 Ellicott Street, Room 518, Buffalo, N.Y. 14203.

No. MC 133059 TA (Amendment), filed August 2, 1968, published FEDERAL REGISTER issue of August 13, 1968, and republished as amended this issue. Applicant: AGRICULTURAL TRANSPORTATION ASSOCIATION OF TEXAS, doing business as A T A OF TEXAS, 109 Northwest 29th Street, Fort Worth, Tex. Applicant's representative: George Rees (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (including classes A and B explosives), restricted to traffic moving on Government bills of lading for the U.S. Government and agencies thereof, between points in Virginia, Pennsylvania, New York, Ohio, Indiana, Kentucky, Tennessee, Georgia, Florida, Illinois, Minnesota, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, and Nebraska, on the one hand, and, on the other, points in California, Oregon, Washington, Nevada, Utah, and Arizona, for 180 days. NOTE: The purpose of this republication is to show the application has been amended to seek to operate as a common carrier rather than as contract carrier. Supporting shipper: U.S. Department of Defense, Washington, D.C. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9a27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 133083 (Sub-No. 2 TA), filed August 30, 1968. Applicant: BURTON R. PETERSON, North Branch, Minn. 55056. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, from Barron, Wis., to points in Chisago County, Minn., for 150 days. Supporting shipper: Jerome Turkey Farms, Inc., Barron, Wis. Send protests to: District Supervisor A. E. Rathert, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 133124 TA, filed August 30, 1968. Applicant: CREEL TRUCK LINE, INC., 235 Kornegay Street, Dothan, Ala. 36301. Applicant's representative: John P. Carlton, 325–29 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Yazoo City, Miss., to points in Alabama, Georgia, and Florida, for 180 days. Supporting shipper: There are approximately 26 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: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 823, 2121 Building, Birmingham, Ala. 35203.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–10906; Filed, Sept. 9, 1968; 8:47 a.m.]

[Notice 204]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 5, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70516. By order of August 23, 1968, the Transfer Board approved the transfer to Grantsburg Transfer, Inc., Route No. 3, Grantsburg, Wis. 54840, of the operating rights in certificate No. MC–51280, issued January 13, 1941, to Gideon Carlson and Roy Johnson, doing business as Carlson & Johnson, Route No. 3, Grantsburg, Wis. 54840, authorizing the transportation of: *General commodities*, with the usual exceptions between St. Paul, Minneapolis, and South St. Paul, Minn., on the one hand, and, on the other, points in Wisconsin, and, *seed corn*, from Dassel, Minn., to points in Wisconsin.

No. MC–FC–70517. By order of August 23, 1968, the Transfer Board approved the transfer to Grantsburg Transfer, Inc., Route No. 3, Grantsburg, Wis. 54840, of the operating rights in certificate No. MC–98310 issued November 25, 1959, to Darvey A. Johnson, Route No. 3, Grantsburg, Wis. 54840, authorizing the transportation of: Fertilizer, seeds, and farm machinery, between points in Wisconsin and Minnesota.

No. MC–FC–70712. By order of August 26, 1968, the Transfer Board approved the transfer to A. W. Reid Draying Co., a corporation, San Francisco, Calif., of the certificate of registration in No. MC–65185 (Sub-No. 2) issued November 21, 1967, to David William Reid, doing business as A. W. Reid Draying Co., San Francisco, Calif., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of California, corresponding in scope to the service authorized by Decision No. 51071, dated February 1, 1955, as amended by Decision No. 60386, dated July 12, 1960, transferred and reissued by Decision No. 71128, dated August 16, 1966, by the Public Utilities Commission of the State of California. C. R. Nickerson, 9 First Street, San Francisco, Calif. 94105; attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–10907; Filed, Sept. 9, 1968; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 372]

CHRIS F. RING

Order Denying Export Privileges

In the matter of Chris F. Ring, also known as Christian Ring and Christopher Ring, Via Fleming, 110, Rome, Italy; respondent.

On February 18, 1965, the Director, Investigations Division, Office of Export Control, issued a charging letter against the above respondent. Because of the difficulties encountered in locating respondent the charging letter was not served until June 27, 1966.

Briefly stated the charging letter alleges that in 1960 respondent was employed in Zurich, Switzerland, by a corporate affiliate of a Texas based U.S. company; that while so employed respondent on behalf of one Wiseman, ordered from the Texas company four seismograph systems valued at $132,000; that respondent requested a pro forma invoice from the Texas company and in connection with such request made false statements as to ultimate consignee; that on the basis of the pro forma invoice falsely obtained and on the basis of false statements to the Swiss authorities the said authorities issued a Swiss Blue Import Certificate to cover the importation of the equipment into Switzerland; that the respondent transmitted the Import Certificate to the Texas company and it in turn submitted the certificate with its application for a license to export said equipment; that in reliance on the terms and representations in the license application and the Import Certificate, the Bureau of International Commerce (BIC) issued an export license; that the terms and representations were false as respondent knew or had reason to believe, because they were based on knowing misstatements as to ultimate destination, ultimate consignee and end-use made by respondent to the Texas company in connection with the license application and to the Swiss authorities in connection with the Import Certificate; that the equipment was exported from Texas to respondent's employer in Zurich and was delivered by respondent to Wiseman; that thereafter the shipment was diverted and transshipped from Switzerland in violation of U.S. law.

The respondent was charged with the following violations of the U.S. Export Regulations: § 381.2, for having knowingly caused, aided, and abetted the procurement and reexportation of U.S.-origin commodities contrary to the requirement of said regulations; § 381.3(b), for acting in concert with another person to bring about violations of said regulations; section § 381.4, for having ordered, bought, received, sold, and otherwise serviced commodities exported from the United States with knowledge that a violation of said regulations was about to and intended to occur; § 381.5, for having made false and misleading representations, statements, and certifications indirectly to BIC, through an agency of a foreign government, in connection with the preparation, submission, issuance and use of a U.S. export control document for the purpose of effecting an exportation from the United States.

The respondent through counsel filed an answer on October 10, 1966. The answer admits having ordered the equipment for Wiseman from the Texas company; that Wiseman had informed respondent that the equipment would be used in Switzerland; that with said information he placed the order with the Texas company and obtained the necessary import papers from the Swiss Government in the name of his empolyer; that on arrival of the equipment in Zurich he turned it over to Wiseman. The answer alleges that during the entire course of the transaction he acted under the orders and on behalf of his employer and received no material gain in effectuating the sale and the sale was made in the ordinary course of his employment.

The answer further states that respondent has since learned that the equipment was not used in Switzerland for the purposes claimed by Wiseman at the time he placed the order; that notwithstanding the fact that the equipment was ultimately transshipped in violation of the U.S. Export Regulations, the respondent at the time of the transaction had no knowledge of the prospective transshipment; that respondent was under instructions to cooperate with all prospective purchasers and he did so in this instance without checking into Wiseman's statements as to end-use of the equipment. The answer further states that respondent now (in 1966) recognizes that it was imprudent of him to rely on verbal representations as to end-use of the equipment; that he is now mindful of the need to use extreme discretion in business dealings with individual or business concerns; that for his inadvertence and imprudence he was fined heavily by the Swiss Government, his employment was terminated, and his business reputation has been severely damaged. The answer further asserts that respondent acted as representative of his employer in a manner which, though imprudent, must be considered free of purposeful intent to violate any regulation of any government.

By letter dated June 5, 1967 respondent's counsel advised the Compliance Commissioner that respondent had revoked counsel's authorization to proceed in an important matter connected with the case and counsel requested leave to withdraw as attorneys of record. The Compliance Commissioner granted the request. The Compliance Commissioner thereafter, after ample notice to respondent, set the case for hearing for July 18, 1967. Such hearing was held at which the Government introduced evidence in support of its allegation. The respondent did not attend and was not represented.

Following a communication from the respondent he was given an opportunity to obtain new counsel who would have an opportunity to examine the record and to move to reopen the record. To protect the public interest an order temporarily denying export privileges, to be effective until the completion of administrative compliance proceedings, was issued against respondent on August 18, 1967 (32 F.R. 12408). New counsel entered an appearance on behalf of respondent and obtained a copy of the record. After several requests by respondent's counsel for postponements which were granted counsel advised the Compliance Commissioner that respondent would not request a hearing but that he would submit an affidavit which should substantially disprove the allegations against him. An affidavit from respondent dated April 4, 1968 was received.

In the affidavit the respondent claimed that the answer filed by his former attorneys was filed without his knowledge or permission and that certain statements therein are substantially incorrect and contrary to his beliefs and knowledge "then and now". The respondent alleged that he never had any knowledge or belief that the equipment was reexported from Switzerland; that the Swiss authorities investigated the matter for 2 years and they apparently were unable to find evidence of such reexportation; that he had signed a statement for the Swiss authorities under coercion and duress; that the statement was false as it related to material charges against him in this proceeding, including knowledge and belief that the equipment had been reexported from Switzerland. The respondent questioned the accuracy of a report made by a representative of his employer regarding an interview with respondent. The respondent also alleged that he met Wiseman in connection with his employer's business and that he (respondent) handled the transaction in question as an employee; that Wiseman was no different from dozens of other customers he had sold to while employed for the particular employer, and that the transaction was in every way a normal business transaction.

A hearing concerning matters raised by respondent with reference to his former attorneys was held before the Compliance Commissioner on July 2, 1968. Concerning the conflicts in the answer and the affidavit the Compliance Commissioner said:

> It is to be observed that the respondent has not moved to withdraw or amend the answer filed on October 10, 1966. The answer still stands in the record. What effect is to be given to those parts of the answer that are in conflict with the respondent's affidavit?
>
> There is ample authority for the proposition that pleadings in a case, for the purpose of that suit, are judicial admissions. This rule is stated in Wigmore on Evidence, 3d Ed. sec. 1064. The treatise continues:
>
> Thus any reference that may be made to them (the admissions), is not a process of using evidence, but an invocation of the right to confine the issues and to insist on treating as established the facts admitted in the pleadings.
>
> This much being generally conceded, it follows that a party may at any and all times invoke the language of his opponent's pleading on that particular issue as rendering certain facts indisputable.
>
> It was said in Kunglig et v. Dexter & Carpenter, 32 F. 2d 195, 198 (C.A. 2, 1929) cert. denied 280 U.S. 579.
>
> A pleading prepared by an attorney is an admission by one presumptively authorized to speak.
>
> Even if the answer had been superseded by an amended or substitute pleading the original answer would be competent evidence of the facts stated. In the Kunglig case, supra, the court said:

A further objection was based upon the fact that the complaint had been superseded by an amended pleading. This objection is likewise unavailing. When a pleading is amended or withdrawn the superseded portion ceases to be a conclusive judicial admission, but it still remains as a statement once seriously made by an authorized agent, and as such it is competent evidence of the facts stated, though controvertible, like any other extrajudicial admission made by a party or his agent (authority and cases cited). If the agent made the admission without adequate information, that goes to its weight, not to its admissibility.

* * * I believe that it is quite proper to accept as credible evidence statements in the answer which may be against the interests of the respondent and in making my findings I rely, in part, on such statements.

The Compliance Commissioner has made the following findings of fact which, after considering the entire record in the case, I adopt as my own:

Findings of fact. 1. The respondent is now a resident of Rome, Italy. In 1960 and for some time prior thereto he was manager of a company in Zurich, Switzerland, engaged in the business of supplying oil, gas, and chemical equipment. The said company was an affiliate of a Texas based U.S. company.

2. In the early part of 1960 the respondent was approached by one Leon Wiseman who expressed a desire to receive in Switzerland certain U.S. origin seismographic systems and spare parts handled by respondent's employer and its U.S. affiliate. The said commodities were exportable from the United States only under validated licenses.

3. From the arrangements which Wiseman proposed under which the commodities would be imported into Switzerland and other circumstances concerning the proposed transaction the respondent knew or should have known that Switzerland would not be the ultimate destination but that Wiseman intended to reexport same from Switzerland.

4. Notwithstanding respondent's knowledge that Switzerland would not be the ultimate destination of the commodities, he applied on April 22, 1960, to the Swiss authorities for a Swiss Blue Import Certificate and in connection with said application he knowingly misrepresented that the equipment would be used in Switzerland. On the basis of said application the Swiss authorities issued a Swiss Blue Import Certificate under which it authorized importation into Switzerland of the commodities in question but prohibited reexportation from Switzerland. The certificate also stated that the goods were subject to official control as regards their importation and the prohibition of reexportation.

5. The respondent knew that the Swiss Blue Import Certificate would be presented to the Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, in support of an application by the exporter for a license to export the commodities. The respondent after receiving said certificate from the Swiss authorities transmitted it to the affiliated company of his employer in Texas.

6. The respondent in the name of his employer ordered the equipment in question from the Texas affiliate. The said affiliate filed with the Office of Export Control an application for a license to export the commodities in question. The information as to ultimate destination and end-use was furnished to the affiliate by respondent. In support of the application the affiliate submitted the above mentioned Swiss Blue Import Certificate.

7. In reliance on the representations in the license application and on the said Swiss Blue Import Certificate the Office of Export Control on May 23, 1960, issued a validated export license authorizing the exportation of the commodities in question by the Texas affiliate to respondent's employer in Zurich for ultimate use in Switzerland.

8. The Texas affiliate on June 16, 1960 exported the commodities in question, valued at approximately $132,000 from the United States to respondent's employer in Zurich, Switzerland.

9. On arrival of the commodities in Zurich, Switzerland, the respondent turned them over to Wiseman and thereafter the commodities were reexported from Switzerland without authorization from the Swiss authorities or of the Office of Export Control.

10. Proceedings were brought against respondent in a Swiss Customs Tribunal for assisting in the illegal exportation of the equipment in question which had been imported into Switzerland under export restrictions. In connection with said proceedings respondent formally and unconditionally recognized the fact that he committed a misdemeanor in violation of Swiss law and he was fined approximately $13,000.

Based on the foregoing I have concluded that the respondent violated the following sections of the U.S. Export Regulations: § 381.2, in that he knowingly caused, aided, and abetted the unauthorized reexportation of U.S.-origin commodities contrary to the provisions of § 372.12 of said regulations; § 381.3(b), in that he acted in concert with another person to bring about unauthorized reexportations of U.S.-origin commodities contrary to §§ 372.12 and 381.6 of said regulations; § 381.4, in that he ordered, received, and disposed of commodities which had been exported from the United States with knowledge that a violation of § 372.12 of said regulations was about to and intended to occur with respect to said transaction; § 381.5, in that he made false and misleading representations and statements indirectly to the Office of Export Control through a foreign government agency in connection with the preparation, issuance, and use of an export control document and for the purpose of effecting an exportation from the United States.

Concerning the sanction that should be imposed the Compliance Commissioner said:

The respondent participated in the unauthorized exportation of strategic seismograph equipment valued in excess of $132,000. He used his high level position as manager of a division of a Swiss affiliate of a U.S. company in a manner detrimental to the interests of the United States. Although he asserts that he did not personally profit from the transaction, I believe that the evidence warrants a finding that he did so profit and I so find.

I am of the view that a relatively severe sanction should be imposed. I recommend that he be denied export privileges for 5 years and thereafter be placed on probation for the duration of export controls. The respondent has been subject to a temporary order denying export privileges since August 18, 1967. I believe it would be proper to reduce the 5-year denial period by the equivalent length of time he has been subject to the temporary denial order, and I so recommend.

Now after considering the record in the case and the report and recommendation of the Compliance Commissioner and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law: *It is hereby ordered:*

I. The terms, restrictions, and prohibitions of the temporary denial order issued against respondent on August 18, 1967 (32 F.R. 12408), are continued in full force and effect.

II. Except as qualified in Part IV thereof, the respondent for the duration of export controls is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his representatives, agents, partners, and employees, and also to any person, firm, corporation, or other business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith. The determinations heretofore made that Savoy International, Ltd., Rome, Italy (32 F.R. 15646) and Savoy International, Ltd., Hong Kong (32 F.R. 18118) are related parties to the respondent are hereby confirmed.

IV. On August 19, 1972, without further order of the Bureau of International Commerce, the respondent shall have his export privileges restored conditionally and thereafter for the duration of export

controls he shall be on probation. The conditions of probation are that the respondent shall fully comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that the respondent has knowingly failed to comply with the requirements and conditions of this order or with any of the conditions of probation, said official at any time, with or without prior notice to said respondent, by supplemental order, may revoke the probation of said respondent, revoke all outstanding validated export licenses to which said respondent may be a party and deny to said respondent all export privileges for such period as may be considered appropriate. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as shall be warranted. On the entry of a supplemental order revoking respondent's probation without notice, he may file objections and request that such order be set aside, and may request an oral hearing, as provided in section 382.16 of the Export Regulations, but pending such further proceedings, the order of revocation shall remain in effect.

VI. During the time when the respondent or other persons within the scope of this order are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent or other persons denied export privileges within the scope of this order, or whereby said respondent or such other persons may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly; (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent or other persons denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: September 3, 1968.

This order shall become effective forthwith.

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

[F.R. Doc. 68-10887; Filed, Sept. 9, 1968; 8:45 a.m.]

Office of Foreign Direct Investments

FOREIGN DIRECT INVESTMENT REGULATIONS

Forms and Composite Copies of Regulations

Notice of Issuance of Revised Amended Form FDI-101 (Base Period Report), including general instructions and Supplements 1-5; technical corrections to Form FDI-102 (Quarterly Report); and composite copies of regulations as adopted in final form.

The Office of Foreign Direct Investments announced the issuance, on September 6, 1968, of revised amended Form FDI-101, the Base Period Report (including the Instructions thereto) and of revised Supplements 1 through 5 to such form (August 1968 revisions). Form FDI-101 (August 1968 revision) reflects amendments to the Foreign Direct Investment Regulations ("Regulations") which were adopted subsequent to the issuance in February of Form FDI-101 and in March of certain amendments and supplements thereto.

Any affiliated, associated or family group the members of which are changed by Subpart I of the Regulations from the group previously reported should file a revised or, in some cases, an original FDI-101. Any person who, by virtue of an ownership interest in a direct investor, previously reported transactions effected by or on behalf of such direct investor, and who would not be required so to report such transactions under Subpart I as revised, should file a revised Form FDI-101. Similarly, any person eligible to avail himself of the elections provided by §§ 1000.906(b)(1) and 1000.907(c)(2) of the regulations (who may do so notwithstanding any prior election or failure to elect under the original instructions to Form FDI-101 or the provisions of Subpart I as published in the FEDERAL REGISTER on April 30, 1968 (33 F.R. 6540)) may file a revised Form FDI-101. Any person filing an FDI-101 for the first time should file by October 1, 1968, with the Program Reports Division, Office of Foreign Direct Investments, U.S. Department of Commerce, Washington, D.C. 20230.

Notice is also hereby given that the Office of Foreign Direct Investments issued on September 10, 1968, certain technical corrections to Form FDI-102 as previously issued in revised from on August 16, 1968. The corrections will be mailed to all persons who have previously filed Form FDI-101.

For the convenience of persons interested in the Foreign Direct Investment Regulations, the regulations as adopted in final form as of August 30, 1968, have been reprinted in composite form. A copy of the Foreign Direct Investment Regulations as so reprinted has been mailed to each person who has filed the Base Period Report.

Copies of Form FDI-101 (August 1968 revision), including the instructions and Supplements 1-5, of the technical corrections to Form FDI-102 and of the regulations in composite form are available in Room 2119, U.S. Department of Commerce Building, Washington, D.C., or in any of the 42 U.S. Department of Commerce Field Offices.

CHARLES E. FIERO,
Director, Office of Foreign Direct Investments.

[F.R. Doc. 68-10999; Filed, Sept. 9, 1968; 8:58 a.m.]

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PART II

DEPARTMENT OF LABOR

Office of the Secretary

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Immigration; Availability of, and Adverse Effect Upon, American Workers

Miscellaneous Amendments

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 60—IMMIGRATION; AVAILABILITY OF, AND ADVERSE EFFECT UPON, AMERICAN WORKERS

Miscellaneous Amendments

On April 23, 1968, June 11, 1968, and June 22, 1968 (33 F.R. 6167–6169, 8551, and 9262), notices of proposed amendments to 29 CFR Part 60 were published in the FEDERAL REGISTER. After consideration of all matter presented by interested persons concerning these proposals, I have decided to and do hereby amend the regulations set forth in that part as set forth below, effective October 10, 1968.

Some of the changes that were proposed in the April 23, 1968, edition of the FEDERAL REGISTER that are not adopted here are nevertheless still under consideration and may be adopted at a future date.

1. Section 60.6 is amended by revising the introductory paragraph and paragraph (e) and by adding new paragraphs (g), (h), (i), and (j) to read as follows:

§ 60.6 Matters to be considered.

Prospective employment offered in accordance with § 60.3(a) will be deemed to adversely affect "wages" or "working conditions" of American workers within the meaning of section 212(a)(14) of the Act unless it appears:

* * * * *

(e) That such employment will not involve any discrimination with regard to race, creed, color, national origin, age, or sex;

* * * * *

(g) That the alien will not be caused to bear expenses or fees that exceed those customarily charged for placement services relating to the offer: *Provided, however,* That this restriction shall not apply to reimbursement for the actual cost of the alien's transportation to the United States;

(h) That such employment is not with an employer who has within 3 years prior to the offer obtained a certification on the basis of material representations on a Form ES–575B and any supplement thereto which he failed to fulfill;

(i) That such employment is not procured through an agent (or agency) which has within 3 years prior to the offer concealed the extent of his participation in the placement or which has referred to employment an alien who lacked a visa authorizing employment in the United States; and

(j) That such employment is not with an employer who has within three years prior to the offer hired an alien who (1) entered the United States without inspection, or (2) was in the United States as a nonimmigrant and whose employment violated his nonimmigrant status, unless such employer demonstrates that he did not know, had no reasonable grounds to know, or could not by reasonable inquiry have ascertained knowledge of these circumstances.

2. Schedule A at the end of Part 60 is revised to read as follows:

SCHEDULE A

Group I: Persons who received an advance degree in a particular field of study from an institution of higher learning accredited in the country where the degree was obtained (comparable to a Ph. D. or master's degree given in American colleges or universities).

Group II: Persons who have received a degree conferred by an accredited institution of higher learning in any of the following specialties or have experience or a combination of experience and education equivalent to such a degree:

Accounting and Auditing.
Architecture.
Chemical Engineering.
Chemistry.
Civil Engineering.
Dietetics.
Electrical Engineering.
Electronic Engineering.
Industrial Engineering.
Mathematics.
Mechanical Engineering.
Metallurgy and Metallurgical Engineering.
Mining and Petroleum Engineering.
Nuclear Engineering.
Nursing.
Pharmacy.
Physical Therapy.
Physics.

Group II Occupational Definitions: These definitions are intended as descriptive guidelines and not as mandatory qualification requirements.

ACCOUNTING AND AUDITING

The application of the principles of accounting or auditing to examine, analyze, or interpret accounting records for the purpose of giving advise or preparing statements and installing or advising on systems of recording costs or other budgetary and financial data.

ARCHITECTURE

The application of the principles and theories of architecture to design and construct buildings, marine craft, and related structures according to aesthetic and functional factors.

CHEMICAL ENGINEERING

The design of chemical-plant equipment and research to develop and improve processes for manufacturing chemicals and products, such as gasoline, synthetic rubber, plastics, detergents, cement, and paper and pulp, applying principles and technology of chemistry, physics, mechanical and electrical engineering and other related fields.

CHEMISTRY

Research in the chemical and physical properties and compositional changes of substances. Specialization generally occurs in one or more branches of chemistry, such as organic chemistry, inorganic chemistry, physical chemistry, analytical chemistry, and biochemistry.

CIVIL ENGINEERING

The application of the principles and techniques of civil engineering to perform a variety of engineering work in planning, designing, and overseeing construction and maintenance of structures and facilities, such as roads, railroads, airports, bridges, harbors, channels, dams, irrigation projects, pipelines, powerplants, water and sewage systems, and waste disposal units. Typical specializations are: Construction; hydraulics; structures; purification plants; city planning; materials; and airport, railroad, irrigation, sewage disposal, sanitary, and highway engineering. Frequently requires knowledge of industrial trends, population growth, zoning laws, and State and local building codes and ordinances.

DIETETICS

The application of the principles of nutrition to plan menus and diets and direct the preparation and serving of meals. Includes activities involved with food service programs designed to feed individuals and groups with special nutritional requirements in schools, restaurants, and other public or private institutions. Participation in research or instruction in the field of nutrition.

ELECTRICAL ENGINEERING

The application of the laws of electrical energy and the principles of engineering for the generation, transmission, and use of electricity for domestic, commercial, industrial, and military consumption. Design and development of machinery and equipment for production and utilization of electric power. Typical specializations are: power generation and distribution, atomic power generation, electrical and electronic equipment manufacturing, radio and television broadcasting research, and telephone, telegraph, and electronic computer engineering.

ELECTRONIC ENGINEERING

Research and development concerned with design and manufacture of a variety of electronic apparatus and devices and their application to commercial, military, scientific, and medical equipment, processes, and problems, utilizing principles and theories of electronic engineering. Direction of operation and maintenance of electronic equipment and recommendations to correct designs based upon operational evaluation.

INDUSTRIAL ENGINEERING

The application of the principles of industrial engineering to perform a variety of engineering work concerned with the design and installation of integrated systems of personnel, materials, machinery, and equipment, utilizing accessory techniques of mechanical and other engineering specialties. Typical specializations are: Plant layout; production methods and standards, cost control, quality control; time, motion, and incentive studies; and methods, production, and safety engineering.

MATHEMATICS

The development of methodology in mathematical statistics and actuarial science; the application of original and standardized mathematical techniques to the solution of problems in science, engineering, management, military strategy, and operations analysis; and the mathematical statement of problems for solution by data-processing systems.

MECHANICAL ENGINEERING

The application of the principles of physics and engineering for the generation, transmission, and utilization of heat and mechanical power, and for the design and production of tools and machines. Typical specializations are: power generation and transmission, hydraulics, instrumentation, automotive engineering, railroad equipment engineering, heating and ventilating, air conditioning, machine design, and research.

METALLURGY AND METALLURGICAL ENGINEERING

The application of the principles of metallurgy and metallurgical engineering to the extraction of metals from ores; the processing and refining of them into final form; and the design and development of metallurgical process methods. Accessory techniques used

are those found in chemistry, geology, ceramics, mineralogy, and in mining, chemical, and mechanical engineering.

MINING AND PETROLEUM ENGINEERING

The application of the principles and theories of mining and petroleum engineering for the development of mines and the extraction of minerals from the earth, utilizing accessory techniques in geology, and in civil, mechanical, electrical, metallurgical, and chemical engineering. Typical specializations are according to activities involved, such as exploration, extraction, mine layout, safety, research, and supervision and management; or according to type of substance involved, such as metals, nonmetallic minerals, coal, or petroluem and natural gas.

NUCLEAR ENGINEERING

The application of scientific knowledge of nuclear reactions and radiations, and principles of engineering for the production of heat and power, transmutation of elements, and production of neutrons, gamma radiation, and radioisotopes.

NURSING

The application of the art and science of nursing which reflects comprehension of principles derived from the physical, biological, and behavioral sciences. Nursing generally includes the making of clinical judgments concerning the observation, care, and counsel of persons requiring nursing care; the administering of medicines and treatments prescribed by the physician or dentist; the participation in activities for the promotion of health and the prevention of illness in others.

Preparation for nursing practice is generally obtained through an organized program of study approved by a governmental or other competent authority in the alien's country. High school graduation or its equivalent is usually a prerequisite. A program of study generally includes theory and practice in clinical areas such as: Obstetrics, surgery, pediatrics, psychiatry, medicine.

PHARMACY

The compounding of prescriptions written by physicians, dentists, and other authorized medical practitioners; and the bulk selection, compounding, dispensing, and preservation of drugs and medicines.

PHYSICAL THERAPY

The treatment of patients with disabilities, disorders, and injuries to relieve pain, develop or restore function, and maintain performance, using physical means, such as exercise, massage, heat, water, light, and electricity, as prescribed by a medical doctor.

PHYSICS

Research into phases of physical phenomena, developing theories and laws on basis of observation and experiments, and devising methods to apply laws and theories of physics to solve problems in such fields as science, engineering, medicine, and production.

Group III: (a) Any person of any religious denomination whose regular profession or occupation is to conduct religious services, which he is authorized by his denomination to perform, and who is seeking admission to the United States in order to engage principally in such work.

(b) Any person of any religious denomination having a religious commitment, such as a Monk, Nun, Brother, Missionary, and others, who is seeking admission to the United States to perform the duties required of him by virtue of such commitment.

(c) Any other person seeking admission to the United States to perform duties related to the nonprofit operation of a religious organization, (1) if the duties which he will perform involve special skills, training and experience which the alien possesses and which are related to the religious objectives of the organization and (2) if he intends to be engaged principally (more than 50 percent of his working time) in such duties. Examples of persons coming within this subgroup are cantors and translators of religious tracts or texts who have the special capability of conveying through the translation the spiritual message to which such tracts or texts are directed and who will be engaged in such endeavors.

An operation may be considered nonprofit for purposes of Group III if the receipts from the operation will be used exclusively in furtherance of the philanthropic or religious purposes of the organization.

3. Schedule B at the end of Part 60 is revised to read as follows:

SCHEDULE B

OCCUPATIONAL TITLES

Attendants, Parking Lot.
Attendants (Service Workers such as Personal Service Attendants, Amusement and Recreation Service Attendants).
Automobile Service Station Attendants.
Bakers' Helpers.
Bartenders.
Bookkeepers II.
Bus Boys.
Carpenters' Helpers.
Chauffeurs and Taxicab Drivers.
Charwomen and Cleaners.
Clerks, General.
Clerks, Hotel.
Clerks and Checkers, Grocery Stores.
Cooks' Helpers.
Counter and Fountain Workers.
Electric Truck Operators.
Elevator Operators.
Floorman, Floorboy, and Floorgirl.
Groundskeepers.
Guards and Watchmen.
Household Domestic Service Workers.
Housekeepers.
Housemen and Yardmen.
Janitors.
Kitchen Workers and Helpers.
Laborers, Farm.
Laborers, Mine.
Laborers, Common.
Library Helpers.
Loopers and Toppers.
Maids, Hotel.
Material Handlers.
Nurses' Aides.
Orderlies.
Packers, Markers, Bottlers, and Related.
Painters' Helpers.
Porters.
Routemen Helpers.
Sailors and Deck Hands.
Sales Clerks, General.
Sewing Machine Operators and Handstitchers.
Street Railway and Bus Conductors.
Telephone Operators.
Truck Drivers and Tractors Drivers.
Truck Drivers' Helpers.
Typists, lesser skilled.
Ushers, Recreation and Amusement.
Warehousemen.
Welders' Helpers.

OCCUPATIONAL DEFINITIONS

Attendants, Parking Lot

Park automobiles for customers in parking lots or garages and collect fees based on time span of parking.

Attendants (Service Workers Such as Personal Service Attendants, Amusement and Recreation Service Attendants)

Perform a variety of routine tasks attending to the personal needs of customers at such places as amusement parks, bath houses, clothing checkrooms, and dressing rooms. Includes such tasks as taking and issuing tickets, checking and issuing clothing and supplies, cleaning premises and equipment, answering inquiries, checking lists, and maintaining simple records.

Automobile Service Station Attendants

Service automotive vehicles with fuel, lubricants, and automotive accessories at drive-in service facilities. Also compute charges and collect fees from customers.

Bakers' Helpers

Perform routine tasks to assist bakers in the production of baked goods. Involves such activities as greasing pans, moving and distributing ingredients and supplies, and weighing and measuring ingredients according to instructions.

Bartenders

Prepare, mix, and dispense alcoholic beverages for consumption by bar customers. Also compute and collect charges for drinks.

Bookkeepers II

Keep records of one facet of an establishment's financial transactions. Responsible for maintaining one set of books, and specialize in such areas as accounts-payable, accounts-receivable, or interest accured.

Bus Boys

Facilitate food service in an eating place by performing such tasks as removing dirty dishes, replenishing linen and silver supplies, serving water and butter to patrons, and cleaning and polishing equipment.

Carpenters' Helpers

Perform routine tasks to assist carpenters in building wooden structures. Involves such activities as conveying tools and materials about work site, sawing lumber to specified size, holding lumber for nailing, and oiling and cleaning tools and equipment.

Chauffeurs and Taxicab Drivers

Drive automobiles to convey passengers according to their instructions.

Charwomen and Cleaners

Keep premises of commercial establishments, office buildings, or apartment houses in clean and orderly condition by performing such tasks as mopping and sweeping floors, dusting and polishing furniture and fixtures, and vacuuming rugs. Work according to set routine.

Clerks, General

Perform a variety of routine clerical tasks not requiring knowledge of systems or procedures. Involves such activities as copying and posting data, proofreading records or forms, counting, weighing, or measuring material, routing correspondence, answering telephones, conveying messages, and running errands.

Clerks, Hotel

Perform a variety of routine tasks to accommodate hotel guests. Involves such activities as registering guests, dispensing keys, distributing mail, collecting payments, and adjusting complaints.

Clerks and Checkers, Grocery Stores

Itemize, total, and receive payment for purchases in grocery stores, usually using

cash register. Often assist customer in locating items, stock shelves, and keep stock-control and sales-transaction records.

Cooks' Helpers

Perform a variety of routine tasks to assist workers engaged in preparing food. Involves such activities as cleaning and cutting food, weighing and measuring ingredients, carrying and distributing equipment about work area, and cleaning equipment.

Counter and Fountain Workers

Serve food to patrons at lunchroom counters, cafeterias, soda fountains, or similar public eating places. Take orders from customers and frequently prepare simple items, such as dessert dishes; itemize and total checks; receive payment and make change; and clean work area and equipment.

Electric Truck Operators

Drive gasoline- or electric-powered industrial trucks or tractors equipped with forklift, elevating platform, or trailer hitch to move and stack equipment and materials in a warehouse, storage yard, or factory.

Elevator Operators

Operate elevators to transport passengers and freight between building floors.

Floorman, Floorboy, and Floorgirl

Perform a variety of routine tasks in support of other workers in and around such work sites as factory floors and service areas, frequently at the beck and call of others. Involves such tasks as cleaning floors, materials, and equipment; distributing materials and tools to workers; running errands; delivering messages; emptying containers; and removing materials from work area to storage or shipping areas.

Groundskeepers

Maintain grounds of industrial, commercial, or public property in good condition. Involves such tasks as cutting lawns, trimming hedges, pruning trees, repairing fences, planting flowers, and shoveling snow.

Guards and Watchmen

Guard and patrol premises of industrial or business establishments or similar types of property to prevent theft and other crimes and prevent possible injury to others.

Household Domestic Service Workers

Perform a variety of tasks in private households, including such activities as cleaning, dusting, washing, ironing, making beds, maintaining clothes, marketing, cooking, serving food, and caring for children: *Provided, however,* That noncertification under this category shall apply only to those workers who have had less than 1 year of documented paid experience in the performance of the above tasks working on a live-in or live-out basis.

Housekeepers

Supervise workers engaged in maintaining interiors of residential buildings in a clean and orderly fashion. They assign duties to maids, charwomen, and housemen; inspect finished work, and maintain supply of equipment and materials.

Housemen and Yardmen

(1) Perform routine tasks to keep hotel premises neat and clean. Involves such tasks as cleaning rugs; washing walls, ceilings, and windows, moving furniture, mopping and waxing floors, and polishing metalwork.

(2) Maintain the grounds of private residence in good order. Typical tasks are mowing and watering lawns, planting flowers and shrubs, and repairing and painting fences. Work on instructions of private employer.

Janitors

Keep hotel, office building, apartment house, or similar building in clean and orderly condition, and tend furnaces and boilers to provide heat and hot water. Typical tasks are sweeping and mopping floors, emptying trash containers, and doing minor painting and plumbing repairs. Often maintain residence at place of work.

Kitchen Workers and Helpers

Perform routine tasks in kitchen of restaurant. Primary responsibility is to maintain work areas and equipment in a clean and orderly fashion. Involves such tasks as mopping floors, removing trash, washing pots and pans, transferring supplies and equipment, and washing and peeling vegetables.

Laborers, Farm

Plant, cultivate, and harvest farm products, following instructions of supervisors, often working as members of a team. Typical tasks are watering and feeding livestock, picking fruit and vegetables, and cleaning storage areas and equipment.

Laborers, Mine

Perform routine tasks in underground or surface mine, pit, or quarry, or at tipple, mill, or preparation plant. Involves such tasks as cleaning work areas, shoveling coal onto conveyors, pushing mine cars from working face to haulage road, and loading or sorting material onto wheelbarrow.

Laborers, Common

Perform routine tasks in an industrial construction or manufacturing environment. Typical tasks are loading and moving equipment and supplies, cleaning work areas, and distributing tools. Work upon instructions according to set routine.

Library Helpers

Keep library records; sort and shelve books; issue and receive such library materials as books, firms, and phonograph records; and perform a variety of routine clerical tasks to relieve librarians of detail work. Answer routine inquiries and refer matters requiring professional assistance to librarians.

Loopers and Toppers

(1) Tend machines that shear nap, loose threads, and knots from cloth surfaces to give uniform finish and texture.

(2) Operate looping machines to close openings in toe of seamless hoses or join knitted garment parts.

(3) Loop stitches or ribbed garment parts on points of transfer bar to facilitate transfer of garment parts to needles of knitting machine.

Maids, Hotel

Clean hotel rooms and halls; sweep and mop floors, dust furniture, empty wastebaskets, make beds.

Material Handlers

Load, unload, and convey materials within or near plant, yard, or worksite, under specific instructions.

Nurses' Aides

Assist in care of hospital patients. Involves such activities as bathing, dressing, and undressing patients; serving and collecting food trays; transporting patients to treatment units; changing bed linens; running errands; and directing visitors.

Orderlies

Assist in care of male hospital patients. Involves such activities as bathing patients and giving alcohol rubs; cleaning and shaving hair from skin area of operative cases; lifting patients onto and from bed, and transporting patients to hospital areas; setting up hospital equipment, such as oxygen tents, portable X-ray machines, and overhead irrigation bottles, and placing anesthesia equipment near operating table.

Packers, Markers, Bottlers, and Related

Pack products into containers, such as cartons or crates; mark identifying information on articles; insure filled bottles are properly sealed and marked; often working with team on or at end of assembly line.

Painters' Helpers

Assist painters in preparing and applying protective and decorative coats of paint to surfaces. Typical tasks are arranging and assembling scaffolding, preparing surfaces for painting, and cleaning equipment and work areas.

Porters

(1) Carry baggage for passengers of airline, railroad, or motorbus by hand or handtruck. Perform related personal services in and around public transportation environment.

(2) Keep building premises, working areas in production departments of industrial organizations, or similar sites in clean and orderly condition.

Routemen Helpers

Aid routemen in providing sales, services, or deliveries of goods to customers over an established route. Involves such tasks as loading and unloading trucks, carrying merchandise to and from trucks, and collecting payments.

Sailors and Deck Hands

Stand deck watches and perform a variety of tasks to preserve painted surfaces of ship, and maintain lines, running gear, and cargo handling gear in safe operating condition. Involves such tasks as mopping decks, chipping rust, painting chipped areas, and splicing rope.

Sales Clerks, General

Receive payment for merchandise in a retail establishment, wrap or bag merchandise, and keep shelves stocked.

Sewing Machine Operators and Handstitchers

(1) Operate single- or multiple-needle sewing machines to join parts in the manufacture of such products as awnings, carpets, and gloves. Specialize in one type of sewing machine limited to joining operations.

(2) Join and reenforce parts of such articles as garments, and curtains, sew buttonholes and attach fasteners to articles, or sew decorative trimmings to articles, using needle and thread.

Street Railway and Bus Conductors

Collect fares or tickets from passengers, issue transfers, open and close doors, announce stops, answer questions, and signal operator to start or stop.

Telephone Operators

Operate telephone switchboards to relay incoming and internal calls to phones in an establishment, and make connections with external lines for outgoing calls. Taking messages, supplying information, and keeping records of calls and charges is often involved. Some situations primarily involve establishing or aiding telephone users in establishing local or long distance telephone connections.

Truck Drivers and Tractor Drivers

(1) Drive trucks to transport materials, merchandise, equipment, or people to and from specified destinations, such as plants, railroad stations, and offices.

(2) Drive tractors to move materials, draw implements, pull out objects imbedded in ground, or pull cable of winch to raise, lower, or load heavy materials or equipment.

Truck Drivers' Helpers

Assist truck drivers by loading and unloading vehicles, securing items in position on truck to prevent damage, delivering and stacking merchandise on customers premises and collecting payments or obtaining receipt.

Typists, Lesser Skilled

Type straight-copy material, such as letters, reports, stencils, and addresses, from draft or corrected copy. Not required to prepare materials involving the understanding of complicated technical terminology, the arrangement and setting of complex tabular detail or similar problems. Typing speed in English does not exceed 52 words per minute on a manual typewriter and/or 60 words per minute on an electric typewriter and the error rate reaches 12 or more for a five minute typing period on representative business correspondence.

Ushers (Recreation and Amusement)

Assist patrons at entertainment events in finding seats, searching for lost articles, and locating facilities.

Warehousemen

Receive, store, ship, and distribute materials, tools, equipment, and products within establishments as directed by others.

Welders' Helpers

Assist workers in welding, brazing, and flame and arc cutting activities by performing such routine tasks as moving equipment and supplies; cleaning work area, equipment, and materials; connecting hoses; starting engines; and setting workpiece in place.

(79 Stat. 911; 8 U.S.C. 1182)

Signed at Washington, D.C., this 4th day of September 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-10879; Filed, Sept. 9, 1968; 8:45 a.m.]