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PART I

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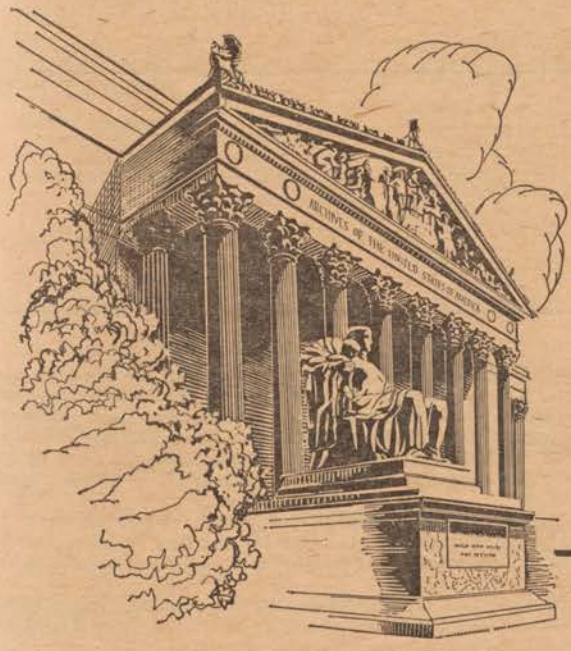

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Special Assistant to the Administrator of the Federal Railroad Administration is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (e) is added to § 213.3394 as set out below.

§ 213.3394 **Department of Transportation.**

* * * * *

(e) *Federal Railroad Administration.*
(1) One Special Assistant to the Administrator.

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

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

[F.R. Doc. 68–4522; Filed, Apr. 16, 1968; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 1]

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

TENDER TO CCC PROHIBITED IF INDEBTEDNESS EXISTS

The regulations issued by the Commodity Credit Corporation, published in 33 F.R. 4914 and containing eligibility requirements for cooperative marketing associations to obtain price support are hereby amended as follows:

Section 1425.13 is amended to provide that an association is not eligible to obtain price support on commodities produced by persons who are indebted to CCC or other agencies of the United States, and to read as follows:

§ 1425.13 **Eligible commodity and pooling.**

The association may obtain price support only on the quantity of the eligible commodity received from its eligible members which remains undisposed of in its inventory at the time such commodity is offered as security for a loan or is offered for purchase. An association is not eligible to obtain price support on any quantity of a commodity produced by a person (1) whose name is entered on a claim control record (indicating the indebtedness of such person) maintained by a county office, or (2) who owes an installment on a storage facility or drying equipment loan which is due, until the debt then due is paid or the association receives information from the applicable State or county office showing that such debt has been paid. Before tendering any quantity of a commodity to CCC for price support, the association shall obtain from State or county offices lists containing the names and the identifying numbers of such persons. For the information of the association, these lists will also contain (1) names of persons having storage facility and drying equipment loan installments which will become due during the period of loan availability, and (2) the dates such installments will become due. The association may establish separate pools as needed for quantities of a commodity acquired from its members. If the association obtains price support from CCC on any quantity of the commodity included in a pool, all of the commodity included in such pool must:

(a) Have been produced by eligible producers on farms on which the production of such commodity is eligible for price support under the applicable price support program regulations;

(b) Meet eligibility requirements for making price support to the association under applicable price support program regulations, except that a part of the commodity so pooled may be ineligible for price support because of grade or quality or, in the case of cotton, bale weight or being repacked; and,

(c) Have been delivered to the association for marketing for the benefit of producer members or by association members in behalf of their producer members.

If price support is obtained on any quantity of a crop of a commodity, allocations of costs and expenses among separate pools for the crop of the commodity shall be made in accordance with sound accounting principles and practices. Any losses incurred by the association in marketing a commodity not included in a pool on which price support is obtained from CCC, sahll not be assessed against the proceeds of marketing of a pool on which price support was obtained. CCC may approve an exception to the foregoing requirements upon written request by the association if the Executive Vice President, CCC, determines that the approval of such request will result in equitable treatment of producers and is in accord with the purposes of the price support program.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on April 12, 1968.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68–4590; Filed, Apr. 16, 1968; 8:51 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 7; Amdt. 10]

PART 121—SMALL BUSINESS SIZE STANDARDS

Changes in Schedule A and Schedule B To Reflect the Bureau of the Budget's Recomposition of Certain Industries

On July 7, 1967, there was published in the FEDERAL REGISTER (32 F.R. 9980 and 32 F.R. 9982) notices that the Small Business Administration proposed to revise existing and establish new definitions of a small business for certain manufacturing industries and classes of products for the purpose of Government procurement and receiving financial assistance. Certain of the proposed changes involved increases in the size standards for existing industries or subindustries. However, other changes did not involve either increases or decreases in size standards. They only reflected changes in the composition of certain industries and subindustries made in the 1967 edition of the Standard Industrial Classification Manual prepared and published by the Bureau of the Budget, Executive Office of the President. The 1967 edition which superseded the 1957 edition of the manual established certain new industries and therefore made obsolete certain industries listed in the presently effective Schedules A and B of Part 121.

The small Business Administration has deferred action on the proposed increases in certain size standards but, since confusion has arisen as a result of the inconsistency between the standard industrial classification industries presently listed in Schedules A and B of Part 121, and the industries listed in the new 1967 edition of the Standard Industrial Classification Manual, SBA has decided to amend the Small Business Size Standards Regulation by revising Schedules A and B to reflect the Bureau of the Budget's recomposition of industries.

The revision does not increase or decrease the size standard for any product.

Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is amended by:

1. Deleting from Schedule A the following industries and size standards.

Census classification code	Industry or class of products	Size standard number of employees
2873	Agricultural pesticides	500
2894	Fatty acids	500
2814	Cyclic (coal tar) crudes	500
2899	Chemicals and chemical preparations, n.e.c	250
2851	Paints, varnishes, lacquers and enamels	250
3449	Architectural and miscellaneous metal work	250
3599	Machinery and parts, except electrical, n.e.c	250
3619	Electric transmission and distribution equipment, n.e.c	500
3988	Morticians' goods	250
2852	Putty, caulking compounds and allied products	250
2095	Animal and marine fats and oils, except grease and tallow	250
2094	Grease and tallow	250
2022	Natural cheese	250
2025	Special dairy products	250
3571	Computing and accounting machines, including cash registers	1,000
3591	Machine shops, jobbing and repair	250
3584	Vacuum cleaners, industrial	250
3981	Brooms and brushes	250
3982	Linoleum, asphalted-felt-base, and other hard surface floor coverings n.e.c	750
3984	Candles	250
3992	Furs, dressed and dyed	250
3987	Lamp shades	250
3995	Umbrellas, parasols and canes	250
3983	Matches	500
1922	Ammunition loading and assembling	250
1921	Artillery ammunition	250
1929	Ammunition n.e.c	250

2. Adding to Schedule A the following industries and size standards:

Census classification code	Industry or class of products	Size standard number of employees
2879	Agricultural pesticides and other agricultural chemicals, n.e.c	500
28992	Fatty acids	500
2899	Chemicals and chemical preparations n.e.c. (except fatty acids)	250
2815	Cyclic intermediates, dyes, organic pigments (lakes and toners) (except cyclic (coal tar) crudes)	750
28151	Cyclic (coal tar) crudes	500
2851	Paints, varnishes, lacquers, enamels and allied products	250
3674	Semiconductors and related devices	500
3446	Architectural and ornamental metal work	250
2094	Animal and marine fats and oils	250
2022	Cheese, natural and processed	250
2095	Roasted coffee	250
3574	Calculating and accounting machines, except electronic computing equipment	1,000
3573	Electronic computing equipment	1,000
3599	Miscellaneous machinery, except electrical	250
3991	Brooms and brushes	250
3996	Linoleum, asphalted-felt-base, and other hard surface floor coverings, n.e.c	750
39993	Matches	500
1929	Ammunition, except for small arms, n.e.c	250
1925	Guided missiles and space vehicles, completely assembled	250
3449	Miscellaneous metal work	250
3994	Morticians' goods	250
2647	Sanitary paper products	500

3. Deleting from Schedule B the following industries and size standards:

Census classification code	Industry or class of products	Size standard number of employees
3571	Computing and accounting machines, including cash registers	1,000
3982	Linoleum, asphalted-felt-base, and other hard surface floor covering, n.e.c	750

4. Adding to Schedule B the following industries and size standards:

Census classification code	Industry or class of products	Size standard number of employees
3574	Calculating and accounting machines, except electronic computing equipment	1,000
3573	Electronic computing equipment	1,000
3996	Linoleum, asphalted-felt-base, and other hard surface floor coverings, n.e.c	750

This amendment shall become effective 15 days after publication in the FEDERAL REGISTER.

Dated: April 10, 1968.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 68-4516; Filed, Apr. 16, 1968; 8:46 a.m.]

[Rev. 7; Amdt. 11]

PART 121—SMALL BUSINESS SIZE STANDARDS

Size Standards Differentials

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising paragraph (b) of § 121.3-7 to read as follows:

§ 121.3-7 Differentials.

* * * * *

(b) *Substantial or persistent unemployment areas, areas of concentrated unemployment or underemployment, certified eligible concerns, and redevelopment areas.*—(1) *Assistance Under sections 7(a) and 8(a) of the Small Business Act.* Notwithstanding any other provision of this part, the applicable size standards for the purposes of assistance under section 7(a) and section 8(a) of the Act are increased by twenty-five percent (25%) whenever the concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment, or Persistent Unemployment, or Concentrated Unemployment or Underemployment, or Redevelopment Area, or is designated as a Certified Eligible concern by the Department of Labor and agrees to use the assistance within such area or, if it does not maintain a plant, facility, or other business establishment within such area, agrees to utilize the assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(2) *Small business investment companies and development companies.* Notwithstanding any other provision of this part, the size standard for a small business concern receiving assistance from a small business investment company or receiving assistance from a development company in connection with a section 501 or section 502 loan is increased by twenty-five percent (25%) whenever such concern qualifies for a similar differential under (1) above.

(3) *Government procurement assistance, sales of Government property and Government subcontracting.* Except as is provided in subparagraphs (1) and (2) of this paragraph, this paragraph is not applicable to size determinations for the purpose of Government procurement assistance, sales of Government property or Government subcontracting.

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

NOTE: In accordance with 5 U.S.C. 553, notice of and public procedure on this amendment to Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is omitted since it is found that prompt execution of the changes made hereby is urgently needed for the purpose of SBA's program under section 8(a) of the Small Business Act.

Dated: April 11, 1968.

HOWARD GREENBERG,
Acting Administrator.

[F.R. Doc. 68-4517; Filed, Apr. 16, 1968; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 8570, Amdt. 39-587]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Dowty Rotol Propellers

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring a modification on Dowty Rotol Propellers (c)R.193/4-30-4/50 installed on Fairchild F-27A, F-27F, F-27G, F-27J and FH-227, and Fokker F-27 Mk 400; (c)R.257/4-30-4/60 installed on Fairchild FH-227B and FH-227C; and (c)R.184/4-30-4/50 installed on Grumman G-159 airplanes was published in 32 F.R. 17673.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The one comment received concerned the proposed time for compliance. The notice required

compliance at the next scheduled overhaul or within the next 2,500 hours' time in service after the effective date of this AD, whichever occurs first. The comment contended that the 2,500-hour limitation was inappropriate since the propeller overhaul periods for most, if not all, of the operators is in excess of 2,500 hours. The intent of the 2,500-hour limitation was to set a realistic upper limit to the period when the modification would be accomplished in view of the fact that some general aviation airplanes are involved and the scheduled overhaul periods applicable to the airplanes covered by this AD vary significantly. However, based on the foregoing comment and further analysis by the FAA, the upper limit of the compliance time has been changed to 4,500 hours' time in service in order to permit all operators the opportunity of accomplishing the modification at their next scheduled propeller overhaul.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

DOWTY ROTOL. Applies to Dowty Rotol Propellers (c)R.193/4–30–4/50 installed on Fairchild F–27A, F–27F, F–27G, F–27J and FH–227, and Fokker F–27 Mk 400; (c)R.257/4–30–4/60 installed on Fairchild FH–227B and FH–227C; and (c)R. 184/4–30–4/50 installed on Grumman G–159 airplanes.

Compliance required as indicated unless already accomplished.

To prevent failure of the propeller hub driving center, P/N RA 57500, at the next scheduled propeller overhaul or within the next 4,500 hours' time in service after the effective date of this AD, whichever occurs first, incorporate Dowty Rotol modification (c)VP.2486, in accordance with Dowty Rotol Service Bulletin No. 61–573, dated August 1967, or later ARB-approved issue, or an FAA-approved equivalent.

This amendment becomes effective May 17, 1968.

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

Issued in Washington, D.C., on April 10, 1968.

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

[F.R. Doc. 68–4519; Filed, Apr. 16, 1968; 8:46 a.m.]

[Docket No. 8716, Amdt. 39–586]

PART 39—AIRWORTHINESS DIRECTIVES

SIAI-Marchetti S.205/22R Airplanes, Serial Numbers 213 and 370 Through 374

A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD to require periodic inspection for, and replacement of, cracked welded angles of the nose gear brace cross member on SIAI-Marchetti S.205/22R Airplanes, Serial Nos. 213 and 370 through 374 was published in 33 F.R. 2855.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIAI-MARCHETTI. Applies to Model S.205/22R airplanes, Serial Nos. 213 and 370 through 374.

Compliance required as indicated.

To detect cracks on the welded angles of the nose gear brace cross member, P/N 205–9–101, accomplish the following:

(a) For airplanes with 175 or more hours' time in service on the effective date of this AD, accomplish the inspection required by paragraph (c) within the next 25 hours' time in service and thereafter at intervals not to exceed 25 hours' time in service from the last inspection.

(b) For airplanes with less than 175 hours' time in service on the effective date of this AD, accomplish the inspection required by paragraph (c) before the accumulation of a total of 200 hours' time in service, and thereafter at intervals not to exceed 25 hours' time in service from the last inspection.

(c) Inspect the welded angles of the nose gear brace cross member, P/N 205–9–101, using a glass of at least 5 power, or an FAA-approved equivalent inspection, in accordance with SIAI-Marchetti Service Bulletin No. 205B14A, dated August 4, 1967, or FAA-approved equivalent. If cracks are detected during any inspection, replace cracked nose gear brace cross member with reinforced member, P/N 205–9–101–03, in accordance with SIAI-Marchetti Service Bulletin No. 205B14A or an FAA-approved equivalent, before further flight.

(d) The repetitive inspections required by paragraphs (a) and (b) may be discontinued after the reinforced nose gear brace cross member, P/N 205–9–101–03, is installed.

This amendment becomes effective May 17, 1968.

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

Issued in Washington, D.C., on April 8, 1968.

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

[F.R. Doc. 68–4520; Filed, Apr. 16, 1968; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8812; Amdt. 594]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction findings (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and Distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
COL VOR	Arlene Int	Via COL R 046°	2000	T-dn	300-1	300-1	200-½
				LDIN-dn-13L	800-2	800-2	800-2
				%LDIN-dn-13R	1000-3	1000-3	1000-3
Arlene Int	CRI VOR (final)	Via R 221°	**1800	C-dn	NA	NA	NA
				A-dn	1000-3	1000-3	1000-3

Radar available.
Procedure turn not authorized.
Minimum altitude over facility on final approach crs, **1800'; over JFK R 280° **1800'.
Crs and distance, facility to lead-in light 041°—1.7 miles. Arc distance via lead-in lights to Runway 13L, 4.8 miles; 13R, 3.7 miles.
If visual contact not established upon descent to authorized landing minimums within 2.5 miles after passing CRI VOR, at the intersection of the Z95° radial of JFK VOR, or if landing not accomplished proceed direct to JFK VOR, thence via JFK R 077° to DPK VOR, climbing to 3000'. Hold E 1-minute left turns. Inbnd crs, 257°.
AIR CARRIER NOTE: Sliding scale not authorized.
%LDIN (Lead-in light system) must be operational to execute this procedure. When visual reference established at 2.5 miles beyond CRI VOR, follow lead-in lights to Runway 13L or 13R. Do not descend below 500' until runway threshold in sight.
**1800' mandatory altitude unless advised by ATC (1000' minimum). MSA within 25 miles of facility: 000°-090°—2000'; 090°-270°—1600'; 270°-360°—2000'.

City, New York; State, N.Y.; Airport name, John F. Kennedy International, Elev., 12'; Fac. Class., T-VORW; Ident., CRI; Procedure No. VOR-13L/13R, Amdt. 6; Eff. date, 25 Apr. 68; Sup. Amdt. No. 5; Dated, 28 Mar. 68

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., on April 10, 1968.

[SEAL]

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

[F.R. Doc. 68-4447; Filed, Apr. 16, 1968; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1315]

PART 13—PROHIBITED TRADE PRACTICES

Fonda Manufacturing Corp. et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Fonda Manufacturing Corp. et al., New York, N.Y., Docket C-1315, April 1, 1968.]

In the Matter of Fonda Manufacturing Corp., a Corporation, and Henry M. Rem and John P. Malik, Individually and as Officers of Said Corporation

Consent order requiring a New York City importer and processor of fabrics to cease importing or selling any dangerously flammable fabric.

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

It is ordered, That respondents Fonda Manufacturing Corp., a corporation, and its officers, and Henry M. Rem, and John P. Malik, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce,

any fabric which, under the provisions of section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

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

Issued: April 1, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-4508; Filed, Apr. 16, 1968; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[TD. 68-108]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

Net amount of bounty declared for the month of March 1968 for products of Australia subject to the countervailing duty order published in T.D. 54582. Section 16.24(f), Customs Regulations, amended.

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of March 1968, of approved fruit products and other approved products containing sugar amounts to Australian $113.10 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian $113.10 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27

F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) of the customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 68–41 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 9, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-4572; Filed, Apr. 16, 1968; 8:51 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

CLARIFICATION REGARDING POLOXALENE

An order was published in the FEDERAL REGISTER of October 18, 1967 (32 F.R. 14384), amending § 121.295 *Poloxalene* to provide for certain additional uses. The order also provided for publication of additional specifications and a structural formula. A manufacturer of poloxalene, Wyandotte Chemicals Corp., Industrial Chemicals Group, Wyandotte, Mich. 48192, submitted comments suggesting that a clarification of the regulation issue with regard to the chemical structure of the additive. Having considered the suggestion, the Commissioner of Food and Drugs concludes that the regulation should be amended for clarification as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1786; 21 U.S.C. 348) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.295(a)(4) is revised to read as follows:

§ 121.295 **Poloxalene.**

* * * * *

(a) * * *

(4) Structural formula:

$$HO(CH_2\text{-}CH_2\text{-}O)_{(11\text{-}13)}(CH(CH_3)\text{-}CH_2\text{-}O)_{(32\text{-}36)}(CH_2\text{-}CH_2\text{-}O)_{(11\text{-}13)}H$$

* * * * *

Since this order merely clarifies an existing regulation, notice and public procedure are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

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

Dated: April 8, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-4541; Filed, Apr. 16, 1968; 8:48 a.m.]

PART 121—FOOD ADDITIVES

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

ANTISTATIC AND/OR ANTIFOGGING AGENTS IN FOOD-PACKAGING MATERIALS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1919) filed by Imperial Chemicals Industry Ltd., Plastics Division, Bessemer Road, Welwyn Garden City, Hertfordshire, England, and other relevant material, has concluded that § 121.2527 should be amended to provide for the additional safe use of *N,N*-bis(2-hydroxyethyl) alkylamine in vinylidene chloride copolymer coatings used for packaging dry food, nonacid aqueous food, bakery products, and dairy products.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.2527(b) is amended by designating the present limitation for the item "*N,N*-Bis(2-hydroxyethyl) alkylamine * * *" as limitation No. 1 and by adding a new limitation No. 2. As changed the item reads as follows:

§ 121.2527 **Antistatic and/or antifogging agents in food-packaging materials.**

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
N,N-Bis(2-hydroxyethyl) alkylamine, where the alkyl groups (C_{14}–C_{18}) are derived from tallow.	For use only: 1. As an antistatic agent at levels not to exceed 0.15 percent by weight in molded or extruded polyethylene containers that contact food only of the types identified in § 121.2526(c), table 1, under types I, IV–B, VI–B, VII–B, and VIII, under the conditions of use E through G described in table 2 of § 121.2526(c) provided such foods have a pH above 5.0. 2. As an antistatic agent at levels not to exceed 0.10 mg. per square inch of food-contact surface in vinylidene chloride copolymer coatings complying with §§ 121.2507, 121.2524, or 121.2569, provided that such coatings contact food only of the types identified in § 121.2526(c), table 1, under types I, IV, VII, VIII, and IX, under the conditions of use E through G described in table 2 of § 121.2526(c). The finished copolymers shall contain at least 70 weight percent of polymer units derived from vinylidene chloride; and shall contain not more than 5 weight percent of total polymer units derived from acrylamide, acrylic acid, fumaric acid, itaconic acid, methacrylic acid, octadecyl methacrylate, and vinyl sulfonic acid. * * *

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

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

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

Dated: April 5, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-4540; Filed, Apr. 16, 1968; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sterile Sodium Nafcillin Monohydrate

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 141a and 146a are amended by adding new sections and by amending for consistency existing sections to provide for the certification of sterile sodium nafcillin monohydrate, as follows:

1. In § 141a.115, paragraphs (c) and (h) are revised to read as follows:

§ 141a.115 Sodium nafcillin.

* * * * *

(c) *Pyrogens.* Proceed as directed in § 141a.3, except use sterile, pyrogen-free U.S.P. saline test solution as the diluent and inject 1.0 milliliter per kilogram of a solution containing 20 milligrams per milliliter.

* * * * *

(h) *Nafcillin content.* Place an accurately weighed sample of approximately 25 milligrams in a 50-milliliter volumetric flask. Dissolve and make to volume with methylene chloride. Remove a 5-milliliter aliquot and dilute to 50 milliliters with methylene chloride. Determine the absorbance of the sample at the absorption peak at 283±3 millimicrons, using a suitable ultraviolet spectrophotometer and quartz cells. Treat a sample of the working standard in the same manner. (The exact position of the peak should be determined for the particular instrument used.)

$$\text{Percent nafcillin} = \frac{\text{Absorbance of sample} \times \text{milligrams of standard} \times \text{percent nafcillin content of standard}}{\text{Absorbance of standard} \times \text{milligrams of sample}}$$

* * * * *

2. Section 141a.124(f) is revised to read as follows:

§ 141a.124 Sodium nafcillin monohydrate.

(f) *Nafcillin content.* Place an accurately weighed sample of approximately 25 milligrams in a 50-milliliter volumetric flask. Dissolve and make to volume with distilled water. Remove a 5-milliliter aliquot and dilute to 50 milliliters with distilled water. Determine the absorbance of the sample at the absorption maximum at 280±3mμ, using a suitable ultraviolet spectrophotometer and quartz cells. Treat a sample of the working standard in the same manner. (The exact position of the maximum should be determined for the particular instrument used.)

$$\text{Percent nafcillin} = \frac{\text{Absorbance of sample} \times \text{milligrams of standard} \times \text{percent of nafcillin content of standard}}{\text{Absorbance of standard} \times \text{milligrams of sample}}$$

3. The following new section is added to Part 141a:

§ 141a.131 Sterile sodium nafcillin monohydrate.

(a) *Potency.* Using the nafcillin working standard as the standard of comparison, assay by any of the following methods; however, the results obtained from the microbiological assay methods described in § 141a.1 (a) through (g) or (h) shall be conclusive.

(1) *Microbiological assay.* Proceed as directed in § 141a.1 except if the standard curve technique described in paragraph (h) of that section is used to dilute the sample in 1 percent potassium phosphate buffer, pH 6, to 2 micrograms per milliliter (estimated) and prepare the standard curve as follows: Accurately weigh approximately 30 milligrams of the nafcillin working standard and dissolve in sufficient 1 percent potassium phosphate buffer, pH 6, to obtain a stock standard solution of 1,000 micrograms of nafcillin per milliliter. Prepare the standard curve by further diluting this stock solution with 1 percent potassium phosphate buffer, pH 6, to final concentrations of 1.28, 1.60, 2, 2.50 and 3.12 micrograms per milliliter. The 2 micrograms per milliliter concentration is the reference concentration.

(2) *Iodometric assay.* Proceed as directed in § 141a.5(d), except use a solution containing 1.25 milligrams per milliliter. If it is packaged for dispensing, its content of nafcillin is satisfactory if it is not less than 90 percent nor more than 120 percent of the number of milligrams of nafcillin that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using either method described in § 141.2(e) (1) and (2). If the method described in § 141.2 (e)(2) is used, use medium B in lieu of medium A.

(c) *Pyrogens.* Proceed as directed in § 141a.3, except use sterile, pyrogen-free U.S.P. saline test solution as the diluent and inject 1.0 milliliter per kilogram of a solution containing 20 milligrams of nafcillin per milliliter.

(d) *Toxicity.* Proceed as directed in § 141a.4, except use sterile U.S.P. saline test solution as the diluent and inject 0.5 milliliter of a solution containing 16 milligrams of nafcillin per milliliter.

(e) *Moisture.* Proceed as directed in § 141a.26(e).

(f) pH. Proceed as directed in § 141a.5 (b), using an aqueous solution containing 30 milligrams per milliliter.

(g) *Nafcillin content.* Place approximately 25 milligrams of the sample in a 50-milliliter volumetric flask. Dissolve and make to volume with distilled water. Dilute a 5-milliliter aliquot to 50 milliliters with distilled water. Treat a sample of the nafcillin working standard in the same manner. Using a suitable spectrophotometer equipped with quartz cells, scan the absorption spectra of the sample and nafcillin working standard solutions between the wavelengths of 245 millimicrons and 340 millimicrons. Determine the absorbance of the sample and working standard solutions at the absorption maximum at 280±3 millimicrons.

$$\text{Percent nafcillin} = \frac{\text{Absorbance of sample X milligrams of standard X percent nafcillin content of standard}}{\text{Absorbance of standard X milligrams of sample}}$$

(h) *Identity.* The absorption spectrum of the sample determined as directed in paragraph (g) of this section compares qualitatively with that of the nafcillin working standard.

(i) *Crystallinity.* Mount the sample in mineral oil and add one drop of ethyl alcohol. Allow to react for about 30 seconds and examine by means of a polarizing microscope. Nafcillin shows resolvable particles that reveal the phenomena of birefringence and extinction positions on revolving the microscope stage.

4. Section 146a.2 *Sodium nafcillin* is amended:

a. By revising paragraph (a)(8) to read as follows:

(8) Its nafcillin content is not less than 85.5 percent.

b. By changing "sodium nafcillin content" in the last sentence of paragraph (d)(1) to read "nafcillin content".

c. By changing "less than 10" in paragraph (d)(2)(i) to read "less than 12".

5. Section 146a.3(d)(2)(ii) is revised to read as follows:

§ 146a.3 Sodium nafcillin capsules.

* * * * *

(d) * * *

(2) * * *

(ii) The sodium nafcillin used in making the batch: Potency, toxicity, moisture, pH, crystallinity, nafcillin content, and identity.

6. Section 146a.120 *Sodium nafcillin monohydrate* is amended:

a. By revising paragraph (a)(6) to read as follows:

(6) Its nafcillin content is not less than 82 percent.

b. By changing "sodium nafcillin content" in the last sentence of paragraph (d)(1) to read "nafcillin content".

7. Section 146a.121(d)(2)(ii) is revised to read as follows:

§ 146a.121 Sodium nafcillin monohydrate for oral solution.

* * * * *

(d) * * *

(2) * * *

(ii) The sodium nafcillin monohydrate used in making the batch: Potency, toxicity, moisture, pH, nafcillin content, and crystallinity.

* * * * *

8. The following new section is added to Part 146a:

§ 146a.127 Sterile sodium nafcillin monohydrate.

(a) *Standards of identity, strength, quality, and purity.* Sterile sodium nafcillin monohydrate is the monohydrate sodium salt of 6-(2-ethoxy-1-naphthamido) penicillanic acid suitable for parenteral use. It is so purified and dried that:

(1) It contains not less than 820 micrograms of the free acid of nafcillin per milligram.

(2) It is sterile.

(3) It is nonpyrogenic.

(4) It passes the toxicity test.

(5) Its moisture content is not less than 3.5 nor more than 5.3 percent.

(6) Its pH in an aqueous solution containing 30 milligrams per milliliter is not less than 5.0 and not more than 7.0.

(7) Its nafcillin content is not less than 82 percent.

(8) It passes the identity test for the presence of the nafcillin moiety.

(9) When mounted in mineral oil it will, after reaction with ethyl alcohol, exhibit crystalline behavior.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefore in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass that are closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness.

(c) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(d) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(1) Results of tests and assays on the batch for potency, sterility, pyrogens, toxicity, moisture, pH, nafcilin content, identity, and crystallinity.

(2) Samples required:

(i) If the batch is packaged for repacking or for use in the manufacture of another drug:

(*a*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(ii) If the batch is packaged for dispensing:

(*a*) For all tests except sterility: A minimum of 12 immediate containers.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(e) *Fees.* $5 for each package or immediate container submitted in accordance with paragraph (d)(2)(i)(*a*) and (ii)(*a*) of this section; $12 for all packages or immediate containers in the sample submitted in accordance with paragraph (d)(2)(i)(*b*) and (ii)(*b*) of this section and $24 for all packages or immediate containers in the sample submitted for any repeat sterility test, if necessary, in accordance with § 141.2(f) of this chapter.

Data supplied by the manufacturer concerning the safety and efficacy of the subject antibiotic drug, sterile sodium nafcillin monohydrate, have been evaluated. Since the conditions prerequisite to providing for certification of the drug have been complied with and since it is in the public interest not to delay in providing for such certification, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 8, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-4539; Filed, Apr. 16, 1968; 8:48 a.m.]

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Carbarsone and Antibiotics in Poultry Feed; Revocation of Exemption From Certification Requirements

No comments were received in response to the notice published in the FEDERAL REGISTER of February 1, 1968 (33 F.R. 2451), proposing to revoke the exemption (21 CFR 144.26(b)(28)) of poultry feed containing carbarsone and antibiotics from certification requirements on grounds referred to in said notice. The Commissioner of Food and Drugs concludes that the exemption should be revoked as proposed.

Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner (21 CFR 2.120), § 144.26 *Animal feed containing certifiable antibiotic drugs* is amended by revoking subparagraph (28) of paragraph (b).

Effective date. This order shall become effective 30 days following its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 8, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-4552; Filed, Apr. 16, 1968; 8:49 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6951]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Unincorporated Business Enterprises Taxed as Domestic Corporations

On December 22, 1967, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 1361 of the Internal Revenue Code of 1954 to conform the regulations to changes made by section 4 of the Act of April 14, 1966 (Public Law 89-389, 80 Stat. 115), was published in the FEDERAL REGISTER (32 F.R. 20727). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations, as proposed, is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraph (b)(2) of § 1.1361-5, as set forth in paragraph 3 of the notice of proposed rule making, is changed by revising the example therein.

PAR. 2. Paragraph (b) of § 1.1361-12, as set forth in paragraph 7 of the notice of proposed rule making, is revised.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

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

Approved: April 9, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 1361 of the Internal Revenue Code of 1954 to section 4 of the Act of April 14, 1966 (Public Law 89-389, 80 Stat. 115), such regulations are amended as follows:

PARAGRAPH 1. Section 1361 of section 1.1361 is amended by revising subsections (a), (c), (e), and (i), by deleting subsection (m), by adding a subsection (n), and by revising the historical note. These amended and added provisions read as follows:

§ 1.1361 Statutory provisions; unincorporated business enterprises electing to be taxed as domestic corporations.

SEC. 1361. *Unincorporated business enterprises electing to be taxed as domestic corporations*—(a) *General rule.* Subject to the qualifications in subsection (b), an election may be made, in accordance with regulations prescribed by the Secretary or his delegate, not later than 60 days after the close of any taxable year of a proprietorship or partnership owning an unincorporated business enterprise, by the proprietor or all the partners, owning an interest in such enterprise at any time on or after the first day of the first taxable year to which the election applies or of the year described in subsection (f), to be subject to the taxes described in subsection (h) as a domestic corporation for such year and subsequent years. No election (other than an election referred to in subsection (f)) may be made under this subsection after the date of the enactment of this sentence.

* * * * *

(c) *Corporate provisions applicable.* Under regulations prescribed by the Secretary or his delegate, an unincorporated business enterprise as to which an election has been made under subsection (a), shall be considered a corporation for purposes of this subtitle, except chapter 2 thereof, with respect to operation, distributions, sale of an interest, and any other purpose; and each owner of an interest in such enterprise shall be considered a shareholder thereof in proportion to his interest.

* * * * *

(e) *Election irrevocable.* Except as provided in subsections (f) and (n), the election described in subsection (a) shall be irrevocable—

(1) With respect to an enterprise as to which such election has been made and the proprietor or partners of such enterprise; and

(2) Any unincorporated successor to the business of such enterprise and the proprietor or partners of such successor.

* * * * *

(i) *Personal holding company income*—(1) *Excluded from income of enterprise.* There shall be excluded from the gross income of the enterprise as to which an election has been made under subsection (a) any item of gross income (computed without regard to the adjustments provided in section 543(b)(3) or (4)) if, but for this paragraph, such item (adjusted, where applicable, as provided in section 543(b)(3) or (4)) would constitute personal holding company income (as defined in section 543(a)) of such enterprise.

(2) *Income and deductions of owners.* Items excluded from the gross income of the enterprise under paragraph (1), and the expenses attributable thereto, shall be treated as the income and deductions of the proprietor or partners (in accordance with their distributive shares of partnership income) of such enterprise.

(3) *Distributions.* If—

(A) The amount excluded from gross income under paragraph (2) exceeds the expenses attributable thereto, and

(B) Any portion of such excess is distributed to the proprietor or partner during the year earned,

such portion shall not be taxed as a corporate distribution. The portion of such excess not distributed during such year shall be considered as paid-in surplus or as a contribution to capital as of the close of such year.

* * * * *

(m) [Deleted]

(n) *Revocation and termination of elections*—(1) *Revocation.* An election under subsection (a) with respect to an unincorporated business enterprise may be revoked after the date of the enactment of this subsection by the proprietor of such enterprise or by all the partners owning an interest in such enterprise on the date on which the revocation is made. Such enterprise shall not be considered a domestic corporation for any period on or after the effective date of such revocation. A revocation under this paragraph shall be made in such manner as the Secretary or his delegate may prescribe by regulations.

(2) *Termination.* If a revocation under paragraph (1) of an election under subsection (a) with respect to any unincorporated business enterprise is not effective on or before December 31, 1968, such election shall terminate on January 1, 1969, and such enterprise shall not be considered a domestic corporation for any period on or after January 1, 1969.

[Sec. 1361 as amended by sec. 7(h), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 829); sec. 225(k)(5), Rev. Act 1964 (78 Stat. 94); sec. 4, Act of Apr. 14, 1966 (Public Law 89-389, 80 Stat. 115)]

PAR. 2. Paragraph (a)(1) of § 1.1361-1 is amended to read as follows:

§ 1.1361-1 Unincorporated business enterprises electing to be taxed as domestic corporations.

(a) *General rule.* (1) Section 1361 provides that, if certain qualifications are met, the proprietor or the partners of an unincorporated enterprise engaged in the operation of a trade or business may elect to have the enterprise treated as a domestic corporation subject to (i) the normal tax and surtax imposed by section 11 (including any additional tax imposed by section 1562(b)), (ii) the accumulated earnings tax imposed by section 531, and (iii) the alternative tax for capital gains imposed by section 1201(a). An election made under section 1361 shall apply to the taxable year for which made and to all subsequent taxable years, except as provided in paragraph (b) of § 1.1361-16 (relating to termination of all elections on January 1, 1969). An election made under section 1361 shall be irrevocable except as provided in § 1.1361-15 and paragraph (a) of § 1.1361-16. See, however, paragraph (b) of § 1.1361-5 for effect of ceasing to conduct the business of the enterprise in an unincorporated form, and § 1.1361-6 for effect of a change of ownership. An election may be made only with respect to taxable years of a proprietor or partnership beginning after December 31, 1953, and ending after August 16, 1954. However, an election may not be made after April 14, 1966, except as provided in section 1361(f) and paragraph (b) of § 1.1361-6, relating to an election after change of ownership.

* * * * *

PAR. 3. Section 1.1361-5 is amended to read as follows:

§ 1.1361-5 Election irrevocable.

(a) *Conducting of business in unincorporated form.* Except as provided in § 1.1361-6 (relating to effect of change of ownership), § 1.1361-15 (relating to revocation of election within stated period of time), and § 1.1361-16 (relating to revocation of election after Apr. 14, 1966, and termination of all elections on Jan. 1, 1969), an election made under section 1361(a) is irrevocable so long as the business of the enterprise is conducted in an unincorporated form. A section 1361 corporation, and any unincorporated successor to the business thereof, shall be taxable as a domestic corporation for the taxable year with respect to which the election is made and for all subsequent taxable years, and the proprietor or partners of the enterprise shall be treated as corporate shareholders for the same period. The election applies not only to the original enterprise and its owner or owners but also to any unincorporated successor to the business of

the original enterprise and to the owner or owners of such successor. For example, the termination of a partnership under applicable local law and the transfer of the business to a new partnership does not terminate the election unless a change of ownership occurs (as described in paragraph (a)(2) of § 1.1361–6) and no new election is made.

(b) *Effect of ceasing to conduct business in an unincorporated form*—(1) *Transactions prior to April 15, 1966.* Except as provided in paragraph (a) of this section, an election made under section 1361 continues so long as the business of the enterprise is conducted in an unincorporated form. If the owners cease conducting the business of the enterprise in an unincorporated form before April 15, 1966, the election terminates and the assets of the enterprise are deemed to have been distributed to the owners in a complete liquidation of the section 1361 corporation. The effect of the liquidation on the owners shall be determined under the provisions of sections 331, 334(a) and, in appropriate cases, 341. Therefore, if a substantial part of the business is transferred to an actual corporation before April 15, 1966, the transaction shall be treated as if immediately before the transfer all of the assets of the enterprise had been distributed to the owners in a complete liquidation. Accordingly, the transfer of the assets to the actual corporation shall be treated as a transfer made by the owners in their individual capacities immediately after the liquidation.

(2) *Transactions after April 14, 1966.* In transactions occurring after April 14, 1966, a section 1361 corporation shall be considered a corporation and its owners shall be considered shareholders for purposes of parts III and IV, subchapter C, chapter 1 of the Code, relating to corporate organizations and reorganizations, and to insolvency reorganizations. See § 1.1361–12. Therefore, if the owners cease conducting the business of the enterprise in an unincorporated form after April 14, 1966, the section 1361 corporation and its owners may be treated as if the corporation had distributed its assets in complete liquidation, as provided in subparagraph (1) of this paragraph. However, if there is a transfer of assets of a section 1361 corporation to an actual corporation after April 14, 1966, the transaction may be treated as a reorganization within the meaning of section 368(a)(1) (C), (D), or (F). In such a case, the transfer of the assets to the actual corporation shall be treated as a transfer made by the section 1361 corporation to the actual corporation which is immediately followed by a transfer of all of the assets and liabilities of the section 1361 corporation to the owners in exchange for their stock in the section 1361 corporation, with the consequences to the owners determined under the provisions of section 354, 355, or 356. In the case of a partnership which retains some of the assets or liabilities following a transfer of assets to an actual corporation which is treated as a reorganization, the partners who are treated as shareholders of the section 1361 corporation shall, nevertheless, be treated as having received all of the assets and liabilities of the section 1361 corporation in exchange for their stock in the section 1361 corporation, immediately followed by a contribution of such retained assets or liabilities to a new partnership. The provisions of this subparagraph may be illustrated by the following example:

Example. A and B are partners, each owning a one-half interest in the profits and capital of X, a section 1361 corporation. A and B desire to operate their business enterprise in the form of an actual corporation rather than in the form of a section 1361 corporation. X has accumulated earnings and profits, and the fair market value of its property exceeds its adjusted basis. X and the owners, A and B, adopt a plan providing that, after April 14, 1966, all of the assets of X are to be transferred to, and all of the liabilities of X are to be assumed by, a newly created actual corporation, Y, in exchange for all of the common stock of Y. Immediately after such exchange, X will transfer all of the common stock of Y to A and B, in equal shares and in exchange for their "stock" in X.

The transaction is consummated after April 14, 1966, in accordance with the plan. It qualifies as a reorganization under section 368(a)(1)(F). No gain is recognized as a result of the exchanges, pursuant to sections 1032, 361, and 354. The basis of the property acquired by Y is the same as its basis was in the hands of X, pursuant to section 362(b). The basis of the Y stock acquired by A and B is the same as their basis was for their stock in X, pursuant to section 358(a). The taxable year of X does not end as a result of the transaction, and Y succeeds to and takes into account, as of the close of the day of the transfer from X, various items of X as provided in section 381 for transfers in connection with a reorganization described in section 368(a)(1)(F).

PAR. 4. Paragraph (c) of § 1.1361–6 is amended to read as follows:

§ 1.1361–6 Change of ownership of 20 percent or more.

* * * * *

(c) *Failure to make new election after change of ownership*—(1) *Transactions occurring before April 15, 1966.* If during a taxable year of a section 1361 corporation, in a transaction occurring before April 15, 1966, a change of ownership occurs and if no new election is made, then the section 1361 corporation and its owners shall be treated as if the corporation had distributed its assets in a complete liquidation on the first day of the corporation's taxable year in which the change of ownership occurs. The effect of the liquidation on the owners shall be determined under the provisions of sections 331, 334(a) and, in appropriate cases, 341. If the enterprise is a proprietorship, then as of the first day of such taxable year, the owner shall be treated as if he had used the assets deemed received in liquidation, in the conduct of an unincorporated business. Accordingly, any transfer by him during such taxable year shall be treated as a sale or other disposition of assets of the business. If the enterprise is a partnership, then the partners shall be treated as if they had contributed the assets deemed received in liquidation to a new partnership as of the moment such assets were deemed received. Accordingly, any transfer of an owner's interest during such taxable year shall be treated as a sale or other disposition of a partner's interest in a partnership, and any transfer of the enterprise's property during such taxable year shall be treated as a sale or other disposition of property by a partnership.

(2) *Transactions occurring after April 14, 1966.* In transactions occurring after April 14, 1966, a section 1361 corporation shall be considered a corporation and its owners shall be considered shareholders for purposes of parts III and IV, subchapter C, chapter 1 of the Code, relating to corporate organizations and reorganizations, and to insolvency reorganizations. See § 1.1361–12. Therefore, if during a taxable year of a section 1361 corporation in a transaction occurring after April 14, 1966, a change of ownership occurs and if no new election is made, the section 1361 corporation and its owners may be treated as if the corporation had distributed its assets in a complete liquidation on the first day of the corporation's taxable year in which the change of ownership occurs, as provided in subparagraph (1) of this paragraph. However, a change of ownership which occurs after April 14, 1966, and which is followed by a transfer to another corporation of all or part of the assets of the section 1361 corporation (as, for example, where a corporation is the new owner), or which is preceded by such a transfer, may have the effect of the distribution of a dividend or a transaction in which no loss is recognized and gain is recognized only to the extent of "other property." See sections 301 and 356.

* * * * *

PAR. 5. Paragraph (a)(4) of § 1.1361–9 is amended to read as follows:

§ 1.1361–9 Computation of taxable income.

(a) *In general.* * * *

(4) Unless a section 1361 corporation is a party to a reorganization (within the meaning of section 368(b)) as a result of a transaction occurring after April 14, 1966, any carryover or carryback of an item of the corporation (such as a carryover or carryback under section 170, 172, or 1212) attributable to a taxable year to which section 1361 applies may be carried over or carried back only to another taxable year of such corporation and then may be used solely in computing the taxable income of such corporation. Similarly, any carryover or carryback arising out of the conduct of the business enterprise in a year to which section 1361 is not applicable may not be carried over or carried back to the corporation for a year to which section 1361 applies, but should be carried over or carried back by the owners in computing their individual income tax liabilities. However, if a section 1361 corporation is a party to a reorganization (within the meaning of section 368(b)) as a result of a transaction occurring after April 14, 1966, see section

381 and the regulations thereunder for the rules relating to carryovers in certain corporate acquisitions.

* * * * *

PAR. 6. Section 1.1361–11 is amended to read as follows:

§ 1.1361–11 Distributions in liquidation.

(a) *General rule.* A section 1361 corporation may make distributions to its owners in complete or partial liquidation of the corporation. In addition, the failure to continue conducting the business of the enterprise in an unincorporated form, or the failure to make a new election after a change of ownership, may result in a liquidation of the section 1361 corporation. See paragraph (b) of § 1.1361–5, and paragraph (c) of § 1.1361–6. The effect of such distributions shall be determined in accordance with the appropriate provisions of part II, subchapter C, chapter 1 of the Code, and the regulations thereunder. See, however, paragraph (c) of this section.

(b) *Requirement of a written plan.* Except as provided in paragraph (b) of § 1.1361–5, paragraph (c) of §1.1361–6, and paragraphs (a) and (b) of § 1.1361–16, a section 1361 corporation shall not be considered to have made a distribution in partial or complete liquidation, or a distribution in redemption of stock, unless prior to the date of the distribution the corporation adopts a written plan providing for such liquidation or redemption. Moreover, the requirements of section 6043 (relating to information returns) and paragraph (d) of § 1.331–1 (relating to returns of shareholders) must be complied with.

(c) *Distributions not treated as liquidating distributions*—(1) Except as provided in paragraphs (a) and (b) of § 1.1361–16, distributions by a section 1361 corporation shall not be treated as distributions in liquidation under part II, subchapter C, chapter 1 of the Code, if the owner or owners use the assets received in the distribution to conduct substantially the same business in an unincorporated form as that conducted by the corporation. In such a case, the section 1361 corporation shall continue in existence and any withdrawal of assets from the business shall be treated as a distribution which is not in partial or complete liquidation of the corporation.

(2) A liquidation by a section 1361 corporation in a transaction occurring after April 14, 1966, which is followed by a transfer to another corporation of all or part of the assets of the section 1361 corporation or which is preceded by such a transfer may have the effect of the distribution of a dividend or of a transaction in which no loss is recognized and gain is recognized only to the extent of "other property." See sections 301 and 356.

PAR. 7. Section 1.1361–12 is amended to read as follows:

§ 1.1361–12 Organizations and reorganizations.

(a) *Transactions occurring before April 15, 1966*—(1) *General rule.* In transactions occurring before April 15, 1966, except as provided in subparagraphs (2) and (3) of this paragraph, a section 1361 corporation shall not be considered a corporation nor shall its owners be considered shareholders for purposes of parts III and IV, subchapter C, chapter 1 of the Code, relating to corporate organizations and reorganizations, and to insolvency reorganizations.

(2) *Contributions to capital.* In any case where gain or loss would be recognized upon the contribution of property constituting either paid-in surplus or a contribution to capital by a shareholder to a corporation, gain or loss shall be recognized upon a similar contribution to a section 1361 corporation. For example, in a case where a shareholder in an actual corporation would recognize gain under section 357 on a transfer of property, an owner of a section 1361 corporation shall also recognize gain in a similar transaction.

(3) *Elections made for first taxable year of an enterprise.* In any case in which the election under section 1361(a) is made with respect to the first taxable year of an unincorporated enterprise, the appropriate provisions of part III, subchapter C, chapter 1 of the Code, shall be applicable with respect to its initial organization. For example, for the purpose of determining whether gain or loss is recognized upon the organization of the enterprise, the provisions of section 351 and section 357 shall be applicable as if the owners had contributed property or services in exchange for corporate stock.

(b) *Transactions occurring after April 14, 1966.* In transactions occurring after April 14, 1966, a section 1361 corporation shall be considered a corporation and its owners shall be considered shareholders for purposes of parts III and IV, subchapter C, chapter 1 of the Code, relating to corporate organizations and reorganizations, and to insolvency reorganizations. Thus, a section 1361 corporation may be a "party to a reorganization" within the meaning of section 368(b) in a transaction occurring after April 14, 1966. However, it may not be a party to a reorganization described in subparagraph (A), (B), or (E) of section 368(a)(1). See paragraph (b)(2) of § 1.1361–5, paragraph (c)(2) of § 1.136–6, paragraph (a)(4) of § 1.1361–9, paragraph (c)(2) of § 1.1361–11, and paragraphs (a) and (b) of § 1.1361–16.

PAR. 8. The following new section is added immediately after § 1.1361–15:

§ 1.1361–16 Revocation and termination of elections.

(a) *Revocation of election after April 14, 1966*—(1) *Manner of revoking.* An election under section 1361(a) with respect to an unincorporated business enterprise may be revoked after April 14, 1966, and before January 1, 1969, in accordance with the provisions of this subparagraph. An election may be revoked by filing a statement that the proprietor or partners, as the case may be, revoke the election under section 1361(a) to have the unincorporated business enterprise treated as a domestic corporation. The statement of revocation shall be filed on or before December 31, 1968, with the internal revenue officer with whom the enterprise would be required to file its income tax return if it were an actual corporation for the taxable year during which the statement is filed (see section 6091(b)(2)). Such statement of revocation shall set forth the names and addresses of, and shall be signed by, the proprietor of, or all of the partners owning a profit or capital interest in, the enterprise on the date on which the revocation is filed. The statement must state the name, address, and employer identification number under which the income tax returns of the section 1361 corporation were filed for the prior taxable years during which the election was applicable, and the internal revenue officer with whom such returns were filed. The revocation shall be effective on the date on which the statement of revocation is filed (see section 7502 and the regulations thereunder) unless the statement of revocation specifies a later effective date, in which case the revocation shall be effective on such later date. However, no date after December 31, 1968 may be specified as the effective date. A revocation under this subparagraph is binding and may not be withdrawn.

(2) *Effect of revocation.* The section 1361 corporation and its owners shall be treated as if the corporation had distributed its assets in a complete liquidation on the effective date of the revocation made pursuant to subparagraph (1) of this paragraph. The effect of the liquidation on the owners shall be determined under the provisions of sections 331, 334(a) and, in appropriate cases, 341 or 333 and 334(c). (However, a liquidation which is followed by a transfer to another corporation of all or part of the assets of the liquidating corporation or which is preceded by such a transfer may have the effect of the distribution of a dividend or of a transaction in which no loss is recognized and gain is recognized only to the extent of "other property." See sections 301 and 356.) If an effective revocation is made pursuant to subparagraph (1) of this paragraph, the provisions of paragraph (c)(1) of § 1.1361–11 are not thereafter applicable to the business enterprise, and the requirement of a written plan contained in paragraph (b) of § 1.1361–11 is not applicable in order for the section 1361 corporation to be considered to have made a distribution in complete liquidation resulting from the revocation. However, the requirements of section 6043 (relating to information returns), paragraph (d) of § 1.331–1 (relating to returns of shareholders), and, in appropriate cases, the regulations under section 333 (relating to complete liquidations in some one calendar month) must be complied with.

(b) *Termination of all elections on January 1, 1969.* If any election under section 1361(a) with respect to an unincorporated business enterprise would be effective on January 1, 1969, without regard to paragraph (2) of section 1361(n) and the provisions of this paragraph, such election shall terminate on January

1, 1969. The section 1361 corporation and its owners shall be treated as if the corporation had distributed its assets in a complete liquidation on January 1, 1969. The effect of the liquidation on the owners shall be determined under the provisions of sections 331 and 334(a). (However, a liquidation which is followed by a transfer to another corporation of all or part of the assets of the liquidating corporation or which is preceded by such a transfer may have the effect of the distribution of a dividend or of a transaction in which no loss is recognized and gain is recognized only to the extent of "other property." See sections 301 and 356.) The provisions of paragraph (c) (1) of § 1.1361–11 are not applicable to a business enterprise with respect to which an election has been terminated under this paragraph. The requirements of section 6043 (relating to information returns) and paragraph (d) of § 1.331–1 (relating to returns of shareholders) must be complied with.

[F.R. Doc. 68–4482; Filed, Apr. 16, 1968; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 111—ROTC PROGRAMS FOR SECONDARY EDUCATIONAL INSTITUTIONS

Policy

The following miscellaneous amendment to this Part 111 was authorized on February 15, 1968:

Section 111.4(c)(2) has been revised to read as follows:

§ 111.4 Policy.

* * * * *

(c) *Instructors.* * * *

(2) Retired officer and noncommissioned officer instructors whose qualifications and subsequent performance of duty meet the standards prescribed by the Secretary concerned, will be authorized as follows: Single and multiple units will be authorized one retired officer instructor per 500 enrolled ROTC students or major fraction thereof and one retired enlisted instructor per 100 enrolled ROTC students or major fraction thereof. As exceptions to the above, any school qualifying for a Junior ROTC unit will be authorized at least one officer, and where necessary the Secretary of the Military Department concerned may authorize substitution of officer for enlisted instructors, and vice versa, within the above authorizations. Supervisory personnel for multiple units will be obtained by organizing the multiple unit in such a way that these limitations are not exceeded. Multiple unit organization and management will be established wherever possible, thereby minimizing the number of instructors required and reducing costs to both the schools and Military Departments concerned.

* * * * *

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

[F.R. Doc. 68–4505; Filed, Apr. 16, 1968; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Bering Strait, Alaska

Effective upon publication in the FEDERAL REGISTER, § 207.804, pertaining to a naval restricted area off Cape Prince of Wales, Alaska, is amended to change the enforcing provision, paragraph (b)(3), to read as follows:

§ 207.804 Bering Strait, Alaska; naval restricted area off Cape Prince of Wales.

* * * * *

(b) *The regulations.* * * *

(3) The regulations in this section shall be enforced by the Commandant, 17th Naval District, Kodiak, Alaska, and such agencies as he may designate.

[Regs., April 1, 1968, ENGCW–ON] (Secs. 4, 7, 28 Stat. 362, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

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

[F.R. Doc. 68–4504; Filed, Apr. 16, 1968; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 14—MINIMUM STANDARDS OF OPERATION FOR STATE AGENCIES FOR SURPLUS PROPERTY

Eligibility

Section 14.10 of Part 14, Title 45 CFR, is amended by addition of the second sentence. As amended, § 14.10 reads as follows:

§ 14.10 Eligibility.

Findings by State Agencies as to the eligibility of applicants to acquire donable property in accordance with the requirements of section 203(j) of the Act and regulations issued thereunder shall be based upon applications by the governing bodies of the applicant institutions stating the nature and purpose of the institutions and shall be recorded and such record preserved in accordance with the provisions of § 14.6(d). However, the foregoing requirement does not apply to tax-supported, approved, and/or accredited public schools, colleges, universities, and school systems which were participating in the donable property program prior to January 1, 1968.

Dated: April 10, 1968.

[SEAL] WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 68–4553; Filed, Apr. 16, 1968; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17492; FCC 68–370]

PART 91—INDUSTRIAL RADIO SERVICES

Base-Mobile Use of Certain Low Power Frequencies and Low Power Mobile Relay Operation of All Frequencies

In the matter of amendment of §§ 91.7, 91.553, and 91.554 of the Commission's rules to permit base-mobile use of certain low power frequencies and low power mobile relay operation on all frequencies, Docket No. 17492; petition of Seismograph Service Corporation concerning very low power mobile operation in the Business Radio Service, RM–559; petition of the land mobile section of the Electronic Industries Association concerning low power mobile only frequencies in the Business Radio Service, RM–594.

Report and order.

1. Notice of proposed rule making (FCC 67–650, 32 F.R. 8533) in the above-entitled matter was released on June 9, 1967. In this notice the Commission proposed to amend the Business Radio Service Rules to redesignate four low power frequencies (31.16, 31.20, 31.24, and 33.16 Mc/s) for higher power operation with a maximum plate input power of 180 watts. The Commission further proposed to amend the Rules to permit low power mobile relay operation on any mobile service frequency below 450 Mc/s in the Business Radio Service and to permit "triggering" of a mobile relay station by transmissions of low power stations operating below 47 Mc/s in the Industrial Radio Service.

2. Interested parties were invited to file comments on or before July 17, 1967, and reply comments on or before August 1, 1967. These dates were extended to August 7, 1967, and August 22, 1967, respectively, in response to a request from the Central Committee on Communication Facilities of the American Petroleum Institute.

3. Comments were received from Seismograph Service Corp. (Seismograph), Mississippi Chemical Corp. (Mississippi Chemical), Monsanto Co. (Monsanto), the National Association of Manufacturers (NAM), the Land Mobile Section of Electronics Industries Association (EIA), the National Association of Business & Educational Radio (NABER), and the Central Committee on Communication Facilities of the American Petroleum Institute (API).

4. The comments, in general, supported the proposals of the notice which would permit use of low power mobile relays within a plant or yard area. The comments, however, were divided with regard to the redesignation of the four frequencies for higher power and the proposal to permit use of low power mobile relays on other than low power frequencies.

5. EIA suggested that 33.40 Mc/s be substituted for 31.20 Mc/s as the latter frequency "appears to be more fully occupied." While the assertion is correct, the total loading on 31.20 Mc/s countrywide is only some 300 units and to substitute 33.40 Mc/s would have eliminated the only remaining channel designated for power not exceeding one-half watt, used for medical telemetry, among other things.

6. Mississippi Chemical, NAM, Seismograph, and API opposed the proposal to permit higher power on four designated channels. Mississippi Chemical holds there is a definite need for low power, limited range, communications systems and that any decision to permit higher power on heretofore low power frequencies should be postponed. API (and others) feel that the cochannel mixture of low and high power stations would result in incompatible operations and that single and dual channel simplex operations using the same channels are not feasible. Seismograph commends the Commission's proposal to license low power, in-plant stations on a regular basis, but believes the allocation of only seven frequencies rather than 11 fails to make adequate provision for the potential needs of the service. NAM shares the views (at least in part) of API and Seismograph.

7. The Commission feels that while there is a demonstrated need for low power in-plant installations, the need for additional medium power frequencies in the Business Radio Service is also clear. In addition to the seven frequencies in the 25–50 Mc/s band, several frequencies have been made available exclusively for low power use in the 450–470 Mc/s band and low power systems will be authorized on 12.5 kc/s offset frequencies between the regularly assignable mobile only frequencies in that band. See second report and order in Docket 13847, released February 9, 1968, FCC 68–128. Thus, we think that reasonably adequate provisions for low power operations have been made. On the other hand, permitting higher power operations on the four heretofore relatively lightly used frequencies in the 31–33 Mc/s band should somewhat relieve congestion on the higher power base/mobile frequencies in this service. Accordingly, the frequencies 31.16, 31.20, 31.24, and 33.16 Mc/s will be designated for 180 watt use.

8. Most of the comments questioned the compatibility of low power mobile relay facilities and high power stations operating on the same channel. The proposal to permit low power mobile relay operation on any available frequency was intended to provide greater latitude in the selection of frequencies. However, we agree with the comments and the rules we have adopted confine mobile relay operations in the Business Radio Service to frequencies above 450 Mc/s and to low power frequencies below 50 Mc/s. For the same reason the proposal to permit "triggering" of low power mobile relay stations below 47 Mc/s in the other Industrial Services is not adopted.

9. API recommended that four frequency pairs below 50 Mc/s be established for use by low power mobile relay systems. EIA contends the extent of need for this type operation is difficult to assess, and suggests that low power mobile relay operations be permitted only on four of the eleven low power frequencies and that tone coded squelch be required for these relay operations. API also recommended four frequencies restricted to mobile or control use only. NABER thinks the proposed use of these relay systems outside metropolitan areas does not portend interference to present or potential base-mobile operations. They suggest, however, that the seven remaining low power frequencies be paired in a uniform manner and that two channel pairs be allocated initially for low power mobile relay. If experience shows a significant requirement and operations cause only a minimum of harmful interference, this type operation can be expanded to other frequencies. EIA agrees with the suggestion of a limited number of channels initially, then more allocated later as the need is demonstrated. Seismograph believes the limited coverage eliminates the requirement for formally paired frequencies.

10. The Commission believes any pairing of the remaining seven low power frequencies in order to designate certain channels for mobile relay stations and the remainder to mobile-control stations would effectively reduce the number of frequencies available for other low power uses and would discriminate against other such uses for which these frequencies were originally made available. All of the low power frequencies have been available, and are being used to provide any of the functions of a base or fixed station even though licensed as mobile stations. The suggestions for pairing are not adopted and low power mobile relay will be permitted as an overlay on other low power uses.

11. Section 91.7(b)(9), which prohibits mobile relay stations in the Low Power Industrial Radio Service is outmoded and is therefore deleted.

12. Pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended: *It is ordered*, That, effective May 16, 1968, Part 91 of the Commission's rules is amended in the manner set forth below.

It is further ordered, That the proceeding in Docket 17492 is hereby terminated.

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

Adopted: April 10, 1968.

Released: April 12, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Part 91 of the Commission's rules is amended to read as follows:

1. In § 91.7(b), subparagraph (6) is amended and subparagraph (9) is deleted and the word "Reserved" inserted in lieu thereof as follows:

§ 91.7 Relay stations.

* * * * *

(b) *Mobile Relay Stations.* * * *

(6) A mobile station associated with one or more mobile relay stations may be authorized to operate only on a mobile service frequency above 47.0 Mc/s which is available for assignment to mobile stations. In the Business Radio Service any low power frequency below 50 Mc/s may be authorized for that purpose when such stations are limited to a maximum power of one watt or less.

* * * * *

(9) [Reserved]

* * * * *

2. In § 91.553, paragraph (a) is amended to read as follows:

§ 91.553 Station limitations.

(a) Mobile relay stations will not be authorized in the Business Radio Service within the continental limits of the United States, except when (1) such stations and all associated control and mobile stations are to be operated exclusively on frequencies above 450 Mc/s, or (2) when such stations and all associated control and mobile stations are to be operated on frequencies designated for low power operation and are limited to a maximum plate input power of 1 watt with the mobile relay antenna system no more than 40 feet above the ground.

* * * * *

3. In § 91.554, the Frequency Table in paragraph (a) is amended in part by amending the entries for 31.16—33.40 Mc/s to read as set forth below. (The changes to 33.40 are merely of an editorial nature and occur in columns 2 and 3.)

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

§ 91.554 **Frequencies available.**

(a) * * *

BUSINESS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	General reference	Limitations
* * *	* * *	* * *	* * *
31.16	Base or mobile	Permanent use	10, 11
31.20	do	do	10, 11
31.24	do	do	10, 11
33.14	Mobile	Low power general use.	13, 14
33.16	Base or mobile	Permanent use	10, 11
33.40	Mobile	Half-watt general use.	14, 20
* * *	* * *	* * *	* * *

* * * * *

[F.R. Doc. 68-4525; Filed, Apr. 16, 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

PART 33—SPORT FISHING

National Elk Refuge, Wyo.

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

§ 33.5 **Special regulations; sport fishing; for individual wildlife refuge areas.**

WYOMING

NATIONAL ELK REFUGE

Sport fishing on the National Elk Refuge, Wyo., is permitted only on the areas designated by State fishing orders as open to fishing. These open areas, comprising 327 acres, are delineated on maps available at refuge headquarters, Jackson, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N.M. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Use of boats or other floating devices is not permitted. The provisions of this special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through October 31, 1968.

DON E. REDFEARN,
Refuge Manager, National Elk Refuge, Jackson, Wyo.

APRIL 2, 1968.

[F.R. Doc. 68-4509; Filed, Apr. 16, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Consolidated Return Regulations

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

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

The Income Tax Regulations (26 CFR Part 1) under section 1502 of the Internal Revenue Code of 1954 are amended as follows, effective for taxable years beginning after December 31, 1965:

PARAGRAPH 1. Section 1.1502–1(f)(2) is amended to read as follows:

§ 1.1502–1 Definitions.

* * * * *

(f) *Separate return limitation year.* * * *

(2) *Exceptions.* The term "separate return limitation year" shall not include—

(i) A separate return year of the corporation which is the common parent for the consolidated return year to which the tax attribute is to be carried (except as provided in § 1.1502–75(d)(2)(ii)),

(ii) A separate return year of any corporation which was a member of the group for each day of such year, or

(iii) A separate return year of a predecessor of any member if such predecessor was a member of the group for each day of such year,

provided that an election under section 1562(a) (relating to privilege to elect multiple surtax exemptions) was never effective (or is no longer effective pursuant to section 1562(c)) for such year. An election under section 1562(a) which is effective for a taxable year beginning in 1963 and ending in 1964 shall be disregarded.

* * * * *

PAR. 2. Section 1.1502–3(a)(3) is amended to read as follows:

§ 1.1502–3 Consolidated investment credit.

(a) *Determination of amount of consolidated credit.* * * *

(3) *Consolidated limitation based on amount of tax.* (i) Notwithstanding the amount of the consolidated credit earned for the taxable year, the consolidated credit allowed by section 38 to the group for the consolidated return year is limited to—

(*a*) So much of the consolidated liability for tax as does not exceed $25,000, plus

(*b*) For taxable years ending on or before March 9, 1967, 25 percent of the consolidated liability for tax in excess of $25,000, or

(*c*) For taxable years ending after March 9, 1967, 50 percent of the consolidated liability for tax in excess of $25,000. The $25,000 amount referred to in the preceding sentence shall be reduced by any part of such $25,000 amount apportioned under § 1.46–1(f)(6) to members of the affiliated group (as defined in section 46(a)(5)) which do not join in the filing of the consolidated return. For further rules for computing the limitation based on amount of tax with respect to the suspension period (as defined in section 48(j)), see section 46(a)(2). The amount determined under this subparagraph is referred to in this section as the "consolidated limitation based on amount of tax."

(ii) If an organization to which section 593 applies or a cooperative organization described in section 1381(a) joins in the filing of the consolidated return, the $25,000 amount referred to in subdivision (i) of this subparagraph (reduced as provided in such subdivision) shall be apportioned equally among the members of the group filing the consolidated return. The amount so apportioned equally to any such organization shall then be decreased in accordance with the provisions of section 46(d). Finally, the sum of all such equal portions (as decreased under section 46(d)) of each member of the group shall be substituted for the $25,000 amount referred to in subdivision (i) of this subparagraph.

* * * * *

PAR. 3. Section 1.1502–11 is amended to read as follows:

§ 1.1502–11 Consolidated taxable income.

(a) *In general.* The consolidated taxable income for a consolidated return year shall be determined by taking into account—

(1) The separate taxable income of each member of the group (see § 1.1502–12 for the computation of separate taxable income);

(2) Any consolidated net operating loss deduction (see § 1.1502–21 for the computation of the consolidated net operating loss deduction);

(3) Any consolidated net capital gain (see § 1.1502–22 for the computation of the consolidated net capital gain);

(4) Any consolidated section 1231 net loss (see § 1.1502–23 for the computation of the consolidated section 1231 net loss);

(5) Any consolidated charitable contributions deduction (see § 1.1502–24 for the computation of the consolidated charitable contributions deduction);

(6) Any consolidated section 922 deduction (see § 1.1502–25 for the computation of the consolidated section 922 deduction);

(7) Any consolidated dividends received deduction (see § 1.1502–26 for the computation of the consolidated dividends received deduction);

(8) Any consolidated section 247 deduction (see § 1.1502–27 for the computation of the consolidated section 247 deduction); and

(9) Any consolidated section 582(c) net loss (see § 1.1502–28 for the computation of the consolidated section 582(c) net loss).

(b) *Disposition of stock of a subsidiary*—(1) *In general.* If there is a disposition (as defined in § 1.1502–19(b)) of stock of a subsidiary during the taxable year, and if without regard to any gain or loss (including gain or loss resulting from the application of §§ 1.1502–19 and 1.1502–32) on such disposition—

(i) There would be a consolidated net operating or net capital loss for the taxable year, or

(ii) There is a net operating or net capital loss for a prior year that would be a carryover to one or more subsequent years,

then the portion of such loss that would be attributable to the subsidiary under § 1.1502–79(a)(3) or (b)(2) shall be apportioned to the subsidiary (and shall be a carryover to separate return years of the subsidiary ending after the date of disposition). Such amount shall not be taken into account in computing consolidated taxable income for the taxable year and for prior taxable years, and in computing consolidated net operating

loss and net capital loss carryovers under §§ 1.1502–21(b)(1) and 1.1502–22(b)(1).

(2) *Examples.* Subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). (a) Corporation P is the common parent of a group which files consolidated returns on a calendar year basis. On January 1, 1967, P organizes a wholly owned subsidiary, S. On December 31, 1967, P sells all the stock of S, which has an adjusted basis of $60,000 (determined without regard to any adjustment under § 1.1502–32 for 1967) to a nonmember for $75,000. S has a $30,000 deficit in earnings and profits for 1967. The group has a net operating loss, computed without regard to any gain on the sale of the S stock, of $20,000, all of which is attributable to S under § 1.1502–79(a)(3).

(b) The $20,000 consolidated net operating loss is apportioned to S (and S's separate net operating loss for the taxable year is reduced by a like amount). Since the $30,000 deficit in earnings and profits of S is a negative adjustment under § 1.1502–32(b)(2)(i), and the portion of the consolidated net operating loss attributable to S ($20,000, none of which may be carried back) is a positive adjustment under § 1.1502–32(b)(1)(ii), there is a net negative adjustment of $10,000, and the basis of the S stock is reduced from $60,000 to $50,000. Accordingly, gain on the sale of the stock is $25,000 (amount realized, $75,000, minus adjusted basis, $50,000). Thus consolidated taxable income for 1967 is $25,000. The $20,000 loss apportioned to S is a net operating loss carryover to separate return years of S ending after the date of sale.

Example (2). (a) Corporation P and its wholly owned subsidiary, S, were organized on January 1, 1967, and filed consolidated returns for calendar years 1967 and 1968. The group incurred a consolidated net operating loss for 1967 of $50,000, $25,000 of which is attributable to S under § 1.1502–79(a)(3). On December 31, 1968, all the stock of S, which has an adjusted basis of $60,000 (determined without regard to any adjustment under § 1.1502–32 for 1968) is sold to a nonmember for $65,000. The consolidated taxable income of the group for 1968 (computed without regard to any gain on the sale of the S stock and without regard to any consolidated net operating loss deduction) is $10,000. S has no earnings and profits for 1968.

(b) Of the $50,000 consolidated net operating loss carryover from 1967 to 1968, $10,000 would be absorbed in 1968 if the gain on the sale of the S stock were disregarded. Of the remaining $40,000, $20,000 would be attributable to S under § 1.1502–79(a)(3). This amount is apportioned to S (and the consolidated net operating loss carryover to 1968 is reduced by a like amount). Since $5,000 of the consolidated net operating loss carryover absorbed in 1968 is attributable to S, there is a $5,000 negative adjustment under § 1.1502–32(b)(2)(ii), and the basis of the S stock is reduced from $60,000 to $55,000. Accordingly, gain on the sale of the stock is $10,000. This gain is included in computing the group's consolidated taxable income for 1968. The $20,000 apportioned to S is a net operating loss carryover to separate return years of S ending after the date of sale. The remaining $10,000 consolidated net operating loss carryover is a carryover to separate return years of P after the termination of the group.

PAR. 4. That part of § 1.1502–12 which follows paragraph (m) is amended to read as follows:

§ 1.1502–12 Separate taxable income.

* * * * *

(n) No deductions under section 243(a)(1), 244(a), 245, or 247 (relating to deductions with respect to dividends recieved and dividends paid) shall be taken into account;

(o) No gains or losses described in section 582(c) (relating to bond, etc., losses of banks) shall be taken into account; and

(p) Basis shall be determined under §§ 1.1502–31 and 1.1502–32, and earnings and profits shall be determined under § 1.1502–33.

The term "separate taxable income" shall include a case in which the determination under this section results in an excess of deductions over gross income.

PAR. 5. Section 1.1502–13 is amended by revising paragraph (e)(2), by revising that part of paragraph (f)(1) which preceeds subdivision (i), and by revising paragraph (f)(2). The revised provisions read as follows:

§ 1.1502–13 Intercompany transactions.

* * * * *

(e) *Restoration of deferred gain or loss for installment obligations and sales.* * * *

(2) *Installment sales.* If—

(i) Property acquired in a deferred intercompany transaction is disposed of outside the group, and

(ii) The purchasing member-vendor reports its income on the installment method under section 453,

then on each date on which the purchasing member-vendor receives an installment payment the selling member shall take into account an amount equal to the deferred gain or loss attibutable to such property (after taking into account any prior reductions under paragraph (d)(3) of this section) multiplied by a fraction, the numerator of which is the installment payment received and the denominator of which is the total contract price. If the deferred gain includes any ordinary income, the ordinary income shall be taken into account first.

* * * * *

(f) *Restoration of deferred gain or loss on dispositions, etc.*—(1) *General rule.* The remaining balance (after taking into account any prior reductions under paragraphs (d)(3) and (e)(3) of this section) of the deferred gain or loss attributable to property, services, or other expenditure shall be taken into account by the selling member as of the earliest of the following dates:

* * * * *

(2) *Exceptions*—(i) Subparagraph (1) of this paragraph shall not apply solely because of a termination of the group resulting from the acquisition of the stock, or of substantially all of the assets, of its common parent by another corporation (or resulting from an acquisition described in § 1.1502–75(d)(3)) if all of the corporations which were members of the group immediately before the acquisition are members, immediately after the acquisition, of another group which files a consolidated return for its first taxable year ending after the date of acquisition. For purposes of the preceding sentence such common parent shall be considered to be a member of the other group if substantially all of its assets have been transferred to a member of the other group.

(ii) Subparagraph (1)(iii) of this paragraph shall not apply in a case where—

(*a*) The selling member or the member which owns the property, as the case may be, ceases to be a member of the group by reason of an acquisition to which section 381(a) applies, and the acquiring corporation is a member, or

(*b*) The group is terminated, and immediately after such termination the corporation which was the common parent owns the property involved and is the selling member or is treated as the selling member under paragraph (c)(6) of this section.

Paragraphs (d) and (e) of this section and this paragraph shall apply to such selling member. Thus, for example, subparagraph (1)(iii) of this paragraph does not apply in a case where corporation P, the common parent of a group consisting of P and corporations S and T, sells an asset to S in a deferred intercompany transaction, and subsequently all of the assets of S are distributed to P in complete liquidation of S. Moreover, if, after the liquidation of S, P, sold T, subparagraph (1)(iii) of this paragraph would not apply even though P ceased to be a member of the group.

* * * * *

PAR. 6. Section 1.1502–15 is amended by revising paragraphs (a)(2), (3), and (4) to read as follows:

§ 1.1502–15 Limitations on certain deductions.

(a) *Limitation on built-in deductions.* * * *

(2) *Built-in deductions.* (i) for purposes of this paragraph, the term "built-in deductions" for a consolidated return year means those deductions or losses of a corporation which are recognized in such year, or which are recognized in a separate return year and carried over in the form of a net operating or net capital loss to such year, but which are economically accrued in a separate return limitation year (as defined in § 1.1502–1(f)). Such term does not include deductions or losses incurred both economically and taxwise in a year which is not a separate return limitation year, including those deductions and losses incurred in rehabilitating such corporation. Thus, for example, assume P is the common parent of a group filing consolidated returns on the basis of a calendar year and that P purchases all of the stock of S on December 31, 1966. Assume further that on December 31, 1966, S owns a capital asset with an adjusted basis of $100 and a fair market value of $50. If the group files a consolidated return for 1967, and S sells the asset for $30, $50 of the $70 loss is treated as a built-in deduction, since it was

economically accrued in a separate return limitation year. If S sells the asset for $80 instead of $30, the $20 loss is treated as a built-in deduction. On the other hand, if such asset is a depreciable asset and is not sold by S, depreciation deductions attributable to the $50 difference between basis and fair market value are treated as built-in deductions.

(ii) In determining, for purposes of subdivision (i) of this subparagraph, whether a deduction or loss with respect to any asset is economically accrued in a separate return limitation year, the term "predecessor" as used in § 1.1502–1 (f)(1) shall include any transferor of such asset if the basis of the asset in the hands of the transferee is determined (in whole or in part) by reference to its basis in the hands of such transferor.

(3) *Prior law.* If the assets which produced the built-in deductions were acquired (either directly or by acquiring a new member) by the group before March 1, 1968, the provisions of § 1.1502–31A (b)(9) shall apply in lieu of the provisions of subparagraphs (1) and (2) of this paragraph.

(4) *Exceptions.* Subparagraphs (1), (2), and (3) of this paragraph shall not limit built-in deductions in a taxable year if—

(i) The group acquired (either directly or by acquiring a new member) the assets which produced the built-in deductions more than 10 years before the first day of such taxable year, or

(ii) Immediately before the group acquired the assets which produced the built-in deductions, the aggregate of the adjusted bases of all the assets (other than cash, any marketable security the fair market value of which was not less than 95 percent of its adjusted basis, and goodwill) of the corporation which had the assets which produced the built-in deductions did not exceed the fair market value of such assets by more than 15 percent.

* * * * *

PAR. 7. Section 1.1502–18(a) is amended to read as follows:

§ 1.1502–18 Inventory adjustment.

(a) *Definition of intercompany profit amount.* For purposes of this section, the term "intercompany profit amount" for a taxable year means an amount equal to the profits of a corporation (other than those profits which such corporation has elected not to defer pursuant to § 1.1502–13(c)(3) or which have been taken into account pursuant to § 1.1502–13(f)(1)(viii)) arising in transactions with other members of the group with respect to goods which are, at the close of such corporation's taxable year, included in the inventories of other members of the group. See § 1.1502–13(c)(2) with respect to the determination of profits. See the last sentence of § 1.1502–13(f)(1)(i) for rules for determining which goods are considered to be disposed of outside the group and therefore not included in inventories of other members.

* * * * *

PAR. 8. Section 1.1502–19(e) is amended to read as follows:

§ 1.1502–19 Excess losses.

* * * * *

(e) *Nontaxable liquidations and reorganizations to which the subsidiary is a party.* If, in a consolidated return year, a member is the transferor or distributor corporation and another member is the acquiring corporation in a transaction to which section 381(a) applies, members owning stock in the transferor or distributor corporation shall not, by reason of such transaction (or by reason of an exchange under section 354 pursuant to such transcation), be considered for purposes of paragraph (b) of this section as having disposed of such stock. If the transaction is a distribution in liquidation to which section 334(b)(1) applies, the excess loss account in the stock of the distributor corporation shall be eliminated. If the transaction involves an exchange to which section 354 applies, the excess loss account in the stock of the transferor corporation surrendered in the exchange shall be applied to reduce the basis (or to increase the excess loss account) of the stock received in the exchange. If, immediately before a transfer described in section 381(a), the transferor corporation owned stock of the acquiring corporation, the excess loss account in such stock shall be eliminated. For example, assume that corporation P owns all the stock of corporation S with an excess loss account of $20, and that S owns all of the stock of T with an excess loss account of $30. If S is merged into corporation U (another member) in a transaction described in section 368(a)(1)(A), P will apply the $20 excess loss account against and reduce the basis (or increase the excess loss account) of any stock of U which P owns, or receives pursuant to the merger. However, if S is merged into T, the $30 excess loss account in the T stock is eliminated (and is not included in income), and the $20 excess loss account in the S stock becomes a $20 excess loss account in the T stock in the hands of P.

* * * * *

PAR. 9. Section 1.1502–21 is amended by revising paragraph (f) to read as follows:

§ 1.1502–21 Consolidated net operating loss deduction.

* * * * *

(f) *Consolidated net operating loss.* The consolidated net operating loss shall be determined by taking into account the following:

(1) The separate taxable income (as determined under § 1.1502–12) of each member of the group, computed without regard to any deduction under section 242;

(2) Any consolidated net capital gain;

(3) Any consolidated section 1231 net loss;

(4) Any consolidated charitable contributions deduction;

(5) Any consolidated dividends received deduction (determined under § 1.1502–26 without regard to paragraph (a)(2) of that section);

(6) Any consolidated section 247 deduction (determined under § 1.1502–27 without regard to paragraph (a)(1)(ii) of that section); and

(7) Any consolidated section 582(c) net loss.

PAR. 10. Section 1.1502–22 is amended by revising paragraph (a) (1) and (2) to read as follows:

§ 1.1502–22 Consolidated net capital gain or loss.

(a) *Computation*—(1) *Consolidated net capital gain.* The consolidated net capital gain for the taxable year shall be determined by taking into account—

(i) The aggregate of the capital gains and losses (determined without regard to gains or losses to which section 582(c) or 1231 applies or net capital loss carryovers) of the members of the group for the consolidated return year,

(ii) The consolidated section 1231 net gain for such year (computed in accordance with § 1.1502–23),

(iii) The consolidated section 582(c) net gain for such year (computed in accordance with § 1.1502–28), and

(iv) The consolidated net capital loss carryovers to such year (as determined under paragraph (b) of this section).

(2) *Consolidated net capital loss.* The consolidated net capital loss shall be determined under subparagraph (1) of this paragraph but without regard to subdivision (iv) thereof.

* * * * *

PAR. 11. There is added after § 1.1502–27 the following new section:

§ 1.1502–28 Consolidated section 582 (c) net gain or loss.

The consolidated section 582(c) net gain or loss shall be determined by taking into account the aggregate of the gains and losses from the sale or exchange of capital assets described in section 582(c) of the members of the group which are banks for the consolidated return year. Section 582(c) gains and losses on intercompany transactions and on obligations of members shall be reflected as provided in §§ 1.1502–13 and 1.1502–14(d). Section 582(c) losses shall be limited as provided in § 1.1502–15.

PAR. 12. Section 1.1502–31(b)(2)(ii) is amended to read as follows:

§ 1.1502–31 Basis of property.

* * * * *

(b) *Basis after liquidation or intercompany distributions with respect to stock.* * * *

(2) *Liquidations and redemptions.* * * *

(ii) The aggregate basis of all property acquired in a distribution in cancellation or redemption of stock (as defined in § 1.1502–14(b)(1)) by a member to another member, other than a liquidation to which section 332 applies, shall be the same as the adjusted basis of the stock exchanged therefor (adjusted in accordance with the rules prescribed in § 1.1502–32(a)), increased by the amount of any liabilities of the distributing

corporation assumed by the distributee or to which the property acquired is subject, and reduced by the amount of cash received in the distribution. Such aggregrate basis shall be allocated among the assets received (except cash) in proportion to the fair market values of such assets on the date received.

PAR. 13. Section 1.1502–32 is amended by revising paragraph (b) (1) (iii) and (2) (iv) and paragraph (d) (9), by adding paragraph (d) (10), by revising the titles of paragraphs (f) and (f) (1), by revising paragraph (g), and by deleting examples (3) and (4) in paragraph (j). The revised and added provisions read as follows:

§ 1.1502–32 **Investment adjustment.**

* * * * *

(b) *Stock which is not limited and preferred as to dividends*—(1) *Positive adjustment.* * * *

(iii) If such subsidiary owns stock in another subsidiary, and the election under § 1.1502–33(c) (4) (iii) is not in effect, an allocable part of the net positive adjustment made by the higher tier subsidiary for the taxable year with respect to its stock in such other subsidiary.

(2) *Negative adjustment.* * * *

(iv) If such subsidiary owns stock in another subsidiary, and the election under § 1.1502–33(c) (4) (iii) is not in effect, an allocable part of the net negative adjustment made by the higher tier subsidiary for the taxable year with respect to its stock in such other subsidiary.

* * * * *

(d) *Operating rules.* * * *

(9) *Preaffiliation year.* The term "preaffiliation year" of a subsidiary means any taxable year which includes at least one day on which such subsidiary was not a member of the group, and each taxable year preceding such year. For purposes of the preceding sentence, a subsidiary shall be considered to be a member on each day on which at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of nonvoting stock (other than stock which is limited and preferred as to dividends) is held by persons who subsequently transfer such stock to a corporation which is (or which, as a result of the transfer, becomes) a member, provided that the basis of such stock in the hands of the transferee corporation is determined (in whole or in part) by reference to its basis in the hands of the transferors. For example, if several individuals who have owned all of the stock of corporation Y since its formation transfer their Y stock to corporation X in a transaction to which section 351 applies, the earnings and profits of Y accumulated before it was a member of the XY group are not earnings and profits accumulated in preaffiliation years.

(10) *Prior consolidated return years beginning after December 31, 1965.* The term "prior consolidated return years beginning after December 31, 1965" shall not include consolidated return years of a corporation which precede the most recent separate return year of such corporation. Thus if P and its wholly owned subsidiary, S, filed a consolidated return for 1966, separate returns for 1967, and a consolidated return for 1968, P's basis in S's stock is not reduced under paragraph (b) (2) (iii) or (c) (2) of this section because of distributions by S after 1967 out of earnings and profits accumulated in 1966.

* * * * *

(f) *Special rules*—(1) *Transitional rule.* * * *

(g) *Adjustment on disposition*—(1) *In general.* A member owning stock in a subsidiary shall, on the first day of the first separate return year of the member or of the subsidiary, whichever occurs first, decrease its basis for such stock by the excess, with respect to such stock, of

(i) The net positive adjustments under paragraph (e) (2) of this section for all consolidated return years, over

(ii) The net negative adjustments under paragraph (e) (1) of this section for all consolidated return years.

If the amount referred to in the preceding sentence exceeds the basis of such stock, the amount of the excess shall, as of the day immediately preceding such first day, be included in the income of such member as income described in § 1.1502–19(a).

(2) *Example.* Assume that in 1967 corporation P organizes corporation S, investing $500 for all of S's stock. For the taxable year 1967, S has earnings and profits of $100, thus increasing P's basis in S's stock to $600 on the last day of 1967. On December 31, 1967, P sells one-half of its stock in S to a nonmember for $370. P recognizes a gain of $70 on such sale, and on January 1, 1968, P's basis for its remaining stock in S is reduced by $50 to $250.

* * * * *

PAR. 14. Section 1.1502–33(c) (4) is amended to read as follows:

§ 1.1502–33 **Earnings and profits.**

* * * * *

(c) *Stock and obligations.* * * *

(4) *Investment adjustment*—(i) *Taxable years ending before July 1, 1968.* Except as provided in subdivisions (ii) and (iii) of this subparagraph—

(*a*) Adjustments made by a member under § 1.1502–32 (e) (1) and (2) and (g) shall not be reflected in the earnings and profits of such member.

(*b*) For purposes of computing the earnings and profits of a member on the disposition of stock of a subsidiary, the adjusted basis of such stock shall be—

(*1*) the adjusted basis determined without regard to adjustments under § 1.1502–32 (e) (1) and (2) and (g), plus

(2) the amount of any excess loss account includible in income by such member under § 1.1502–19(a) on such disposition.

(ii) *Taxable years ending after June 30, 1968.* For a group which does not make the election provided in subdivision (iii) of this subparagraph, the application of subdivision (i) of this subparagraph with respect to taxable years ending after June 30, 1968 is reserved.

(iii) *Election to adjust currently.* At the election of the group—

(*a*) There shall be reflected in the earnings and profits of each member for a taxable year an amount equal to any increase or decrease for such taxable year pursuant to § 1.1502–32 (e) (1) and (2) and (g) in such member's basis or excess loss account for its stock in a subsidiary.

(*b*) For purposes of computing the earnings and profits of a member on the disposition of stock of a subsidiary, the adjusted basis of such stock shall be determined by taking into account any adjustments under § 1.1502–32 (e) (1) and (2) and (g).

(*c*) If subdivision (i) of this subparagraph applies for one or more taxable years before the election under this subdivision is in effect—

(*1*) Adjustments shall be made to the extent necessary to prevent duplication or omission of items of earnings and profits. For example, basis shall be determined under (*b*) of this subdivision by taking into account adjustments under § 1.1502–32 (e) (1) and (2) and (g) only for years for which the election under this subdivision is in effect.

(*2*) The negative adjustment applicable under § 1.1502–32 (b) (2) (iii) (*a*) or (c) (2) (i) to distributions made in years for which the election is in effect out of earnings and profits accumulated in years for which the election was not in effect shall be eliminated in computing earnings and profits and in determining adjusted basis for purposes of computing earnings and profits on the disposition of the subsidiary's stock.

Such election shall be made by submitting a statement, on or before the due date (including any extensions of time) of the consolidated return for the first taxable year for which the election is to apply, to the district director with whom the group files such return. If such election is made, it may not thereafter be revoked.

(iv) *Example.* The application of subdivisions (i) and (iii) of this subparagraph may be illustrated by the following example:

Example. (a) Corporation P forms a wholly-owned subsidiary, S, on January 1, 1966 with a capital contribution of $100, and the PS group files consolidated returns for calendar years 1966 and 1967. S earns $100 in 1966 and has no earnings and profits or deficit in 1967. During 1967 S distributes a $50 dividened to P. On January 1, 1968 P sells all of the stock of S for $150.

(b) If the group has not elected under subdivision (iii) of this subparagraph, the $100 earned by S is not reflected in P's earnings and profits in 1966. However, P's earnings and profits are increased by $50 in 1967, since the dividend is reflected in earnings and profits under paragraph (c) (1) of this section and the corresponding negative adjustment under § 1.1502–32(b) (2) (iii) (*a*) is not reflected in earnings and profits. P's earnings and profits are further increased by $50 on the sale of the S stock since, for purposes of computing earnings and profits, the basis of such stock is $100 (the original basis without regard to adjustments under § 1.1502–32(e) (1) and (2)).

(c) If the group has elected under subdivision (iii) of this subparagraph, for 1966, the $100 earned by S, a net positive adjustment under § 1.1502–32(e)(2), is reflected in the earnings and profits of P for 1966. No additional earnings and profits result from the distribution in 1967, since there is a $50 increase under paragraph (c)(1) of this section, and the corresponding $50 negative adjustment under § 1.1502–32(b)(2)(iii)(*a*) is reflected as a decrease in earnings and profits. The subsequent sale of the S stock for $150 does not affect P's earnings and profits since the basis is $150 ($100 original basis plus $100 earnings and profits, minus the $50 distribution out of earnings and profits accumulated in consolidated return years beginning after December 31, 1965).

(d) If the group first elected under subdivision (iii) of this subparagraph for 1967 (so that subdivision (i) was applicable for 1966), the $100 earned by S in 1966 is not reflected in P's earnings and profits in 1966. However, P's earnings and profits are increased by $50 in 1967, since the dividend is reflected in earnings and profits under paragraph (c)(1) of this section, and the corresponding negative adjustment under § 1.1502–32(b)(2)(iii)(*a*) is eliminated under subdivision (iii)(*c*) of this subparagraph in computing earnings and profits. P's earnings and profits are further increased by $50 on the sale of the S stock since, for purposes of computing earnings and profits, the basis of such stock is $100 (the original basis without regard to the adjustment under § 1.1502–32(e)(2) for 1966 and with the 1967 adjustment under § 1.1502–32(b)(2)(iii)(*a*) eliminated).

(v) *Transitional rule.* (*a*) Adjustments under § 1.1502–32(f)(1) shall not be reflected in earnings and profits.

(*b*) For purposes of computing the earnings and profits of a member on the disposition of stock (or an obligation to which § 1.1502–19(a)(4) applies) of a subsidiary, the adjusted basis of such stock (or obligation) shall be determined without regard to adjustments under § 1.1502–32(f)(1).

PAR. 15. There is inserted after § 1.1502–41 the following new section:

§ 1.1502–42 Mutual savings banks, domestic building and loan associations, and cooperative banks.

In the case of mutual savings banks, domestic building and loan associations, and cooperative banks—

(a) In computing for purposes of section 593(b)(1)(B)(ii) total deposits or withdrawable accounts at the close of the taxable year, the total deposits or withdrawable accounts of other members shall be excluded.

(b) For purposes of section 593(b)(2), a member's taxable income shall be the amount computed under § 1.1502–27(b), decreased by such member's section 582(c) net loss.

PAR. 16. Section 1.1502–75 is amended by revising paragraph (d)(2)(ii), by adding paragraph (d)(3)(iii), by reserving paragraph (i), and by adding paragraph (j). These revised and added provisions read as follows:

§ 1.1502–75 Filing of consolidated returns.

* * * * *

(d) *When group remains in existence.* * * *

(2) *Common parent no longer in existence.* * *

(ii) *Transfer of assets to subsidiary.* The group shall be considered as remaining in existance notwithstanding that the common parent is no longer in existence if the members of the affiliated group succeed to and become the owners of substantially all of the assets of such former parent and there remains one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation and which was a member of the group prior to the date such former parent ceases to exist. For purposes of applying paragraph (f)(2)(i) of § 1.1502–1 to separate return years ending on or before the date on which the former parent ceases to exist, such former parent, and not the new common parent, shall be considered to be the corporation described in such paragraph.

(3) *Reverse acquisitions.* * * *

(iii) If, in a transaction described in subdivision (i) of this subparagraph, the first corporation files a consolidated return for the first taxable year ending after the date of acquisition, then—

(*a*) The first corporation, and each corporation which, immediately before the acquisition, is a member of the group of which the first corporation is the common parent, shall close its taxable year as of the date of acquisition, and each such corporation shall, immediately after the acquisition, change to the taxable year of the second corporation, and

(*b*) If the acquisition is a transaction described in section 381(a)(2), then for purposes of section 381—

(*1*) All taxable years ending on or before the date of acquisition, of the first corporation and each corporation which, immediately before the acquisition, is a member of the group of which the first corporation is the common parent, shall be treated as taxable years of the transferor corporation, and

(2) The second corporation shall not close its taxable year merely because of such acquisition, and all taxable years ending on or before the date of acquisition, of the second corporation and each corporation which, immediately before the acquisition is a member of any group of which the second corporation is the common parent, shall be treated as taxable years of the acquiring corporation.

(iv) With respect to acquisitions occurring before March 1, 1968, subdivision (iii) of this subparagraph shall not apply if the parties to the transaction, in their income tax returns, treat subdivision (i) as not affecting the closing of taxable years or the operation of section 381.

* * * * *

(i) [Reserved]

(j) *Statements and schedules for subsidiaries.* The statement of gross income and deductions and the schedules required by the instructions on the return shall be prepared and filed in columnar form so that the details of the items of gross income, deductions, and credits for each member may be readily audited. Such statements and schedules shall include in columnar form a reconciliation of surplus for each corporation, and a reconciliation of consolidated surplus. Consolidated balance sheets as of the beginning and close of the taxable year of the group, taken from the books of the members, shall accompany the consolidated return and shall be prepared in a form similar to that required for reconciliation of surplus.

PAR. 17. Section 1.1502–76(b)(5)(i) is amended to read as follows:

§ 1.1502–76 Taxable year of members of group.

* * * * *

(b) *Income to be included in returns for taxable year.* * * *

(5) *Period of 30 days or less may be disregarded.* * * *

(i) If within a period of 30 days after the beginning of a corporation's taxable year (determined without regard to the required change to the parent's taxable year) it becomes a member of a group which files a consolidated return for a taxable year which includes such period, then such corporation may at its option be considered to have become a member of the group as of the beginning of the first day of such corporation's taxable year, or

* * * * *

PAR. 18. Section 1.1502–78 is amended by revising paragraphs (a) and (b)(1) to read as follows:

§ 1.1502–78 Tentative carryback adjustments.

(a) *General rule.* If a group has a consolidated net operating loss or a consolidated unused investment credit for any taxable year, then any application under section 6411 for a tentative carryback adjustment of the taxes for a consolidated return year or years preceding such year shall be made by the common parent corporation to the extent such consolidated net operating loss or consolidated unused investment credit is not apportioned to a corporation for a separate return year pursuant to § 1.1502–79(a) or (c). In the case of the portion of a consolidated net operating loss or consolidated unused investment credit to which the preceding sentence does not apply, and in the case of a net operating loss or unused investment credit arising in a separate return year which may be carried back to a consolidated return year, the corporation or corporations to which any such loss or credit is attributable shall make any application under section 6411.

(b) *Special rules*—(1) *Payment of refund.* Any refund allowable under an application referred to in paragraph (a) of this section shall be made directly to and in the name of the corporation filing the application, except that in all cases where a loss is deducted from the consolidated taxable income or a credit is allowed in computing the consolidated tax liability for a consolidated return year, any refund shall be made directly to and in the name of the common parent corporation. The payment of any such

refund shall discharge any liability of the Government with respect to such refund.

* * * * *

PAR. 19. Section 1.1502–79(a)(1)(ii) is amended to read as follows:

§ 1.1502–79 Separate return years.

(a) *Carryover and carryback of consolidated net operating losses to separate return years*—(1) *In general.* * * *

(ii) Except as provided in § 1.1502–11(b), if a corporation ceases to be a member during a consolidated return year, any consolidated net operating loss carryover from a prior taxable year must first be carried to such consolidated return year, notwithstanding that all or a portion of the consolidated net operating loss giving rise to the carryover is attributable to the corporation that ceases to be a member. To the extent not absorbed in such consolidated return year, the portion of the consolidated net operating loss attributable to the corporation ceasing to be a member shall then be carried to such corporation's first separate return year.

* * * * *

[F.R. Doc. 68–4483; Filed, Apr. 16, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

ENFORCEMENT REGULATIONS FOR THE FAIR PACKAGING AND LABELING ACT

Proposed Exemption Regarding Eggs

Notice is given that the Diamond National Corp., 733 Third Avenue, New York, N.Y. 10017, and the Institute of American Poultry Industries, 67 East Madison Street, Chicago, Ill. 60602, have submitted petitions requesting that the regulations for the enforcement of the Fair Packaging and Labeling Act (21 CFR Part 1) be amended to exempt fresh shell eggs packaged in cartons of 1 dozen capacity from certain requirements essentially as proposed below.

Grounds given in the petitions in support of the requested exemption are that the carton for 1 dozen shell eggs is one of the most distinctive and easily recognizable packages found in retail food stores and therefore the quantity and identity of the commodity packaged therein is immediately apparent.

With respect to a divisible egg carton, the petitioners assert that separate labeling on each portion of such a carton is unnecessary for adequate protection of consumers and that such labeling would cause confusion. Because these egg cartons are divided by the consumer at the time of purchase, a fully labeled carton would be available to provide all required information.

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

§ 1.1c Exemptions from required label statements.

* * * * *

(a) *Foods.* * * *

( ) (i) Shell eggs packaged in a carton designed to hold 1 dozen eggs and designed to permit the division of such carton by the retail customer at the place of purchase into two portions of ½ dozen eggs each are exempt from the labeling requirements of this part with respect to each portion of such divided carton if the carton, when undivided, is in conformance with the labeling requirements of this part.

(ii) Shell eggs packaged in a carton designed to hold 1 dozen eggs are exempt from the placement requirements for the declaration of contents prescribed by § 1.8b(f) if the required content declaration is otherwise placed on the principal display panel of such carton and if, in the case of such cartons designed to permit division by retail customers into two portions of ½ dozen eggs each, the required content declaration is placed on the principal display panel in such a manner that the context of the content declaration is destroyed upon division of the carton.

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

Dated: April 8, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–4543; Filed, Apr. 16, 1968; 8:48 a.m.]

[21 CFR Part 1]

ENFORCEMENT REGULATIONS FOR THE FAIR PACKAGING AND LABELING ACT

Proposed Exemption Regarding Butter

Notice is given that the American Butter Institute, 110 North Franklin Street, Chicago, Ill. 60606, and the Great Atlantic and Pacific Tea Co., Inc., 420 Lexington Avenue, New York, N.Y. 10017, have independently submitted petitions requesting that the regulations for the enforcement of the Fair Packaging and Labeling Act (21 CFR Part 1) be amended to exempt butter in ¼-, ½-, and 1-pound packages from certain requirements as proposed below.

Grounds in the petitions in support of the requested exemption are that butter is always sold in ½- and 1-pound packages; is available only in ¼-, ½- and 1-pound units according to the Model State Weights and Measures Law and Regulations issued under the auspices of the National Bureau of Standards; and is machine wrapped with continuous label copy equipment which may not align label copy to fit the side of a print. It is, therefore, unnecessary for consumer protection for the declaration of net contents to appear within the bottom 30 percent of the principal display panel of such containers or for the net contents to be declared in both ounces and the larger unit in the case of 1-pound packages. Also, it is impractical in the case of continuous wrappings on ¼-, ½-, and 1-pound packages for the identity and net contents statements to appear in lines generally parallel to the base on which the package is displayed.

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

§ 1.1c Exemptions from required label statements.

* * * * *

(a) *Foods.* * * *

( ) Butter as defined in 42 Stat. 1500 (excluding whipped butter):

(i) In 8-ounce and in 1-pound packages is exempt from the requirements of § 1.8b(f) that the net contents declaration be placed within the bottom 30 percent of the area of the principal display panel;

(ii) In 1-pound packages is exempt from the requirements of § 1.8b(j)(1) that such declaration be in terms of ounces and pounds, to permit declaration of "1 pound" or "one pound"; and

(iii) In 4-ounce, 8-ounce, and 1-pound packages with continuous label copy wrapping is exempt from the requirements of § 1.8(d) and § 1.8b(f) that the statement of identity and net contents declaration appear in lines generally parallel to the base on which the package rests as it is designed to be displayed.

All interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence

Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: April 8, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-4542; Filed, Apr. 16, 1968; 8:48 a.m.]

[21 CFR Part 120]

PESTICIDE TOLERANCE

Proposed Establishment

Dr. C. C. Compton, Project Coordinator, Interregional Research Project No. 4, State Agricultural Experimental Station, Rutgers University, New Brunswick, N.J. 08903, has requested the Commissioner of Food and Drugs to establish a tolerance of 1 part per million for residues of the insecticide 1-methoxycarbonyl-1-propen-2-yl dimethylphosphate and its beta isomer on parsely. Data were submitted with the request to support the tolerance, and the request has been designated as a pesticide petition (PP 8E0689).

Dr. Compton has also submitted a food additive petition (FAP 8H2247) proposing the establishment of a food additive tolerance of 4 parts per million for residues of the insecticide in dehydrated parsley from application of the insecticide to the growing crop.

The Secretary of Agriculture has certified that this insecticide is useful for the purpose for which the tolerance is being proposed.

Based on consideration given the submitted data, and other relevant material, the Commissioner concludes that the tolerance proposed herein is safe and would protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to the Commissioner (21 CFR 2.120), it is proposed that § 120.157 *1-Methoxycarbonyl-1-propen-2-yl dimethylphosphate and its beta isomer; tolerances for residues* be amended by alphabetically inserting in the listing of agricultural commodities in paragraph "1.0 part per million in or on * * *" the commodity "parsley".

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the subject pesticide chemical may request, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, that the proposal herein be referred to an advisory committee in accordance with section 408(e) of the act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments on this proposal, preferably in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 5, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-4544; Filed, Apr. 16, 1968; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Calcium Stearyl-2-Lactylate; Proposed Redesignation

Notice was given in the FEDERAL REGISTER of January 9, 1968 (33 F.R. 305), that a petition (FAP 8A2238) was filed by C. J. Patterson Co., 3947 Broadway, Kansas City, Mo. 64111, proposing that § 121.1047 *Calcium stearyl-2-lactylate* be amended to expand the description of and change the specifications for the additive.

Having considered the data submitted in the petition, and other relevant information, the Commissioner of Food and Drugs proposes that, in addition to the amendment petitioned for, the regulation also be amended by changing the additive nomenclature to calcium stearoyl-2-lactylate. While recognizing that the name of the additive as currently identified in § 121.1047 has wide usage in the trade and in the scientific literature, the Commissioner nevertheless finds it desirable to effect a correction in the naming of the additive to reflect accepted chemical nomenclature.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 121.1047 be amended by revising the section heading, the introduction to the section, and paragraphs (a) and (b) to read as follows:

§ 121.1047 Calcium stearoyl-2-lactylate.

The food additive calcium stearoyl-2-lactylate may be safely used in or on food in accordance with the following prescribed conditions:

(a) The additive, which is a mixture of calcium salts of stearoyl lactylic acids and minor proportions of other calcium salts of related acids, is manufactured by the reaction of stearic acid and lactic acid and conversion to the calcium salts.

(b) The additive meets the following specifications:

Acid number—50–86.
Calcium content—4.2–5.2 percent.
Lactic acid content—32–38 percent.
Ester number—125–164.

* * * * *

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments preferably in quintuplicate on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 5, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-4545; Filed, Apr. 16, 1968; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 375]

[Docket No. 19818; SPDR-12]

NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES

Operation of Aircraft Manufactured in States Not Members of International Civil Aviation Organization

APRIL 11, 1968.

Notice is hereby given that the Civil Aeronautics Board has under consideration the amendment of Part 375 of the special regulations (14 CFR Part 375) to require information regarding the standards under which aircraft manufactured in countries which are not members of ICAO are certificated as airworthy before such aircraft may be navigated in the United States. The amendments are proposed under the authority of sections 204(a) and 1108(b) of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 798; 49 U.S.C. 1324, 1508).

Interested persons may participate in these rule making proceedings through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before May 17, 1968, will be considered by the Board before taking final action on the proposed rule. 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. Under § 375.10 of the Board's regulations, foreign civil aircraft registered in any foreign country which is a member of the International Civil Aviation Organization (ICAO), established under the Chicago Convention, may be navigated in the United States. The Board is concerned as to the scope of this authorization in regard to the airworthiness of foreign aircraft which are registered in ICAO Member States but which have been manufactured in non-ICAO States.

Article 33 of the Chicago Convention provides that the airworthiness certificate issued by a contracting State in which an aircraft is registered shall be recognized by other contracting States if the requirements under which the certificate is issued or rendered valid are equal to or above the standards established from time to time by ICAO. While Member States are required by the Chicago Convention to notify ICAO when their standards or practices differ from the prescribed standards, there is often no positive information furnished as to whether a State's standards and practices meet the ICAO standards.

In the interest of safety it is necessary that there be assurance that the airworthiness standards, under which an aircraft manufactured in a non-ICAO State is navigated in this country, comply with the minimum standards of ICAO. Accordingly, the Board proposes to amend §§ 375.10 and 375.11 to require that, as a condition to the operation in this country of aircraft manufactured in non-ICAO States, any State of registry which has not notified ICAO as to adherence to the standards shall furnish the Board a statement that the standards under which it issues or renders valid airworthiness certificates for the type of aircraft to be operated, are equal to or above the minimum standards established by ICAO. The amendment provides that unless either the notification or the statement is provided, prior approval by the Board is required for the operation of such aircraft.

Proposed rule. It is proposed to amend Part 375 of the Special Regulations (14 CFR Part 375) by modifying §§ 375.10 and 375.11 as follows:

§ 375.10 Certain foreign civil aircraft registered in ICAO Member States.

Subject to the observance of the applicable rules, conditions, and limitations set forth in this part:

(a) Foreign civil aircraft manufactured in a State which at the time of manufacture was a member of the International Civil Aviation Organization (ICAO) and registered in a State which at the time of flight is a member of ICAO may be navigated in the United States;

(b) Foreign civil aircraft manufactured in a State which at the time of manufacture was not a member of ICAO and registered in a State which at the time of flight is a member of ICAO may be navigated in the United States if (1) the State of registry has notified ICAO that the requirements under which it issues or renders valid certificates of airworthiness, are equal to or above the minimum standards established pursuant to the Chicago Convention, or (2) if such notification has not been made to ICAO at the time of flight that there is on file with the Board a statement by the State of registry that with regard to aircraft of the type which is proposed to be operated hereunder the requirements under which certificates of airworthiness are issued or rendered valid are equal to or above the minimum standards established pursuant to the Chicago Convention. Such statement shall be filed with the Board through diplomatic channels.

§ 375.11 Other foreign civil aircraft.

Foreign civil aircraft other than those referred to in § 375.10 may be navigated in the United States only when so authorized by the Board under the provisions of Subpart G of this part.

[F.R. Doc. 68-4537; Filed, Apr. 16, 1968; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 31, 33]

[Docket No. 18123; FCC 68-371]

PROPERTY RECORDS, RETIREMENT UNITS, PLANT ACCOUNTING, AND UNITS OF PROPERTY

Continuance

In the matter of amendment of Part 31 of the Commission's rules relating to continuing property records, retirement units, and plant accounting; also amendment of Part 33 of the Commission's rules relating to units of property, Docket No. 18123, RM-1203, RM-1215, RM-1241.

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

2. The American Telephone & Telegraph Co. (AT&T), requests on behalf of itself and its associated telephone companies, in three separate letters, that the Commission amend certain sections of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of its rules and regulations. Its letter dated September 15, 1967, requests amendments with respect to continuing property records; its letter dated November 1, 1967, requests amendments regarding the retirement units for cable plant; and its letter dated January 15, 1968, requests amendments with respect to provisions relating to plant under construction and plant retired.

3. AT&T's request of September 15, 1967, proposes changes in §§ 31.2-25(b)(2), 31.2-26(a), 31.8 and Appendix B to Part 31. The principal change proposed therein would permit a company, after approval of its plan by the Commission, to use its own list of retirement units for certain accounts or portions of accounts in lieu of the prescribed list of retirement units and would exempt a company from filing detailed changes in property record units under such a plan. AT&T points out that when a detailed property record of the type proposed is established for central office equipment, it would be extremely burdensome and impractical to comply with the present provisions because new assemblies of central office equipment are constantly being introduced into the plant. In this connection, the considerations underlying the selection of items as retirement units and a list of representative retirement units are to be submitted to the Commission for approval and an up-to-date list of such retirement units is to be maintained in each accounting area which will be available for inspection at any time. AT&T also proposes that the note to the retirement units for account 221, "Central office equipment," in § 31.8 be amended to provide in general language for accounting for extensive replacements of minor items through construction and retirement accounting in lieu of charging such replacements to maintenance. The present note is an enumeration of types of jobs that were representative of those commonly performed with respect to minor items at the time the present list of retirement units was compiled, but due to changes in types of construction, many of those types of jobs no longer are performed. AT&T also proposes that paragraph 2(d) of Appendix B be amended to provide that the cost of a central office from which annual interim retirements of 25 percent or more have been made need not be broken down to its component retirement units if that type of office is not being used in the current installation of new wire centers. The reason for this request is to make an exception to the "25 percent retirement" provision to recognize that certain older types of offices could be removed in their entirety over a period of a few years with 25 percent or more of the equipment retired within a relatively short time prior to retirement of the entire office. Under such conditions, AT&T believes it to be unwise to set up the detailed record for the remaining equipment when the balance of the investment in the office will be retired in the near future. AT&T also proposes that the last sentence of the same paragraph be amended for purposes of clarification and to recognize that the cost of minor items may be included in the costs of retirement units. AT&T also proposes to amend § 31.2-25(b)(2) to permit allocation of the cost of minor items among those retirement units to which the minor items are common since certain minor items are not part of any one retirement unit. AT&T proposes that § 31.2-26(a) and paragraphs 1(b) and 2(a) of Appendix B be amended to provide for the filing of two copies of filings with respect to continuing property records rather than the three copies now required and that § 31.2-26(a) be amended by adding a sentence stating that two copies of any proposed basic changes in the continuing property record plan be filed at least thirty days in advance of such changes. AT&T also suggests a minor amendment to § 31.2-25(b)(2) to change the words "no adjustment shall be made in account 171" to read "no retirement entry shall be made."

4. The language suggested by AT&T in its letter of September 15, 1967, to implement the foregoing changes has, in certain instances, been slightly modified in the proposed amendments contained in the attached Appendix in order to clarify the proposed language. However, the intent of AT&T's suggestions has been retained in each instance.

5. AT&T, in its letter of November 1, 1967, proposes that outside distribution terminals be deleted from the list of retirement units for cable plant. Under the proposal, when outside distribution terminals (including their stubs) are replaced independent of retirement units of attached cable, the cost would be accounted for as maintenance expense. The cost of the outside distribution terminals would be included as a part of the cost of the related cable so that retirements from the plant accounts for outside distribution terminals would be made as a part of the retirement of the related cable. Terminals other than outside distribution types would continue to be included in the list of retirement units and accounted for as at present. AT&T states that the physical character of outside plant design has changed materially since the introduction for general use of polyethylene insulated cable with ready-access terminals. As a result, it is no longer necessary for administrative use to keep terminal pair counts for distribution terminals on the plant location records since assignment records are adequate for this purpose. Therefore, if distribution terminals were to be deleted from the list of retirement units, cable plant location records need not reflect them. It is now common practice to connect service wires to distribution cables at cable closure points, thus eliminating terminals. The versatility of the cable plant makes recordkeeping as to points of connection to customer service wires necessary only for assignment and repair purposes and there is no administrative requirement for recording the method of connection; i.e., by terminal or splice closure. However, proper administration of plant design does require that records of cross-connect terminals and building terminals be maintained on the plant location records, since assignment records are not adequate for this purpose. AT&T states that all terminals have been treated as retirement units heretofore because of their substantial cost, both on an individual basis and in total, and also because of the rather high incidence of their retirement from service due to replacement at an earlier date than the related cable. However, in recent years there has been a steady decline in the cost of distribution terminals and their replacement independent of associated cable has become relatively infrequent. Cross-connect terminals, building type terminals, video terminals, pressure contactor terminals, and coaxial terminals have not reflected similar trends. Since ready-access type terminals are generally repaired in the field by replacement of component parts, costs of these operations are presently charged to maintenance. The number of replacements of complete outside distribution terminals for maintenance reasons is currently about 23,000 annually in the entire Bell System and the yearly net cost of replacing these terminals is estimated as $1 million which would become chargeable to expense accounts under the proposal. AT&T estimates the savings in the Bell System in clerical effort would be about $500,000 per year if outside distribution terminals were removed from the list of retirement units. Although monetary savings are relatively small, there are other advantages to be derived through the elimination of posting terminals on cable plant location records. At the present time the terminal data posted on aerial cable prints utilize a considerable portion of the space on such prints. Streamlining of these records would be of prime importance in the clarity of the records and would simplify administration of the outside plant design functions.

6. AT&T's request for rule making of November 1, 1967, also proposes certain other minor changes in the retirement units for cable plant which AT&T states would be helpful in the administration of the cable plant records but would have no appreciable effect on the investment in the accounts. The foregoing proposed amendments are reflected in the attached Appendix.

7. In its letter of January 15, 1968, AT&T proposes that the Commission amend § 31.2–25(a) by changing from $5,000 to $10,000 the maximum amount of a retirement entry which may be deferred until physical removal of the property or decision is made to abandon it in place if there is assurance that such removal or decision will not be unduly delayed. AT&T states that to insure literal compliance with the current limitation requires special review and control procedures on a multitude of jobs which authorize only minor amounts of retirements and that from an administrative and cost standpoint, this effort is disproportionate to the benefits derived and does not improve accounting accuracy to any measurable degree. AT&T proposes the same $10,000 limit as that for construction costs which are required to be charged to plant under construction. AT&T also proposes to amend § 31.100:2(a) to exclude station connections from plant under construction. Circumstances requiring the inclusion of amounts for station connections in account 100:2 under the current requirements are infrequent and, when they do occur, the amounts generally are quite small because the present note to account 100:2 permits charges directly to the appropriate plant accounts of the cost of any construction project which is estimated to be completed ready for service within two months and also the cost of any construction project estimated to amount to less than $10,000. AT&T's proposed amendments are reflected in the attached Appendix.

8. The Commission proposes that, if Part 31 of the Rules is amended with respect to the list of retirement units as a result of this proceeding, identical amendments will be made in Part 33 (Uniform System of Accounts for Class C Telephone Companies) of our rules with respect to the units of property contained in § 33.81.

9. In view of the foregoing, it is proposed to amend Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) and Part 33 (Uniform System of Accounts for Class C Telephone Companies) as set forth in the attached Appendix.

10. This notice of proposed rule making is issued under authority of sections 4(i) and 220 of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 13, 1968, and reply comments on or before May 27, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

12. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs shall be furnished to the Commission.

Adopted: April 10, 1968.

Released: April 12, 1968.

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

I. Part 31—Uniform System of Accounts for Class A and Class B Telephone Companies is amended as follows:

1. In § 31.100:2, paragraph (a) is amended to read as follows:

§ 31.100:2 Telephone plant under construction.

(a) This account shall include the original cost of construction of telephone plant, other than station apparatus and station connections, that is not completed ready for service. It shall include interest during construction, taxes during construction, and all other elements of cost of such construction work. (Note also §§ 31.2–20 to 31.2–22 and account 231.)

* * * * *

2. In § 31.2–25, paragraphs (a) and (b) (2) are amended to read as follows:

§ 31.2–25 Telephone plant retired.

(a) To the end that the telephone plant accounts (note §§ 31.2–20 and 31.2–21) shall at all times disclose the original cost of all property in service, the original cost of retired property, whether replaced or not (except as provided in paragraph (b)(2) of this section and in account 231), shall be credited to the account or accounts in this classification to which such cost was charged. Normally, these retirement credits with respect to such plant as entire buildings, entire central offices, large private branch exchanges, all plant abandoned, and any large sections of plant withdrawn from service with knowledge that they will not be physically removed during the following month shall be entered

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

in the accounts for the month in which use of the property ceased and no later than the next succeeding month with respect to other plant: *Provided*, That when literal compliance with this provision for timing of entries with respect to the property amounting to less than $10,000 retired under any one project would involve an unreasonable amount of recordkeeping and estimating of quantities, original costs, and salvage, such entries may be deferred until physical removal of the property or decision to abandon it in place if there is assurance that such removal or decision will not be unduly delayed. Every company shall, therefore, take such measures and establish such procedure as will insure strict compliance with these requirements. When any item of property subject to plant retirement accounting is worn out, lost, sold, destroyed, abandoned, surrendered upon lapse of title, becomes permanently unserviceable, is withdrawn, or for any other reason is retired from service, the amount in the plant accounts applicable to that item shall be credited to the appropriate plant accounts, and the retirement entry shall refer to the source (or to the supporting records showing the source) in the continuing property record from which the cost was obtained. (Note also paragraph (e) of this section.)

(b) Depreciable telephone plant: For the purpose of avoiding undue refinement in accounting for the replacement of small items of property, the accounting for retirements and replacements of depreciable telephone plant shall be as follows:

* * * * *

(2) Minor items: This group includes any part or element of plant, other than station apparatus and station connections, which is not designated as a retirement unit. The original cost of any minor item of property retired and not replaced shall be credited to the plant account and charged to account 171 (note also paragraph (b) of the text of that account), except that if the original cost of a minor item of property is included in the specific or average cost for a retirement unit of which the minor item is a part or is included in the costs for various retirement units to which the minor item is common, no separate credit to the telephone plant account is required when such a minor item is retired. If minor items of property are replaced (apart from the retirement unit of which they form a part or with which they are associated) no retirement entry shall be made. The cost of the replacement shall be charged to the account appropriate for the cost of repairs of the property, except that if the replacement effects a substantial betterment (the primary aim of which is to make the property affected more useful, of greater durability, of greater capacity, or more economical in operation) the excess cost of (i) such a replacement over (ii) the estimated cost at the then current prices of replacing without betterment the minor items being retired, shall be charged to the appropriate telephone plant account.

* * * * *

3. In § 31.2–26, paragraph (a) is amended to read as follows:

§ 31.2–26 Continuing property record required.

(a) Not later than June 30 of the first year following that in which a company has annual operating revenues in excess of $1 million, it shall file with the Commission two copies of a complete plan of the method to be used in the compilation of a continuing property record with respect to each class of property for which such records are hereinafter prescribed. The plan shall include a list of the property-record units proposed for use under each plant account. A narrative statement shall accompany the list of proposed property-record units, describing in detail the content and method of maintenance of all forms and other records which are designed for use in compiling the continuing property record, to the end that a ready analysis with respect to the sufficiency thereof may be made. In preparing this narrative statement, the company shall include typical examples indicating the use of, and relationship between, the various forms and records. Each company shall submit to the Commission two copies of any proposed basic changes in its continuing property-record plan at least thirty days before the effective date of the proposed changes.

* * * * *

§ 31.8 [Amended]

4. Section 31.8 is amended as follows:

a. The introductory text is amended to read as follows:

(a) The list of retirement units prescribed in paragraph (c) of this section shall (except as provided in paragraph (b) of this section) be used in connection with the accounting provided in §§ 31.2–24 and 31.2–25, except that any company may use smaller units which are subdivisions of the units listed provided its practice in this respect is consistent. However, the list shall not be considered as determining the classification of the telephone plant involved. Any company having annual operating revenues exceeding $1 million which elects to exercise its option of using smaller units than those prescribed in paragraph (c) of this section shall notify the Commission 30 days before (1) commencing such use, (2) making any change therein, or (3) discontinuing such use.

(b) In lieu of the retirement units prescribed in paragraph (c) of this section with respect to a particular account, a company may, after obtaining specific approval by the Commission, establish and maintain its own list of retirement units for a portion or all of the plant in any such account. The considerations underlying the selection of items as retirement units and a list of representative retirement units shall be submitted for Commission approval. An up-to-date list of such retirement units shall be maintained in each accounting area. This list shall be available for inspection at any time.

(c) Except as provided in paragraphs (a) and (b) of this section, each company shall use the following list of retirement units:

* * * * *

b. The note following the list of retirement units for account 221 is amended to read as follows:

221 CENTRAL OFFICE EQUIPMENT

* * * * *

NOTE: When a substantial expenditure is incurred in the replacement of minor items that are parts of retirement units in a central office or at a large private branch exchange (apart from the replacement of the retirement units with which their cost is associated) for the purpose of improving or changing the type of equipment or its method of operation, the material installed and retired and the labor and incidental costs involved in replacing the minor items shall be handled through the telephone plant and depreciation reserve accounts.

c. The list of retirement units for accounts 242:1, 242:2, 242:3 and 242:4 is amended to read as follows:

242:1 AERIAL CABLE; 242:2 UNDERGROUND CABLE; 242:3 BURIED CABLE; 242:4 SUBMARINE CABLE

Two continuous spans or more of cable, with or without associated distribution terminals, suspension strand, clamps, lashing, etc. (The term "span" shall include a length of cable from a Y splice not located at a pole to a pole or building.)

A section or run of cable, with or without associated elements and parts, as follows:

(1) Between a manhole, handhole, or service box and a pole, building, fence, wall, or the junction with house cable.

(2) Between manholes, handholes, or service boxes; or between an office cable vault and an office manhole.

(3) Between a cable vault or an office manhole and the main frame, the main frame terminating cables, or the frame mounted connector stub.

(4) A section of buried cable 300 feet or more in length, or any section of buried cable between manholes, splicing boxes, pedestals, poles, or buildings.

(5) All of a continuous run of one size of house cable. ("All of a continuous run of one size" means a section between splices other than straight splices.)

(6) All of a continuous run of one size of block cable; i.e., cable attached to buildings, walls, or fences. ("All of a continuous run of one size" means a section between splices other than straight splices.)

(7) All of a submarine cable for one crossing; or a section of submarine cable 300 feet or more in length.

(8) A section of underground dip cable between poles and/or buildings, or the appropriate units listed above.

Any length of cable connected with but not a part of any unit on this list when replaced concurrently with the unit.

Terminating cables: All of the cables and forms used for terminating one cable.

A complete cross-connecting cable terminal, protected or unprotected, with or without associated balcony, pole seat, etc.

A pressure contactor terminal, with or without contactor.

A complete house terminal, protected or unprotected, including frame type.

A complete video terminal.

A complete coaxial terminal.

A submarine cable hut or house.

A submarine cable anchorage.

A submarine cable terminating frame.

A case of equipment, such as loading coils, building-out capacitors, carrier line filters, or auto-transformers.

An air dryer.

5. In Appendix B to Part 31, sections 1 and 2 are amended to read as follows:

APPENDIX B—STANDARD PRACTICES FOR THE ESTABLISHMENT AND MAINTENANCE OF CONTINUING PROPERTY RECORDS BY TELEPHONE COMPANIES HAVING INVESTMENT IN ACCOUNT 100:1, "TELEPHONE PLANT IN SERVICE," IN EXCESS OF $40 MILLION

1. *Accounting areas.* * * *

(b) Not later than June 30, following the year in which a company's investment in account 100:1, "Telephone plant in service," exceeded $40 million, there shall be filed with the Commission two copies of a list of accounting areas, to be accompanied by descriptions of the boundaries of each area. Description of proposed major changes in accounting areas, such as consolidation, subdivision, addition or elimination of areas shall be submitted in duplicate to the Commission 30 days in advance of the proposed effective dates of such changes.

2. *Property record units.* (a) In each of the established accounting areas, the "property-record units" (in terms of which the continuing property record is to be maintained) shall be set forth separately, classified by size and type and with the amount of original cost (or other appropriate book cost) associated with such units. When a list of property-record units has been accepted by the Commission, the property-record units set forth therein shall become the property-record units referred to in this statement of standard practices. When it is found necessary to revise this list because of the addition of units used in providing new types of service, or new units resulting from improvements in the art, or because of the grouping or elimination of units which no longer merit separate recognition as property-record units, two copies of such changes shall be submitted to the Commission. Upon appropriate showing by the company, the Commission may specifically exempt the company from the filing provisions of the preceding sentence.

* * * * *

(d) The continuing property record shall reveal the location, the essential details of construction, and the cost of each type of central office (manual, step-by-step, etc.) in each building, and of each large private branch exchange. Because of the small number of interim retirements and the comparatively small amounts involved therein, unless such annual retirements become at least 25 percent of the balance at the beginning of the year with respect to any central office, the cost of each central office need not be broken down into the individual retirement units of which it is composed. Further, the cost of an office from which annual interim retirements of 25 percent or more were made need not be broken down to its component retirement units if that type of office is not being use in the current installation of new wire centers. The continuing property record and other underlying records of construction cost shall be so maintained that, upon any retirement of one or more retirement units (or of minor items without replacement when not included in the costs of retirement units), the actual cost or a reasonable accurate estimate of the cost of the plant retired can be determined.

* * * * *

II. Part 33—Uniform System of Accounts for Class C Telephone Companies is amended as follows:

In § 38.81, the note following the list of units of property for account 1021 and the list of units of property for account 1045 are amended to read as follows:

§ 33.81 Units of property.

* * * * *

CENTRAL OFFICE EQUIPMENT (ACCOUNT 1021)

* * * * *

NOTE: When a substantial expenditure is incurred in the replacement of minor items that are parts of retirement units in a central office or at a large private branch exchange (apart from the replacement of the retirement units with which their cost is associated) for the purpose of improving or changing the type of equipment or its method of operation, the material installed and retired and the labor and incidental costs involved in replacing the minor items shall be handled through the telephone plant and depreciation reserve accounts.

* * * * *

POLES, CONDUIT, CABLE, AND WIRE (ACCOUNT 1045)

* * * * *

Cable:

Two continuous spans or more of cable, with or without associated distribution terminals, suspension strand, clamps, lashing, etc. (The term "span" shall include a length of cable from a Y splice not located at a pole to a pole or building.)

A section or run of cable, with or without associated elements and parts, as follows:

(1) Between a manhole, handhole, or service box and a pole, building, fence, wall, or the junction with house cable.

(2) Between manholes, handholes, or service boxes; or between an office cable vault and an office manhole.

(3) Between a cable vault or an office manhole and the main frame, the main frame terminating cables, or the frame mounted connector stub.

(4) A section of buried cable 300 feet or more in length, or any section of buried cable between manholes, splicing boxes, pedestals, poles, or buildings.

(5) All of a continuous run of one size of house cable. ("All of a continuous run of one size" means a section between splices other than straight splices.)

(6) All of a continuous run of one size of block cable; i.e., cable attached to buildings, walls, or fences. ("All of a continuous run of one size" means a section between splices other than straight splices.)

(7) All of a submarine cable for one crossing; or a section of submarine cable 300 feet or more in length.

(8) A section of underground dip cable between poles and/or buildings, or the appropriate units listed above.

Any length of cable connected with but not a part of any unit on this list when replaced concurrently with the unit.

Terminating cables: All of the cables and forms used for terminating one cable.

A complete cross-connecting cable terminal, protected or unprotected, with or without associated balcony, pole seat, etc.

A pressure contactor terminal, with or without contactor.

A complete house terminal, protected or unprotected, including frame type.

A complete video terminal.

A complete coaxial terminal.

A submarine cable hut or house.

A submarine cable anchorage.

A submarine cable terminating frame.

A case of equipment, such as loading coils, building-out capacitors, carrier line filters, or auto-transformers.

* * * * *

[F.R. Doc. 68-4526; Filed, Apr. 16, 1968; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18125; FCC 68-382]

FM BROADCAST STATIONS

Table of Assignments, Camden, S.C. et al.

In the matter of amendment of § 73.202 *Table of Assignments*, FM Broadcast Stations. (Camden, S.C., Brinkley, Ark., Concord, N.H., Pontiac, Ill., DuQuoin, Ill., Glasgow, Ky., Norman and Duncan, Okla., Glendive, Mont., Brandon and Sarasota, Fla., Columbia, S.C., Lynchburg, Va., Upper Sandusky and Galion, Ohio, and Altavista, Va.), Docket No. 18125, RM-1254, RM-1257, RM-1261, RM-1263, RM-1266, RM-1255, RM-1282, RM-1258, RM-1262, RM-1249, RM-1264, RM-1269, RM-1268.

1. Notice is hereby given of proposed rule making in the above-entitled matters, concerning amendments of the FM Table of Assignments in § 73.202(b) of the rules. All the proposed assignments are alleged and appear to conform to the minimum spacing requirements of the Rules. All proposed assignments within 250 miles of the United States-Canadian border require coordination with the Canadian Government, under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. Except as noted, all channels proposed for shift or deletion are unoccupied and not applied for, and all population figures are from the U.S. 1960 Census.

2. *RM-1254, Camden, S.C.* (Kershaw County Broadcasting Co.); *RM-1257, Brinkley, Ark.* (Tri-County Broadcasting Co.); *RM-1261, Concord, N.H.* (Capitol Broadcasting Corp.); *RM-1263, Pontiac, Ill.* (Gem Radio Stations); *RM-1266, DuQuoin, Ill.* (DuQuoin Broadcasting Co.). In these five cases, interested parties are seeking the assignment of a first Class A channel in a community, without requiring any other changes in the table. The communities range in size from 4,636 to 28,991 in population. They all appear to warrant the requested assignments and so comments are invited on the following requested additions to the Table:

City	*Channel No.*
Brinkley, Ark.	272A
DuQuoin, Ill.	240A
Pontiac, Ill.	224A, 276A, or 292A
Concord, N.H.	[1] 288A
Camden, S.C.	232A

[1] A site for this assignment will have to be selected about 3 miles NE of Concord in order to conform to the minimum spacing rules.

3. *RM-1255, Glasgow, Ky.* In a petition for rule making filed on February 13, 1968, John M. Barrick, licensee of Station WCDS(AM), Glasgow, Ky., requests the assignment of a second FM channel to Glasgow as follows:

City	Channel No.	
	Present	Proposed
Glasgow, Ky.	236	236, 288A

Glasgow has a population of 10,069 and Barren County, of which it is the seat and largest community, has a population of 28,303. In addition to an FM station operating on Channel 236, it has two AM stations, a Class IV and a daytime-only. Barrick submits that Glasgow is in the heart of an agricultural area in southcentral Kentucky, that there are 300 retail trade establishments in it, that the total retail sales in 1960 were $22 million, and that its trading area population is about 100,000. It is urged that the proposal would provide a much needed additional FM station without requiring any other changes in the table.

4. Petitioner also submits an engineering statement showing that there would be no areas precluded by virtue of the addition of Channel 288A to Glasgow on all the six adjacent channels due to existing stations and assignments in the general area. With respect to Channel 288A, it shows that there will be an area so precluded but that all the communities therein are either smaller than 1000 persons or have assigned a channel or requested one in another rule making proceeding. Thus, petitioner concludes that the assignment of a second channel to Glasgow will have no adverse effect on future needed assignments in other communities. Finally, petitioner indicates that sites are available about 6 miles south of Glasgow from which all the requirements of the rules can be met.

5. It would appear that the local radio needs of Glasgow can be met by the present Class C assignment and the two AM stations operating there. However, in view of the preclusion showing submitted with the petition purporting to show compliance with our May 12, 1967, Public Notice, Policy to Govern Requests for Additional FM Assignments, we are of the view that comments should be invited on the Barrick proposal outlined above.[2]

6. *RM–1258, Norman and Duncan, Okla.* On February 19, 1968, the University of Oklahoma, licensee of Radio Station WNAD(AM), filed a petition requesting rule making looking toward the assignment of a first FM channel to Norman, Okla., by making a change in the assignment to Duncan, Okla., as follows:

City	Channel No.	
	Present	Proposed
Norman, Okla.		292A
Duncan, Okla.	293	244A or 272A

Norman has a population of 33,412 persons. While it has a Class IV AM station and a daytime-only station licensed to petitioner, it has no commercial FM assignments. Duncan, in which petitioner proposes one or more Class A assignments, in lieu of the present Class C assignment, has a population of 20,009. It has a Class IV AM station in operation.

7. Petitioner submits that Norman needs a first commercial FM assignment since it is the county seat and largest community in Cleveland County (population 47,600) and since it is the home of the University of Oklahoma and the area's center "for commercial, educational, social and cultural life". The University states that it will seek to establish a first local commercial FM station to serve the needs of the entire community as well as those of the student body and faculty of the University. It asserts that none of the nearby Oklahoma City stations (about 18 miles) provide a broadcast service featuring the activities of the University and the community of Norman. While recognizing that some of these needs could be met by a noncommercial educational station, such as the former WNAD–FM,[2] petitioner urges a commercial assignment in order to make additional sources of revenue available and in order to permit students to receive practical training in all aspects of commercial broadcasting. Petitioner also submits an engineering showing to indicate that the proposed assignment of Channel 292A to Norman would not preclude assignments in any other community which is either as large as Norman or does not already have FM assignments. A similar showing is made with respect to Channel 244A and Channel 272A at Duncan.

8. We are of the view that a sufficient showing of merit has been made to warrant the institution of rule making on the petitioner's proposal. The assignment of a Class A channel in Duncan in place of the present Class C does not appear to be a serious disadvantage to the proposal since it appears that little, if any area, would be without FM service due to the Class C assignments in communities surrounding Duncan. We therefore invite comments on the proposal as outlined above.

9. *RM–1262, Glendive, Mont.* In a petition filed on February 28, 1968, Christian Enterprises, Inc., licensee of Radio Station KGLE(AM), Glendive, Mont., requests the addition of Channel 243 to Glendive, Mont., as follows:

City	Channel No.	
	Present	Proposed
Glendive, Mont.	232A	232A, 243

Glendive, located in the east central portion of Montana, has a population of 7,058, and its county has a population of 12,314. It is presently served by two AM stations, the daytime-only station licensed to petitioner, and a Class IV station. No applications have been filed for the Class A channel available to it.

10. Petitioner states that Glendive is the trade center for many smaller towns within a radius of 50 miles and that the principal industry is farming and ranching. Due to the limited AM coverage of the stations in the community and others, petitioner claims there is a large area without radio service at night including many towns such as Circle, Terry, Fallon, and Brockway. Finally, it is asserted that in the event the Class C assignment is made to Glendive, petitioner will file an application specifying a minimum of 50 kw power.

11. Normally, a community such as Glendive would be assigned a Class A FM channel, as was done in this case. However, in view of the claims of petitioner that a large "white area" would be served at night, we are inviting comments on the proposal.

12. *RM–1249, Brandon and Sarasota, Fla.* Brandon, Florida, is a small community of 1,665 persons located about 10 miles east of Tampa and within the Tampa-St. Petersburg SMSA. It has no radio station. Sarasota, about 40 miles south of Tampa, has a population of 34,083. It has one Class C station in operation, and two Class A assignments, one of which is in operation. In addition it has four AM stations, one unlimited time, one Class IV, and two daytime-only stations. In a petition filed on January 31, 1968, and amended on February 27, 1968, Albert B. Gale, prospective applicant for a new FM station in Brandon, filed a petition for rule making looking toward the removal of one of the Class A channels from Sarasota and its assignment to Brandon as follows:

City	Channel No.	
	Present	Proposed
Brandon, Fla.		292A
Sarasota, Fla.	273, 288A, 292A	273, 288A

Since Station WSPB–FM operates on Channel 292A at Sarasota and Channel 288A is unoccupied there, petitioner also requests that we order the licensee of this station to show cause why its authorization should not be modified to specify operation on Channel 288A in lieu of 292A. Gale further states that he will bear any expense involved in the proposed change.

13. Petitioner submits that Brandon is a separate community from Tampa with its own city government etc. Gale states that it is one of the fastest growing communities in Florida and that the Brandon Chamber of Commerce estimates it to have a present population of from 9,000 to 10,000 persons. As evidence of the need for a first radio outlet in the community, Gale ataches a number of letters from civic, business, and religious leaders in the community testifying to the need for such a local outlet. In response to the showing requested in the May 12, 1967, public notice concerning additional FM assignments. Gale submits an engineering statement which concludes that the proposed shift of Channel 292A from Sarasota to Brandon would not preclude future needed

[2] On Feb. 14, 1968, the licensee relinquished the license for its educational FM station.

[3] On Apr. 2, 1968, Glasgow Broadcasting Co., licensee of WKAY and WGGC–FM in Glasgow, filed an opposition to the Barrick proposal. This opposition will be considered in the proceeding.

assignments due to existing stations and assignments in the general area.[4]

14. We are of the view that we should institute rule making on the subject proposal in order that all interested parties may file their comments and relevant data. Comments are therefore invited on the Gale proposal as outlined above. Further action will be taken with respect to the authorization for WSPB–FM in light of the decision made on the petition for rule making.

15. *RM–1264, Columbia, S.C.* In a petition filed on March 1, 1968, Cosmos Broadcasting Corp., licensee of Radio Station WIS(AM), Columbia, S.C., requests the addition of Class A Channel 228 to Columbia to the two Class C assignments there as follows:

City	Channel No.	
	Present	Proposed
Columbia, S.C.	250, 284	228A, 250, 284

Columbia has a population of 97,433 and its SMSA has a population of 300,102. The two Class C FM assignments are in operation as are five AM stations, two unlimited time, two Class IV, and one daytime-only.

16. Cosmos states that the growth of Columbia and its county have been significant and estimates the 1967 population of the city as 107,300 and that of the county as 236,700 persons. It submits that the total retail sales for 1966 were $255,949,000 and $380,044,000 for the city and county respectively. It urges that the additional FM assignment falls within the general criteria used in making up the table. In order to show compliance with our announced policy for additional assignments in the larger markets, petitioner attaches an engineering statement which shows that no assignments will be precluded in any areas on the six pertinent adjacent channels. On Channel 228A itself, it shows that there is only a very small area in which this channel would be precluded in the event it is assigned to Columbia and that the only community of any significant size (Camden) therein already has a request for an FM assignment (RM–1254 considered herein above). Thus, Cosmos concludes that the assignment of a third FM channel to the large and growing community of Columbia would have no adverse effects on future needed assignments elsewhere.

17. We are of the view that a sufficient showing has been made by petitioner to warrant rule making in this case. Since the proposal would however mix a Class A with the present Class C assignments, something we have tried to avoid insofar as possible, we invite comments on this aspect of the proposal as well.

18. *RM–1269, Lynchburg, Va.* On March 8, 1968, Griffith Broadcasting Corp., licensee of Radio Station WLLL (AM), Lynchburg, Va., filed a petition requesting the assignment of a third Class A channel to Lynchburg, Va., as follows:

City	Channel No.	
	Present	Proposed
Lynchburg, Va.	261A, 269A	261A, 269A, 296A

Lynchburg has a population of 54,790 and its SMSA has a population of 110,701. The two Class A FM channels are in operation as are two unlimited time AM stations and three daytime-only AM stations in Lynchburg.

19. Petitioner urges that assignment of a third Class A channel in view of the fact that Lynchburg is a metropolitan area and particularly because it has not received any Class C assignments. An engineering showing is attached which indicates that on all the pertinent six adjacent channels no areas would be precluded by virtue of the proposed addition of Channel 296A. It is conceded that there would be an impact area on Channel 296A but no indication of this area is given.

20. We are of the view that rule making comments should be invited on the petitioner's proposal. However, any decision we make will depend upon a showing of the area to be precluded by the assignment of Channel 296A to Lynchburg, the communities therein which do not have an FM assignment, and the availability of other channels in the future for these communities.[5]

21. *RM–1268, Upper Sandusky and Galion, Ohio.* Wyandot Broadcasting Co., prospective applicant for a new FM station in Upper Sandusky, Ohio, in a petition filed on March 8, 1968, requests the assignment of Channel 240A to Upper Sandusky, Ohio, by substituting Channel 272A for 240A at Galion as follows:

City	Channel No.	
	Present	Proposed
Galion, Ohio	240A	272A
Upper Sandusky, Ohio		240A

Upper Sandusky, the county seat and largest community in Wyandot County, has a population of 4,941 and the county has 21,648. It has no radio station. Petitioner states that it needs a first broadcast outlet in view of the civic, business, and organizational activities of the community. There is no application pending for the present Galion assignment and petitioner urges that the proposal would have no adverse effect on future needed assignments elsewhere.

22. We are of the view that the institution of rule making is warranted in this case and invite comments on the petitioner's proposal as outlined above.

23. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

24. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before May 13, 1968, and reply comments on or before May 27, 1968. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

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

Adopted: April 10, 1968.

Released: April 12, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68–4527; Filed, Apr. 16, 1968; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18126; FCC 68–383]

EDUCATIONAL TV BROADCASTING STATION

Table of Assignments, Huntington, W. Va.

In the matter of amendment of the table of assignments in § 73.606(b) of the Commission rules and regulations to substitute Channel 33 for Channel 67 at Huntington, W. Va., Docket No. 18126, RM–1237.

1. On January 5, 1968, the West Virginia Educational Broadcasting Authority filed a petition (RM–1237) requesting the substitution of Channel 17 for Channel 67 at Huntington, W. Va., and that it be reserved for educational use. Channel 67 is currently reserved for educational use in Huntington and the petitioner holds a construction permit (BPET–285) to construct a new educational TV broadcasting station, WMUL–TV, to operate thereon. Construction has not yet begun.

2. In support of its petition it is claimed that operation on Channel 17 would provide better coverage over the mountainous terrain in the Huntington

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[4] While it is true that the move would not preclude any areas from the use of all the six adjacent channels, if Channel 292A is deleted from Sarasota and not assigned to Brandon, it could be used in a number of larger communities presently without an FM assignment, such as Mulberry, Fort Meade, Avon Park, Bartow, and Wauchula. Comments should also be directed to this aspect of the proposal. Our decision in this case will not be limited to a determination of whether or not Channel 292A should be moved to Brandon alone.

[5] A conflicting petition RM–1282, requesting the assignment of Channel 296A to Altavista, Va., a community of 3,299, as its first FM assignment, was filed on March 28, 1968, by Altavista Broadcasting Co. This petition will be considered along with the Lynchburg petition in this proceeding and comments are therefore invited on this proposal also.

[6] Commissioners Bartley, Cox and Johnson dissenting to the proposals for Glasgow, Kentucky; Brandon, Florida; Columbia, South Carolina and Lynchburg, Virginia.

area because of the technical superiority of the lower UHF television broadcast channels. An engineering study accompanying the petition shows that if Channel 31 is deleted from Williamson, W. Va., Channel 17 could be assigned to Huntington for use at the authorized site of WMUL–TV and would comply in all respects with the geographic separations specified in the Commission Rules. The petitioner proposes to replace Channel 31 with Channel 45 at Williamson. The petitioner acknowledges that the standard reference point in Huntington is only 10.1 miles from the site of WKAS, Channel 25, Ashland, Ky., and the required geographic separation between stations operating 8 channels apart is 20 miles. However, the site at which Channel 17 would be used is 14 miles northeast of the Huntington standard reference point and 22 miles from the site of WKAS. Therefore, no violation of the required separations would occur.

3. The Commission has used its electronic computer to confirm the data supplied by the petitioner with regard to geographic separations. It has also examined the effect of the proposal on the overall efficiency of the assignment plan. The study shows that either Channel 17 or Channel 33 may be substituted for Channel 67 at the authorized WMUL–TV site. Both could be used in a somewhat restricted area which includes the WMUL–TV site but not the standard reference point in Huntington. Since it is unlikely that these channels could be used elsewhere, the use of either one at the WMUL–TV site amounts to finding an extra channel in an area where channels are considered to be scarce. Channel 67 which has substantially greater geographic flexibility would be released for use elsewhere.

4. Channel 33 may be assigned for use at the WMUL–TV site without making other changes in the table of assignments. The assignment of Channel 17 would require the deletion of Channel 31 at Williamson and replacement with Channel 45. The computer study shows that Channel 45 at Williamson would have a substantially greater impact on the pool of unassigned but available channels than Channel 31 at Williamson and in view of the scarcity of channels in the area, this result should be avoided.

5. In view of the improved efficiency that will result if Channel 33 is substituted for Channel 67 at Huntington, the Commission finds sufficient merit in the petition to institute rule making. Because of the limited supply of channels, the controlling factor in the assignment of television channels must continue to be the efficiency of allocation rather than any difference of propagation between channels. Adherence to this policy is essential to the orderly and efficient administration of the freely intermixed nationwide television assignment plan.

6. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the table of assignments in § 73.606(b) of the Commission rules by substituting Channel 33 for Channel 67 at Huntington, W. Va., and reserving Channel 33 for educational use.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments or before May 16, 1968, and reply comments on or before May 27, 1968. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

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

Adopted: April 10, 1968.

Released: April 12, 1968.

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

[F.R. Doc. 68–4528; Filed, Apr. 16, 1968; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18127; FCC 68–384]

FM BROADCAST STATIONS

Table of Assignments, San Fernando and Lancaster, Calif.

In the matter of amendment of § 73.202 *Table of Assignments*, FM Broadcast Stations (San Fernando and Lancaster, Calif.), Docket No. 18127.

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

2. At the present time there are assigned to San Fernando, Calif., FM Channels 232A and 292A. Station KVFM operates on Channel 232A and KSFV previously operated on Channel 292A. This community, with a population of 16,093,[2] is located within the Los Angeles Urbanized Area and Standard Metropolitan Statistical Area. It also has an unlimited time AM station. The license of KSFV was deleted effective March 20, 1968, after an evidentiary hearing in Docket No. 17198. The original construction permit for the station was issued prior to the adoption of the present separation rules and assignment table in Docket No. 14185. Retention of Channel 292A would involve three serious short spacings, two with second adjacent channel stations in Los Angeles and Pasadena (less than 20 miles from each), and one with a cochannel station in Santa Ana (less than 50 miles). The required spacings for the above stations are 40 miles, and 65 miles, respectively.

3. Lancaster, Calif., is a community of 26,012,[2] located about 45 miles north of Los Angeles. It has an unlimited time AM station and a daytime-only AM station but no FM assignment Channel 292A, if removed from San Fernando, could be assigned to Lancaster in conformance with all the rules provided a site is used about 2 miles north of the community. Channel 300 was formerly assigned to Lancaster but was shifted to another community. See Docket No. 16212, RM–837, first report and order, issued February 25, 1966. In view of the short spacings, the relative size of the two communities, the available local radio outlets, and the possibility of utilizing the channel at standard spacings, it is proposed to delete Channel 292A from San Fernando and to assign it to Lancaster, as follows:

City	Channel No.	
	Present	Proposed
Lancaster, Calif.		292A
San Fernando, Calif.	232A, 292A	232A

4. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before May 13, 1968, and reply on or before May 27, 1968. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

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

Adopted: April 10, 1968.

Released: April 12, 1968.

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

[F.R. Doc. 68–4529; Filed, Apr. 16, 1968; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18110]

STANDARD, FM AND TELEVISION BROADCAST STATIONS

Multiple Ownership

In the matter of amendment of §§ 73.35, 73.240 and 73.636 of the Commission rules relating to multiple ownership of standard, FM and television broadcast stations, Docket No. 18110.

The notice of proposed rule making, FCC 68–332, in the above entitled matter, released March 28, 1968, and published in the FEDERAL REGISTER on April 3, 1968, 33 F.R. 5315, is corrected as set forth below. The new material involves simply redesignation of paragraph changes.

Released: April 12, 1968.

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

[1] Chairman Hyde absent.

[2] From 1960 U.S. Census.

[1] Chairman Hyde absent.

1. It is proposed to amend § 73.35 of the Commission's rules by adding paragraph (c) and Note 4, as follows:

§ 73.35 Multiple ownership.

* * * * *

(c) Such party directly or indirectly owns, operates, or controls an FM or a television station in the market applied for.

* * * * *

NOTE 4: Paragraph (c) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with §§ 1.540(b) or 1.541 (b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy. Said paragraph will apply to all applications for new stations as well as to all other applications for assignment of license or transfer of control.

2. It is proposed to amend § 73.240 of the Commission's rules by adding paragraph (a) (3) and Note 4, as follows:

§ 73.240 Multiple ownership.

(a) * * *

(3) Such party directly or indirectly owns, operates, or controls an unlimited time standard broadcast station or a television station in the market applied for.

* * * * *

NOTE 4: Paragraph (a) (3) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with § 1.540(b) or 1.541(b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy. Said paragraph will apply to all applications for new stations as well as to all other applications for assignment of license or transfer of control.

3. It is proposed to amend § 73.636 of the Commission's rules by adding paragraph (a) (3) and Note 4, as follows:

§ 73.636 Multiple ownership.

(a) * * *

(3) Such party directly or indirectly owns, operates, or controls an unlimited time standard broadcast station or an FM station in the market applied for.

* * * * *

NOTE 4: Paragraph (a) (3) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with § 1.540(b) or 1.541(b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy. Said paragraph will apply to all applications for new stations as well as to all other applications for assignment of license or transfer of control.

[F.R. Doc. 68-4536; Filed, Apr. 16, 1968; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

THEODORE R. FELLOWES

Notice of Granting of Relief

Notice is hereby given that Theodore R. Fellowes, 9245 16th Avenue SW., Seattle, Wash., has applied pursuant to section 10 of the Federal Firearms Act (15 U.S.C. 910), for relief from disabilities under the Act incurred by reason of his conviction on April 10, 1952, in the U.S. District Court, Seattle, Wash., of a violation of the Universal Military Training and Service Act by refusing service in the Armed Forces, a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Theodore R. Fellowes, because of such conviction, to ship, transport or cause to be shipped or transported in interstate or foreign commerce any firearms or ammunition or to receive firearms or ammunition so shipped, and he would be prevented from obtaining a license under the Act as a firearms dealer or firearms manufacturer. Notice is further given that I have considered Theodore R. Fellowes' application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of the Federal Firearms Act or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the aforementioned conviction and Theodore R. Fellowes' record and reputation are such that the granting to Theodore R. Fellowes of relief from disabilities under the Federal Firearms Act incurred by reason of his conviction would not be contrary to the public interest:

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 10 of the Federal Firearms Act (15 U.S.C. 910) and delegated to me by Treasury Decision 6897 (26 CFR 177.31(c)), that Theodore R. Fellowes be, and he hereby is, granted relief from any and all disabilities under the Federal Firearms Act, as amended, incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 9th day of April 1968.

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

[F.R. Doc. 68-4573; Filed, Apr. 16, 1968; 8:51 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEPUTY SECRETARY OF DEFENSE

Delegation of Authority

The Secretary of Defense approved the following delegation of authority March 1, 1968:

Reference: DoD Directive 5105.2, "Delegation of Authority to Deputy Secretary of Defense," July 1, 1967 (hereby canceled).

I. *Delegation of authority.* In accordance with the provisions of section 133(d) of title 10, United States Code, I hereby delegate to Deputy Secretary of Defense Paul H. Nitze full power and authority to act for the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to law.

The authority delegated herein may not be redelegated.

II. *Cancellation.* Reference Directive is canceled (32 F.R. 10268).

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

[F.R. Doc. 68-4507; Filed, Apr. 16, 1968; 8:45 a.m.]

TRANSITION TRAINING AND EDUCATION

The Deputy Secretary of Defense approved the following March 16, 1968:

Reference: Secretary of Defense Memorandum to Secretaries of the Military Departments, "Project Transition," June 12, 1967 (hereby canceled).

I. *Purpose.* This Directive establishes Department of Defense guidelines governing the development of a continuing program (hereafter referred to by the short title, "Transition Program") to provide educational and vocational training and job counseling for enlisted personnel prior to their release from active duty to prepare them for post-service life and assigns responsibility for carrying out its provisions.

II. *Applicability.* The provisions of this Directive apply to the Military Departments and encompass all enlisted personnel "eligible" for Transition as defined under IV. D., below.

III. *Cancellation.* The referenced memorandum is hereby canceled.

IV. *Policy guidance.* A. Military personnel returning to civilian life are often faced with serious problems in finding employment in the civilian economy. Such problems affect both short-term personnel whose military training is frequently of limited applicability in the economy at large, and retirees. National policy has for many years, and to a continually increasing extent, provided for assisting veterans to become useful members of the civilian community. The President has set forth Department of Defense responsibility basic to the Transition Program when he stated, "There are, of course, some military specialists whose training does not lead directly to civilian employment. To help them, I have asked the Secretary of Defense to make available, to the maximum extent possible, in-service training and educational opportunities which will increase their chances for employment in civilian life."

B. To provide Transition training, education, and employment assistance to separating personnel, the Department of Defense will:

1. Provide financial resources, manpower support and training within established Department of Defense training and educational programs.

2. Work with governmental agencies having national training and employment responsibilities and resources (e.g., the Departments of Health, Education, and Welfare, Labor, Commerce, Post Office, and the Veterans Administration).

3. Enlist the cooperation of Federal, State and local governments in their roles as trainers or employers.

4. Develop cooperative arrangements with individual employers, labor unions and similar private organizations for provision of training resources and placement opportunities.

5. Enlist the support of nonprofit agencies including foundations, community relations organizations and the like.

C. To assure that the Transition Program is coordinated with efforts to provide maximum interest in, and acceptance of, military careers by individuals possessing the proper aptitudes, skills and interests, the Military Departments may:

1. Utilize the Transition Program as an initial enlistment incentive.

2. Accomplish a systematic presentation of reenlistment opportunities to personnel concerned, prior to their exposure to the Transition Program.

3. Provide the opportunity, with appropriate incentives, for reenlistment in newly acquired skills of personnel who have successfully completed Transition training.

D. Enlisted personnel with 6 months or less of active duty remaining, prior to their separation or retirement, are eligible for Transition training, education, and allied counseling and civilian employment assistance. Excluded from eligibility are personnel serving active duty assignments under section 511(d),

Title 10, United States Code, or who have completed less than 181 days of active duty service.

V. *Responsibilities.* A. The Assistant Secretary of Defense (Manpower and Reserve Affairs), ASD (M&RA), shall:

1. Provide guidance to the Military Departments on implementation and operation of the program.

2. Coordinate with the organizations in the public and private sector for program support.

3. Monitor program progress.

4. Evaluate program effectiveness.

5. Report to Secretary of Defense on program progress and accomplishment.

B. The Secretaries of the Military Departments shall develop Transition training, education and vocational counseling programs to encompass four major areas:

1. Identification and counseling of eligibles.

2. Development of education and training-employment "systems."

3. Provision of job seeking assistance.

4. Reporting and followup.

VI. *Reporting.* The ASD (M & RA) will establish a reporting system to obtain from the Military Departments timely and continuing information on Transition progress and accomplishments. He will also report to the Secretary of Defense in a summary and analytic manner on July 20, 1968, and every 6 months thereafter on the progress of the program.

VII. *Effective date.* This Directive is effective immediately.

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

[F.R. Doc. 68-4506; Filed, Apr. 16, 1968; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-3436]

COLORADO

Notice of Classification of Public Lands for Multiple Use Management

APRIL 9, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, the public lands within the areas described below together with any lands therein that may become public lands in the future are hereby classified for multiple use management. Publication of this notice segregates all the described lands from appropriation only under the agricultural land laws (43 U.S.C. Chapters 7 and 9; 25 U.S.C. 334); from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). All the described lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used in this order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No protests or objections were received following publication of a notice of proposed classification (33 F.R. 2719), or at the public hearing held on March 6, 1968 at Kremmling, Colo. The record showing the comments received and other information is on file and can be examined in the Glenwood Springs District Office, Bureau of Land Management, Glenwood Springs, Colo. The public lands affected by this classification are located within the following described area and are shown on a map designated by Serial No. C-3436 in the Glenwood Springs District Office, Bureau of Land Management, Glenwood Springs, Colo., and at the Land Office, Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLORADO

GRAND COUNTY

Block A

T. 3 N., R. 81 W.,
Secs. 3 and 11.
T. 4 N., R. 81 W.,
Secs. 4 to 10, inclusive;
Secs. 17, 18 and 34.
T. 5 N., R. 82 W.,
Secs. 19 to 22, inclusive;
Secs. 28 to 33, inclusive.
T. 5 N., R. 81 W.,
Sec. 25.

The public lands described in this block aggregate approximately 5,000 acres.

Block B

T. 1 N., R. 75 W.,
Sec. 31.
T. 1 N., R. 76 W.,
Secs. 1 to 5, inclusive;
Secs. 7 to 15, inclusive;
Secs. 17, 18 and 20;
Secs. 22 to 26, inclusive;
Secs. 31, 32 and 35.
T. 2N., R. 76 W.,
Secs. 4 and 6;
Secs. 17 to 20, inclusive;
Secs. 22, 23, 25 and 26.
T. 3 N., R. 76 W.,
Secs. 19 to 21, inclusive;
Secs. 28 and 29;
Secs. 31 to 33, inclusive.
T. 1 N., R. 76½ W.,
Secs. 1 and 12.
T. 1 N., R. 77 W.,
Secs. 3 to 6, inclusive;
Secs. 8 to 11, inclusive;
Secs. 14, 15 and 17.
T. 2 N., R. 77 W.,
Secs. 11, 13 and 14;
Secs. 23 to 28, inclusive;
Secs. 32 to 36, inclusive.
T. 3 N., R. 77 W.,
Secs. 25 and 35.
T. 1 N., R. 78 W.,
Secs. 1 and 12.
T. 1 S., R. 76 W.,
Secs. 6 to 8, inclusive;
Secs. 17, 18, 20 and 21.
T. 1 S., R. 77 W.,
Secs. 1, 2 and 12.

The public lands described in this block aggregate approximately 21,000 acres.

Block C

T. 1 N., R. 78 W.,
Sec. 15;
Secs. 19 to 22, inclusive;
Sec 27.
T. 1 N., R. 79 W.,
Sec. 11;
Secs. 13 to 23, inclusive;
Secs. 25 to 27, inclusive;
Secs. 30 to 35, inclusive.
T. 1 N., R. 80 W.,
Secs. 13 to 15, inclusive;
Secs. 19 to 26, inclusive;
Secs. 28 to 36, inclusive.
T. 1 N., R. 81 W.,
Secs. 6 to 8, inclusive;
Sec. 13;
Secs. 17 to 24, inclusive;
Secs. 26 to 35, inclusive.
T. 1 S., R. 78 W.,
Secs. 4 and 5;
Secs. 7 to 9, inclusive;
Secs. 17, 18, 20, 28, 33 and 34.
T. 1 S., R. 79 W.,
Secs. 5 to 7, inclusive;
Secs. 12, 13, 18 and 24.
T. 1 S., R. 80 W.,
Secs. 1 to 6, inclusive;
Secs. 8 to 11, inclusive;
Secs. 13 to 15, inclusive;
Secs. 17, 20, 21, 23, 26 and 28;
Secs. 33 to 36, inclusive.

The public lands described in this block aggregate approximately 21,000 acres.

Block D

T. 1 S., R. 81 W.,
Sec. 1;
Secs. 5 to 9, inclusive;
Sec. 15;
Secs. 17 to 23, inclusive;
Secs. 27 and 28;
Secs. 30 to 35, inclusive.

The public lands described in this block aggregate approximately 6,000 acres.

Block E

T. 1 S., R. 82 W.,
Secs. 1, 3, 6, and 7;
Secs. 10 to 15, inclusive;
Sec. 17;
Secs. 19 to 35, inclusive.

The public lands described in this block aggregate approximately 8,000 acres.

The total area of public lands described aggregate approximately 61,000 acres.

3. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-4510; Filed, Apr. 16, 1968; 8:45 a.m.]

COLORADO; CHIEF, DIVISION OF ADMINISTRATION, AND DISTRICT MANAGERS

Notice of Delegation of Purchasing Authority

APRIL 9, 1968.

A. Pursuant to delegation of authority contained in Bureau Manual 1510.03C, the Chief, Division of Administration,

State Office, and District Managers are authorized:

1. Negotiated contracts. May enter into negotiated contracts without advertising pursuant to section 302(c)(2) of the FPAS Act, as amended, for rental of equipment and aircraft covered by offer agreements necessary for the purpose of emergency fire suppression.

2. Open market purchasing. May enter into contracts pursuant to section 302(c)(3) of the FPAS Act, as amended, for supplies and services, excluding capitalized and major noncapitalized property, not to exceed $2,500; and contracts for construction not to exceed $2,000: *Provided*, That the requirement is not available from established sources of supply.

3. Established sources of supply. There is no dollar limitation for the above designated employees if the contract is for supplies or services from prescribed or mandatory sources of supply, such as GSA for stores items or existing GSA or BLM open-end contracts for tires, equipment repair, etc.

B. District Managers may redelegate the authority granted above.

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-4511; Filed, Apr. 16, 1968; 8:45 a.m.]

[Serial No. U-4445]

UTAH

Notice of Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in Title 43 CFR Parts 2410 and 2411, the public lands within the area described below, together with any lands therein that may become public lands in the future, are classified for multiple use management. Publication of this notice segregates the described lands from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including mining and mineral leasing laws, and to State selections providing said selections are made on a management area basis, except as described in paragraph 3 below. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a federal use or purpose.

2. The public lands affected are those administered by the Richfield district, Bureau of Land Management, located within the following described area of Emery, Piute, Sevier, Wayne, and Garfield Counties, Utah:

Bounded on the north and east by the Bureau of Land Management's Price-Richfield district boundary (generally following Muddy Creek), on the south by the Fremont River and the Capitol Reef National Monument, and on the west by the Fishlake National Forest.

Also, an area bounded on the north and east by the Fishlake National Forest and the Capitol Reef National Monument, on the south by the Dixie National Forest, and on the west by a line extending northerly from a point on the Dixie National Forest boundary at the southwest corner of section 33, T. 30 S., R. 1 W., SLM, to a point on the Fishlake National Forest boundary at the northwest corner of section 34, T. 26 S., R. 1 E., SLM, as indicated on the official records in the Bureau of Land Management State office in Salt Lake City and the Richfield district office.

The area described aggregates approximately 682,473 acres of public domain land.

3. Publication of this notice also has the effect of segregating the lands described below from entry or location under the general mining laws, but not the mineral leasing laws:

SALT LAKE MERIDIAN UTAH

T. 26 S., R. 5 E.,
Sec. 34, SE¼SE¼;
Sec. 35, SW¼, S½S½SE¼.
T. 27 S., R. 5 E.,
Sec. 3, S½NE¼, Lots 1 and 2, W½SE¼, W½E½SE¼, E½SE¼SW¼;
Sec. 4, S½NE¼, N½SE¼, SE¼NW¼, NE¼SW¼.
T. 27 S., R. 6 E.,
Sec. 24, E½NE¼SE¼.
T. 27 S., R. 7 E.,
Sec. 19, NW¼SW¼, W½NE¼SW¼, N½S½SW¼, E½E½NE¼;
Sec. 20, S½NW¼NW¼, N½SW¼NW¼, NW¼SW¼.

The area described above aggregates 1,035.67 acres.

4. For a period of 30 days from date of publication of this notice in the FEDERAL REGISTER, interested persons may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

R. D. NIELSON,
State Director.

[F.R. Doc. 68-4512; Filed, Apr. 16, 1968; 8:45 a.m.]

CHIEF, DIVISION OF ADMINISTRATION/ADMINISTRATIVE OFFICER, PRICE, UTAH

Delegation of Authority Regarding Contracts and Leases

A. Pursuant to delegation of authority contained in Bureau Manual 1510.03B2d, the Chief, Division of Administration/Administrative Officer, Price District, Utah, is authorized:

1. To enter into contracts with established sources for supplies and services, excluding capitalized and major noncapitalized equipment, regardless of amount, and

2. To enter into contracts on the open market for supplies and materials, excluding capitalized and major noncapitalized equipment, not to exceed $1,000 per transaction, provided the requirement is not available from the established sources, and

3. To enter into negotiated contracts without advertising pursuant to section 302(c)(2) of the FPAS Act, as amended, for rental of equipment and aircraft covered by offer agreements necessary for the purpose of emergency fire suppression, and

4. To enter into contracts for construction and land treatment not to exceed $2,000 per transaction.

B. This authority may not be further redelegated.

LORIN J. WELKER,
District Manager.

[F.R. Doc. 68-4513; Filed, Apr. 16, 1968; 8:46 a.m.]

National Park Service

FORT MATANZAS NATIONAL MONUMENT, FLA.

Cession and Acceptance of Jurisdiction

Notice is hereby given that: (1) By deed dated December 22, 1967, the United States obtained from the Governor of the State of Florida, a conveyance of exclusive jurisdiction over certain lands in St. Johns County, Fla., title and ownership of which are in the United States, and which comprise the entirety of the Fort Matanzas National Monument; and (2) that the United States has accepted such cession of jurisdiction.

A copy of the aforesaid deed ceding jurisdiction to the United States and copies of other conveyances and instruments relating to ownership of these lands by the United States are on file in the office of the National Park Service, Department of the Interior, Washington, D.C. The tracts affected by the conveyance and acceptance of exclusive jurisdiction contain 298.51 acres, more or less.

Acceptance of the aforesaid conveyance of exclusive jurisdiction was effected by letter of March 7, 1968, to the Governor of the State of Florida, from the Secretary of the Interior. This acceptance was subject to the reservations contained in the aforesaid deed from the State to the United States.

Done at the city of Washington, D.C., this 5th day of April 1968.

GEORGE B. HARTZOG, Jr.,
Director, National Park Service.

[F.R. Doc. 68-4514; Filed, Apr. 16, 1968; 8:46 a.m.]

GRAND CANYON NATIONAL PARK, ARIZ.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes

to negotiate a concession contract with Babbitt Brothers Trading Co. authorizing it to continue to provide concession facilities and services for the public at Grand Canyon National Park, Ariz., for a period of 20 years from January 1, 1968, through December 31, 1987.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: April 11, 1968.

EDWARD A. HUMMEL,
Assistant Director,
National Park Service.

[F.R. Doc. 68-4592; Filed, Apr. 16, 1968; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

[Docket No. 3977]

WASHINGTON LIVESTOCK AUCTION MARKET, INC.

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

On March 5, 1968, an order was issued instituting the following proceeding under Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.):

In re: Washington Livestock Auction Market, Inc., a corporation, Respondent, P. & S. Docket No. 3977 (33 F.R. 4954)

Such order, among other things, suspended and deferred the operation and use by the respondents of modifications of their current schedule of rates and charges to become effective on March 6, 1968, for a period of 30 days beyond the time such modifications would otherwise go into effect.

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

Done at Washington, D.C. on April 11, 1968.

DONALD A. CAMPBELL,
Administrator, Packers and
Stockyards Administration.

[F.R. Doc. 68-4518; Filed, Apr. 16, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BENZAMIDOOXYACETIC ACID

Notice of Extension of Temporary Tolerance

A temporary tolerance of 0.1 part per million for residues of the herbicide benzamidooxyacetic acid in or on sugar beet roots and tops was established at the request of the Gulf Oil Corp., Post Office Box 1166, Pittsburgh, Pa. 15230. This temporary tolerance will expire on April 28, 1968, and Gulf Oil Corp has requested an extension to permit addititonal tests in accordance with the temporary permit issued by the U.S. Department of Agriculture.

The Commissioner of Food and Drugs has determined that extension of this temporary tolerance will protect the public health; therefore, an extension has been granted that will expire April 28, 1969.

The action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and delegated to the Commissioner (21 CFR 2.120).

Dated: April 8, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-4546; Filed, Apr. 16, 1968; 8:48 a.m.]

CIBA AGROCHEMICAL CO.

Notice of Withdrawal of Petition Regarding Pesticides

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)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), CIBA Agrochemical Co., Post Office Box 1105, Vero Beach, Fla. 32960, has withdrawn its petition (PP 8F0647), notice of which was published in the FEDERAL REGISTER of October 18, 1967 (32 F.R. 14407), proposing the establishment of a tolerance of 0.1 part per million for residues of the herbicide *N*-(*p*-bromophenyl)-*N'*-methyl-*N'*-methoxyurea in or on the raw agricultural commodity potatoes.

Dated: April 5, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-4547; Filed, Apr. 16, 1968; 8:48 a.m.]

IMPERIAL CHEMICAL INDUSTRIES, LTD.

Notice of Filing of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2279) has been filed by Imperial Chemical Industries, Ltd., Bessemer Road, Welwyn Garden City, Hertfordshire, England, proposing an amendment to § 121.2569 *Resinous and polymeric coatings for polyolefin films* to provide for the safe use of montanic acid ethylene glycol-butylene glycol mixed diester as an optional component of resinous and polymeric coatings for polyolefin film for food-contact use.

Dated: April 5, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-4548; Filed, Apr. 16, 1968; 8:48 a.m.]

NORWICH PHARMACAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that three petitions have been filed by the Norwich Pharmacal Co., Norwich, N.Y. 13815, proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for the safe use of combination drugs containing (A) buquinolate, chlortetracycline, and arsanilic acid, (B) buquinolate, chlortetracycline, and 3-nitro-4-hydroxyphenylarsonic acid, and (C) buquinolate and chlortetracycline in low-calcium chicken feed:

1. As an aid in the prevention of coccidiosis caused by *E. tenella, E. maxima, E. necatrix,* and *E. acervulina;*
2. For treatment of chronic respiratory disease (air-sac infection) and bluecomb (nonspecific infectious enteritis);
3. For prevention of synovitis;
4. For growth promotion and feed efficiency; and
5. For improving pigmentation.

Dated: April 8, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-4549; Filed, Apr. 16, 1968; 8:48 a.m.]

WARNER-JENKINSON MANUFACTURING CO.

Notice of Filing of Petition Regarding Diluent for Color Additive Mixtures

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 (CADP 4) has been filed by Warner-Jenkinson Manufacturing Co., 2526 Baldwin Street, St. Louis, Mo. 63106, proposing that § 8.300 *Diluents in color additive mixtures for food use exempt from certification* be amended to provide for the safe use of dioctyl sodium sulfosuccinate as a diluent in color additive mixtures for food use with the restriction that no more than 9 parts per million be present in the finished food.

Dated: April 9, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-4550; Filed, Apr. 16, 1968; 8:49 a.m.]

[Docket No. FDC-D-109; NDA 10-285V]

WHITMOYER LABORATORIES, INC.

Carbarsone; Withdrawal of Approval of New-Drug Application

A Notice of Opportunity for Hearing was published in the FEDERAL REGISTER of February 1, 1968 (33 F.R. 2461), extending to Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pa. 17067, and to any interested person who might be adversely affected, an opportunity for a hearing on the proposal of the Commissioner of Food and Drugs to issue an order withdrawing approval on specified grounds of that part of new-drug application No. 10-285V that provides for the use of carbarsone in the feed of chickens.

Neither the applicant nor any interested person who might be adversely affected filed an appearance of election within the 30 days provided by said notice, and this is construed as an election by such persons not to avail themselves of the opportunity for a hearing. Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and delegated by him to the Commissioner (21 CFR 2.120), and on the grounds set forth in said notice, that part of new-drug application No. 10-285V that provides for the use of carbarsone in the feed of chickens is hereby withdrawn.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

Dated: April 8, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-4551; Filed, Apr. 16, 1968; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco), are hereby designated to serve as Acting Assistant Regional Administrator for Renewal Assistance, Region VI (San Francisco), during the absence of the Assistant Regional Administrator for Renewal Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Renewal Assistance: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Renewal Assistance, unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Renewal Assistance.
2. Chief, Project Planning and Engineering Branch.
3. Director, Field Service Division.

The designation effective January 25, 1967 (32 F.R. 4319, March 21, 1967) is hereby revoked.

Effective as of the 3d day of March, 1968.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 68-4554; Filed, April 16, 1968; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 68-49]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting and miscellaneous equipment, installations and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted, as described in this document during the period from July 25, 1967 to August 1, 1967 (List No. 30-67). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the items and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in Title 46, U.S. Code, section 1333 in Title 43, U.S. Code, section 198 in Title 50, U.S. Code, and section 632 in Title 14, U.S. Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which shall be in effect for a period of 5 years from the dates issued unless sooner canceled or suspended by proper authority.

LIFEBOATS

Approval No. 160.035/197/4, 18′ x 5.75′ x 2.42′ steel, oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement dwg. No. 18-2, Rev. G dated June 5, 1967, approved for 15-person capacity as a replacement in kind for an existing lifeboat requiring 15-person capacity, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective July 25, 1967. (It supersedes Approval No. 160.035/197/3 dated June 9, 1966, to show change in capacity.)

Approval No. 160.035/211/4, 22′ x 7.5′ x 3.17′ steel, oar-propelled lifeboat, 30-person capacity, identified by general arrangement dwg. No. 22-2, Rev. C dated July 6, 1967, approved for 31-person capacity as a replacement in kind for an existing lifeboat requiring 31-person capacity, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective July 31, 1967. (It supersedes Approval No. 160.035/211/3 dated July 13, 1966, to show change in construction.)

Approval No. 160.035/214/4, 20′ x 6.5′ x 2.67′ aluminum, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement dwg. No. 20-2, Alt. F dated May 29, 1967, approved for 20-person capacity as a replacement in kind for an existing lifeboat requiring 20-person capacity, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective July 28, 1967. (It supersedes Approval No. 160.035/214/3 dated May 19, 1964, to show change in construction and capacity.)

Approval No. 160.035/317/1, 20′ x 6′ x 2.5′ aluminum, oar-propelled lifeboat, 16-person capacity, identified by construction and arrangement dwg. No. 20-1B, Rev. E dated May 29, 1967, approved for 18-person capacity as a replacement in kind for an existing lifeboat

requiring 18-person capacity, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective July 31, 1967. (It supersedes Approval No. 160.035/217/0 dated May 19, 1964, to show change in construction and capacity.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1 or 2 not carrying passengers for hire.

Approval No. 160.047/535/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, and 12th and Graham Streets, Emporia, Kans. 66801, for distribution by the Bowman Products Division, Associated Spring Corporation (formerly the Bowman Products Co.), 850 East 72d Street, Cleveland, Ohio 44103, effective July 31, 1967. (It supersedes Approval No. 160.047/535/0 dated September 20, 1966, to show change in name of distributor.)

Approval No. 160.047/536/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, and 12th and Graham Streets, Emporia, Kans. 66801, for distribution by the Bowman Products Division, Associated Spring Corp. (formerly the Bowman Products Co.), 850 East 72d Street, Cleveland, Ohio 44103, effective July 31, 1967. (It supersedes Approval No. 160.047/536/0 dated September 20, 1966, to show change in name of distributor.)

Approval No. 160.047/537/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, and 12th and Graham Streets, Emporia, Kans. 66801, for distribution by the Bowman Products Division, Associated Spring Corp. (formerly the Bowman Products Co.), 850 East 72d Street, Cleveland, Ohio 44103, effective July 31, 1967. (It supersedes Approval No. 160.047/537/0 dated September 20, 1966, to show change in name of distributor.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/217/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G., Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, and 12th and Graham Streets, Emporia, Kans. 66801, for distribution by the Bowman Products Division, Associated Spring Corp. (formerly The Bowman Products Co.), 850 East 72d Street, Cleveland, Ohio 44103, effective July 31, 1967. (It supersedes Approval No. 160.048/217/0 dated September 20, 1966, to show change in name of distributor.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/352/0, Type II, Model SCBV, adult vinyl-dip coated unicellular plastic buoyant vest, dwg. No. 1001, Rev. 1 dated December 23, 1966, manufactured by Texas Water Crafters, Post Office Drawer 539, Wichita Falls, Tex. 76307, for Hurtsboro Oak Flooring Co., Inc., Hurtsboro, Ala. 36860, effective August 1, 1967.

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/101/1, Model No. 44–40H range for liquefied petroleum gas service, approved by the American Gas Associtaion, Inc., under Certificate No. 11–75–1.201, manufactured by Welbilt Corp., Garland Division, Welbilt Square, Maspeth, N.Y. 11378, effective August 1, 1967. (It supersedes Approval No. 162.020/101/0 dated August 3, 1962.)

Approval No. 162.020/102/1, Model No. 45–40H range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–75–1.301, manufactured by Welbilt Corp., Garland Division, Welbilt Square, Maspeth, N.Y. 11378, effective August 1, 1967. (It supersedes Approval No. 162.020/102/0 dated August 3, 1962.)

Approval No. 162.020/103/1, Model No. 46–40H range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(75–1.4 and –3.4).001, manufactured by Welbilt Corp., Garland Division, Welbilt Square, Maspeth, N.Y. 11378, effective August 1, 1967. (It supersedes Approval No. 162.020/103/0 dated August 3, 1962.)

Approval No. 162.020/104/1, Model No. 47–40H range for liquified petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(75–1.4 and –3.4).001, manufactured by Welbilt Corp., Garland Division, Welbilt Square, Maspeth, N.Y. 11378, effective August 1, 1967. (It supersedes Approval No. 162.020/104/0 dated August 3, 1962.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/2/0, Careystone asbestos-cement wallboard, asbestos-cement board type incombustible material, identical to that described in National Bureau of Standards' letter, file III–6, dated March 2, 1943, approved in a 3/16-inch thickness, manufactured by The Philip Carey Manufacturing Co., Lockland, Cincinnati, Ohio 45215, effective July 31, 1967. (It is an extension of Approval No. 164.009/2/0 dated July 31, 1962.)

Approval No. 164.009/3/0, Careystone sheathing, asbestos cement board type incombustible material, identical to that described in National Bureau of Standards' letter, file III–6, dated September 24, 1942, approved in a 3/16-inch thickness, manufactured by The Philip Carey Manufacturing Co., Lockland, Cincinnati, Ohio 45215, effective July 31, 1967. (It is an extension of Approval No. 164.009/3/0 dated July 31, 1962.)

Approval No. 164.009/72/2, "Microlite" fibrous glass insulation type incombustible material, identical to that described in National Bureau of Standards' Test Report No. TG10210–2151:FR3688 dated June 27, 1967, and Johns-Manville letter dated July 20, 1967 (plant: Parkersburg, W. Va.), manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, N.Y. 10016, effective August 1, 1967. (It supersedes Approval No. 164.009/72/1 dated April 12, 1965, to show change in material.)

Dated: April 11, 1968.

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

[F.R. Doc. 68–4571; Filed, Apr. 15, 1968; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–97]

CORNELL UNIVERSITY

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission ("the Commission") is considering the issuance of Amendment No. 2, effective as of the date of issuance, to Facility License No. R–89. The license presently authorizes Cornell University to operate the Zero Power Reactor on its campus in Ithaca, N.Y., at power levels up to 100 watts. The amendment, as set forth below, authorizes the University to receive, possess and store 1365 kilograms of contained natural uranium in the form of 800 PWR fuel rods for eventual use in the reactor. The fuel rods will be stored in the controlled storage room of the Cornell Nuclear Reactor Laboratory.

We have examined the procedures for receipt, handling and storage of the 800 PWR fuel rods and have determined that there are no significant safety considerations involved. The fuel rods will be shipped in seven wooden boxes and stored in the same packages. Wipe tests and instrument surveys will have been made prior to shipment of the fuel packages to assure that the radiation level at the surface meets ICC regulations. Flooding of the storage area at Cornell is conceivable but not credible. In any event, since these fuel rods contain only natural uranium, there is no geometrical array in which they could become critical, even if the rods were scrambled into various random arrays. In consideration of the foregoing, we have concluded that the receipt, possession and storage of the fuel rods containing a total of 1365 kilograms of natural uranium as described in the application for license amendment dated March 8, 1968, does

not involve significant hazards considerations different from those previously evaluated and that there is reasonable assurance that the health and safety of the public will not be endangered thereby.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this license amendment see Cornell University's application for amendment dated March 8, 1968, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 3d day of April 1968.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-89, Amdt. 2]

The Atomic Energy Commission ("the Commission") has found that:

a. The application for license amendment dated March 8, 1968, complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. There is reasonable assurance that the receipt, possession and storage of the source material in the manner proposed will not be inimical to the common defense and security or to the health and safety of the public; and

c. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Facility License No. R-89, as amended, which authorizes Cornell University to possess and operate the Zero Power Reactor located on its campus in Ithaca, N.Y., is hereby further amended by adding the following paragraph D to Section 3:

3.D. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 40, "Licensing of Source Material", to receive, possess and store 1365 kilograms of contained natural uranium in the form of 800 PWR fuel rods in accordance with procedures described in the application for amendment dated March 8, 1968.

This amendment is effective as of the date of issuance.

Date of issuance: April 3, 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-4503; Filed, Apr. 16, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19816; Order E-26649]

CARIBBEAN-ATLANTIC AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of April 1968.

On March 15, 1968, Caribbean-Atlantic Airlines, Inc., filed a tariff revision[1] marked to become effective April 14, 1968, proposing to amend its local passenger rules tariff to provide that Caribbean-Atlantic shall not be liable for loss, damage, or delay of passenger baggage under a variety of circumstances stated in 22 separate provisions. In support of its proposal the carrier states only that it would eliminate liability confusion by setting forth clearly and explicitly its responsibility. No complaints have been filed against this proposal.

As a common carrier Caribbean-Atlantic has the duty of delivering baggage safely to its passengers at their destination. When this duty is not fulfilled the carrier must accept responsibility for losses occasioned while the baggage was in its custody or under its control. The instant proposal appears designed to relieve Caribbean-Atlantic of a major portion of this obligation and avoid its responsibility by shifting the risk of lost or damaged baggage to its passengers. In this respect the proposed rules are not a restatement of the carrier's actual responsibility for passenger baggage but an attempt to establish by tariff a standard of responsibility far below that which the law has traditionally required of common carriers.

For these reasons we have concluded that these tariff proposals should be investigated and in view of their serious effect upon the traveling public we have also determined to suspend the proposed tariff.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204 and 1002, thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Rule No. 17(F), on 6th Revised Page 7 and 2d Revised Page 7-A of Caribbean-Atlantic Airlines, Inc.'s CAB No. 8, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions of Rule No. 17(F), on 6th Revised Page 7 and 2d Revised Page 7-A of Caribbean-Atlantic Airlines, Inc.'s CAB No. 8 except insofar as they apply to foreign air transportation, are suspended and their use deferred to and including July 12, 1968, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of the order shall be filed with the tariffs and served upon Caribbean-Atlantic Airlines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-4538; Filed, Apr. 16, 1968; 8:48 a.m.]

[1] Caribbean-Atlantic Airlines, Inc., CAB No. 8, Rule 17.

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the positions of Deputy Assistant Secretary (Systems and Program Analysis-Health), and Deputy Assistant Secretary (Program Analysis-Education), Office of the Assistant Secretary (Planning and Evaluation).

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

[F.R. Doc. 68-4523; Filed, Apr. 16, 1968; 8:46 a.m.]

DEPUTY ASSISTANT SECRETARY FOR MANAGEMENT SYSTEMS

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found on March 29, 1968, that there is a manpower shortage for the single position of Deputy Assistant Secretary for Management Systems, GS-343-17, Office of Assistant Secretary for Management, Department of Health, Education, and Welfare, Washington, D.C.

The appointee to this position may be paid for the expenses of travel and transportation to the first post of duty.

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

[F.R. Doc. 68-4524; Filed, April 16, 1968; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17968; FCC 68M-588]

ASBURY AND JAMES TV CABLE SERVICE

Order Regarding Procedural Dates

In re cease and desist order to be directed against the following CATV operator: Asbury & James TV Cable Service, Lower Belle, Malden, Dupont City, Rand, and George's Creek, W. Va., Docket No. 17968, File No. SR-971.

It is ordered, That the procedural dates tentatively agreed upon during prehearing conference held April 9, 1968, are hereby finalized, viz.,

Exchange of Exhibits—
Other than Rebuttal Matter—April 19, 1968.
Notification of Witnesses—April 24, 1968.
Commencement of Hearing—April 29, 1968.

Issued: April 11, 1968.

Released: April 11, 1968.

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

[F.R. Doc. 68-4530; Filed, Apr. 16, 1968; 8:47 a.m.]

[Docket No. 18128; FCC 68-388]

AMERICAN TELEPHONE AND TELEGRAPH CO., LONG LINES DEPARTMENT

Order Instituting a Hearing

In the matter of American Telephone and Telegraph Company, Long Lines Department, Revisions of Tariff FCC No. 260, Private Line Services, Series 5000 (TELPAK).

1. The Commission has before it revised tariff schedules filed by American Telephone and Telegraph Co. on March 25, 1968, under its Transmittal No. 10069, which would effectuate substantial increases in TELPAK rates.[1] For its justification of such substantial increases, A.T. & T. relies specifically on the material which has been received in the record in Docket No. 16258, where the question of the proper overall level of earnings for TELPAK and, concomitantly, whether the present level of rates is compensatory, are at issue.

2. A brief review of the history of the TELPAK rates would appear to be pertinent. These rates were filed in 1961, principally to meet the threat of competition from private microwave systems which had arisen as the result of the Commission's decision in the above 890 Mc case.[2] TELPAK rates were originally offered in four classifications, A, B, C, and D, based on the number of channels required between a given pair of points. After extensive hearings, the Commission found the A and B classifications, which encompassed the lesser number of channels, to be unlawfully discriminatory since they applied to a service similar to the regular private line service but afforded different rates for such service. The justification of competitive necessity was found not to be applicable to the A and B classifications, since it would not be practical for a customer to construct his own microwave system if his need was limited to the number of channels encompassed by these classifications. The Commission found, however, that there was apparent competitive necessity for the C and D classifications which encompassed larger capacities, but required a further showing on the question of whether the existing rates for such classifications were compensatory.[3] In accordance with our decision in the original TELPAK case, TELPAK A and B were canceled. Upon such cancellation, the proceeding was terminated and the question as to whether TELPAK C and D were compensatory was placed at issue in Docket No. 16258.

3. The Commission is cognizant of the fact that the record in Docket No. 16258 is not complete as regards TELPAK C and D, since A.T. & T.'s evidence has not yet been fully examined, and the users of service under the TELPAK tariff, a number of whom are parties intervenor to the proceeding, have not as yet had the opportunity to put on their cases in opposition. Presumably, such intervenors will seek to establish that the present rates are in fact compensatory, and that competitive necessity requires their maintenance at the present level. Moreover, we are cognizant of our conclusion in the original TELPAK case that the TELPAK C and D rates were apparently justified by competitive necessity, provided, however, that they be shown to be compensatory.

4. On the basis of the foregoing, and the information now before us, we are unable to determine that the charges, classifications, regulations and practices contained in the revised schedules are or will be just and reasonable or otherwise lawful. If the revised schedules are permitted to become effective on the date specified, the rights and interests of the public may be adversely affected thereby.

5. Although the revised rates are filed to become effective on June 1, 1968, we are taking action to suspend them at this early date in order to afford all interested parties the earliest practicable notice thereof and so that TELPAK users may be able to adjust to the new effective date of these tariff schedules.

6. There are also on file certain pleadings relating to procedures to be followed in investigating the lawfulness of the revised schedules. Action on these matters will be deferred until after opportunity for responsive pleadings has been afforded.

7. There is also under consideration the question as to whether we should impose an accounting order herein and if so the nature thereof. The Commission will consider any timely pleadings addressed to this question before taking further action with respect thereto.

8. We are suspending the proposed tariff schedules to the full extent of our statutory authority on the basis of the considerations recited above. This means that the schedules will become effective September 1, 1968. Moreover, it should clearly be understood by the TELPAK users, that, in the event a complete hearing record indicates that increases in the level of TELPAK rates are justified or required, or that the TELPAK classification should be eliminated, any increases occasioned thereby will become effective without delay. The users should henceforth govern themselves accordingly, and their communications budgets should be prepared with this contingency in mind. In this connection, users have been on notice since 1961 that TELPAK rates presented substantial questions of lawfulness requiring formal investigation and that significant increases in these rates could result.

Accordingly, it is ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, a hearing is instituted into the lawfulness of the tariff schedules described in the appendix hereto[4] and the operation of such tariff schedules is hereby suspended, unless otherwise ordered by the Commission, until September 1, 1968, and that during said period of suspension no changes shall be made in said tariff schedules or in the charges sought to be altered thereby, unless authorized by special permission of the Commission.

Adopted: April 10, 1968.

Released: April 12, 1968.

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

[F.R. Doc. 68-4531; Filed, Apr. 16, 1968; 8:47 a.m.]

[Docket Nos. 17921—17923; FCC 68M-582]

BABCOM, INC.

Order Scheduling Prehearing Conference

In re applications of Babcom, Inc., Springfield, Mo., Docket No. 17921, File No. BP-16908; Dr. Samuel N. Morris,

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[1] We have also considered (a) the "Petition for Suspension, Investigation and Hearing on Telpak Tariff Increases" of Air Transport Association of America, dated March 25, 1968, (b) a "Further Petition for Temporary Relief" filed by Aerospace Industries Association of America, Inc., on March 27, 1968, (c) "Petition of the Secretary of Defense for Suspension and Investigation and for an Accounting Order filed April 2, 1968, (d) "Petition for Suspension, Investigation and Other Relief" filed by Aeronautical Radio, Inc. on April 5, 1968, insofar as they request the suspension action we are taking herein, (e) A.T. & T.'s opposition to the ATA requested suspension, dated March 28, 1968, and (f) Western Union's Reply filed April 9, 1968.

[2] Docket No. 11866, 27 FCC 359; rehearing substantially den. 29 FCC 825.

[3] Tentative Decision 38 FCC 370 at 395; adopted 37 FCC 1111; affd. sub nom. American Trucking Assns., Inc. v. FCC, 377 F. 2d 121 (D.C. Cir., 1966); cert. den. 38 U.S. 943.

[4] Filed as part of the original document.

[5] Commissioners Cox and Johnson concurring in the result; Commissioner Loevinger absent.

trading as Upshur Broadcasting Co., Gilmer, Tex., Docket No. 17922, File No. BP-16982; Giant Broadcasting Co., Inc., Ozark, Ark., Docket No. 17923, File No. BP-17103; for construction permits.

The Hearing Examiner having for consideration the Broadcast Bureau's Petition For Prehearing Conference filed on April 9, 1968;

It appearing, from the record of this proceeding that it is appropriate for further prehearing conference to convene, but that the date suggested by the Bureau is unavailable;

It is ordered, That further prehearing conference shall convene on April 29, 1968, at 9 a.m. in the offices of the Commission at Washington, D.C.

Issued: April 10, 1968.

Released: April 11, 1968.

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

[F.R. Doc. 68-4532; Filed, Apr. 16, 1968; 8:47 a.m.]

[Docket Nos. 17995, 17996; FCC 68M-550]

FARM AND HOME BROADCASTING CO. AND TIOGA BROADCASTING CO.

Order Regarding Procedural Dates

In re applications of Farm and Home Broadcasting Co., Wellsboro, Pa., Docket No. 17995, File No. BPH-5620; John J. Antonio, Donald J. Fryday, J. Robert Grossenbacher, John D. Lewis, and William K. Francis doing business as Tioga Broadcasting Co., Mansfield, Pa., Docket No. 17996, File No. BPH-5674; for construction permits.

To formalize the agreements and rulings made on the record at a prehearing conference held on March 26, 1968, in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, That:

Preliminary exchange of engineering exhibits is scheduled for April 25, 1968;

Final exchange of engineering and lay exhibits is scheduled for April 30, 1968;

Notification of witnesses is scheduled for May 7, 1968; and

Hearing presently scheduled for April 18, 1968, is continued to May 14, 1968.

Issued: April 3, 1968.

Released: April 4, 1968.

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

[F.R. Doc. 68-4533; Filed, Apr. 16, 1968; 8:47 a.m.]

[Docket Nos. 17945, 17946; FCC 68M-577]

IMAGE RADIO, INC., AND IMPACT RADIO, INC.

Order Continuing Prehearing Conference

In re applications of Image Radio, Inc., for renewal of license of Station WCFV, Clifton Forge, Va., Docket No. 17945, File No. BR-2540; Impact Radio, Inc., for renewal of license of Station WPXI, Roanoke, Va., Docket No. 17946, File No. BR-3487.

It is ordered, That a prehearing conference will be held on April 23, 1968, at 10 a.m., instead of the hearing previously scheduled for that date.

Issued: April 10, 1968.

Released: April 11, 1968.

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

[F.R. Doc. 68-4534; Filed, Apr. 16, 1968; 8:47 a.m.]

[Docket No. 18101; FCC 68M-587]

WBBM-TV

Order Continuing Hearing

In the matter of inquiry into WBBM-TV's broadcast on November 1 and 2, 1967, of a report on a marijuana party, Docket No. 18101.

It is ordered, That the hearing in the above-entitled proceeding shall be convened in Chicago, Ill., on May 14, 1968, in lieu of May 6, 1968 as originally scheduled.

Issued: April 11, 1968.

Released: April 11, 1968.

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

[F.R. Doc. 68-4535; Filed, Apr. 16, 1968; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

DIAMOND SHAMROCK CORP.

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

APRIL 3, 1968.

In the matter of application of the Pittsburgh Stock Exchange for unlisted trading privileges in a certain security.

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

Diamond Shamrock Corp., $1.20 Cumulative Convertible Preferred Stock Series D, File No. 7-2887.

Upon receipt of a request, on or before April 18, 1968, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-4567; Filed, Apr. 16, 1968; 8:50 a.m.]

[811-837]

GENERAL INDUSTRIAL ENTERPRISES, INC.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

APRIL 11, 1968.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), for an order of the Commission declaring that General Industrial Enterprises, Inc. ("GIE") c/o Baldwin Securities Corp., 595 Madison Avenue, New York, N.Y. 10022, a Delaware corporation and a management closed-end nondiversified investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The application states that prior to September 30, 1965, approximately 93 percent of the stock of GIE was owned by Baldwin Securities Corp. ("Baldwin"), a Delaware corporation registered under the Act as a closed-end nondiversified investment company. Pursuant to a certificate of ownership and merger filed with the State of Delaware September 30, 1965, GIE was merged into Baldwin, the latter being the surviving corporation. The existence of GIE ceased September 30, 1965, the effective date of the merger, and on that date Baldwin, the surviving corporation, acquired all the property of GIE and became liable for all the liabilities and obligations of GIE.

On September 30, 1965, the following securities were outstanding: (a) 33,781 shares of capital stock of GIE held by 691 holders of record; (b) 23 shares of Midvale Steel & Ordnance Co. held by five stockholders of record and which were exchangeable for an aggregate of 6.9 shares of capital stock of GIE; and

(c) 1,817 scrip certificates, in bearer form, of the Midvale Co. (the prior name of GIE), exchangeable for an aggregate of 545 shares of capital stock of GIE. The 23 shares of Midvale Steel & Ordnance Co. consist of shares not surrendered when the company was acquired by the Midvale Co. in 1923 and the scrip certificates were issued in connection with the same acquisition. Baldwin has no information concerning the number or identity of the holders of the scrip certificates.

On October 8, 1965, Baldwin notified, by registered mail, each stockholder of GIE at his last known address that the certificate of ownership and merger was filed and recorded. As stated in the notice, the terms of the merger provided that upon surrender by each shareholder of GIE of his shares of GIE, he would be entitled to receive 4.975869 shares of common stock of Baldwin for each share of GIE so surrendered. The notice also outlined the manner in which the holders' shares could be surrendered.

On May 3, 1967, there remained outstanding 1,737 shares of GIE which were held by 154 stockholders of record who had not surrendered their certificates. In addition, on May 3, 1967, there remained outstanding the 23 shares of Midvale Steel & Ordnance, and the scrip certificates of the Midvale Co. As of that date, Baldwin reserved 11,238 shares of its common stock and $490.56 in cash in the event that the aforesaid securities are tendered for surrender pursuant to the terms of the merger.

Subsequent to the effective date of the merger, Baldwin mailed notices on November 29, 1965, on or about February 4, 1966, and on April 7, 1967 respectively, to each stockholder of GIE at his last known address, in an attempt to locate holders of unexchanged shares of capital shares of capital stock of GIE. On June 21, 1967, Baldwin obtained the names and addresses of the five holders of the 23 shares of Midvale Steel & Ordnance Co. and will include them in all future mailings of notices to GIE stockholders. Baldwin intends to periodically send notices to the remaining stockholders of GIE who have not exchanged their shares of capital stock of GIE.

Section 8(f) of the Act provides that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, the registration of such company shall cease to be in effect.

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

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 68–4568; Filed, Apr. 16, 1968; 8:50 a.m.]

[811–1509]

INTERCITIES FUND, INC.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

APRIL 11, 1968.

Notice is hereby given that Intercities Fund, Inc. (formerly Intercoastal Funds, Inc.) ("Applicant"), 117 North 13th Avenue, Laurel, Miss., a Mississippi corporation registered as a diversified, open-end management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

On June 19, 1967, Applicant registered as an investment company under the Act. On January 26, 1968, its Board of Directors adopted a resolution to file an application for deregistration under the Act. Applicant represents that all of its outstanding securities are beneficially owned by less than 100 persons and it is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 2, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 68–4569; Filed, Apr. 16, 1968; 8:50 a.m.]

[812–2237]

INVESTORS DIVERSIFIED SERVICES, INC.

Notice of Filing of Application for an Exemption

APRIL 11, 1968.

Notice is hereby given that Investors Diversified Services, Inc. ("IDS"), Investors Building, Minneapolis, Minn. 55402 a face-amount certificate investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 6(c) of the Act for an order exempting a proposed transaction from the provisions of section 12(d)(3) of the Act. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Investors Syndicate Life Insurance & Annuity Co. ("ISL") a wholly owned subsidiary of IDS (except for directors' qualifying shares), is a stock life insurance company organized under Minnesota law on August 7, 1957. ISL desires to engage in the variable annuity business and to establish one or more separate variable annuity accounts which will be registered under the Act. IDS states that ISL will be the investment adviser, principal underwriter, and broker-dealer for the variable annuity accounts.

Section 12(d)(3) of the Act provides, in pertinent part, that it shall be unlawful for any registered investment company to acquire any security issued by or any other interest in the business of any person who is a broker, a dealer, is engaged in the business of underwriting or is an investment adviser of an investment company unless such person is a corporation all of the outstanding securities of which are, or after such acquisition will be, owned by one or more registered investment companies and such person is primarily engaged in the business of underwriting and distributing securities issued by other persons, selling securities to customers, or any one or more of such or related activities, and the gross income of such person normally is derived principally from such business or related activities. IDS may be deemed to acquire an interest in a broker-dealer, underwriter and investment adviser when ISL undertakes those operations. An exemption from section 12(d)(3) would be required because ISL would still be primarily engaged in, and its gross income would still be derived principally from, the life insurance business.

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

Supporting statements. IDS represents that it is engaged in the business of underwriting securities of several investment companies and is registered as a broker-dealer under the Securities Exchange Act of 1934. It states that it no longer issues face-amount certificates and the reserve liability for its outstanding face-amount certificates is steadily declining. IDS further states that its qualified assets are considerably in excess of its certificate reserve liability, thus providing ample protection for the holders of its face-amount certificates.

The application also states that ISL does not plan to engage in underwriting or investment advisory activities other than in connection with its variable annuity business and that this type of underwriting would not involve the usual financial risks of the underwriting business since it would be conducted pursuant to agreements which would not involve commitments by ISL to distribute any specific number of securities or to meet any specific time or price requirements. The application further states that to the extent ISL becomes a broker, dealer, investment adviser, or engages in the business of underwriting in connection with its variable annuity business an exemption from section 12(d)(3) is necessary or appropriate in the public interest and would be consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 2, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 68-4570; Filed, Apr. 16, 1968; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 34967]

ALABAMA HIGHWAY EXPRESS, INC.

Applicable Ratings and Rates on Ammonium Nitrate; Petition for Declaratory Order

APRIL 5, 1968.

Notice is hereby given that Alabama Highway Express, Inc., by its registered practitioner Robert E. Tate, Suite 2023-2028, City Federal Building, Birmingham, Ala. 35203, has filed a petition with the Interstate Commerce Commission praying that the Commission enter a declaratory order, pursuant to section 5(d) of the Administrative Procedure Act, determining the applicable classification rating under the National Motor Freight Classification for ammonium nitrate and the applicable rates.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon the registered practitioner for the petitioner at the above address.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

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

[F.R. Doc. 68-4557; Filed, Apr. 16, 1968; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 11, 1968.

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

LONG-AND-SHORT HAUL

FSA No. 41286—*Grain, grain products and related articles from Davenport, Iowa.* Filed by Southwestern Freight Bureau, agent (No. B-9066), for interested rail carriers. Rates on grain, grain products and related articles, also seeds, in carloads, from Davenport, Iowa, to points in Arkansas, Louisiana, New Mexico, and Texas, also Cedars, Okla., and Memphis, Tenn.

Grounds for relief—Carrier competition.

Tariffs—Supplements 98, 134, and 20, to Southwestern Freight Bureau, agent, tariffs ICC 4495, 4496, and 4748, respectively.

FSA No. 41287—*Molasses from points in Washington to Hampshire, Ill.* Filed by Trans-Continental Freight Bureau, agent (No. 451), for interested rail carriers. Rates on molasses, beet sugar final, in tank carloads, from Scalley and Toppenish, Wash., to Hampshire, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 2 to Trans-Continental Freight Bureau, agent, tariff ICC 1774.

FSA No. 41288—*Beet or cane sugar from western points to Illinois points.* Filed by Western Trunk Line Committee, agent (No. A-2546), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as more fully described in the application, from points in Montana, Trans-Continental and western trunkline territories, to Alton, Carbondale, and Pinckneyville, Ill.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplement 64 to Western Trunk Line Committee, agent, tariff ICC A-4481 and other tariffs named in the application.

FSA No. 41289—*Coal for coking purposes from points in West Virginia to Portsmouth, Ohio.* Filed by the Chesapeake & Ohio Railway Co. (No. A-43), for and on behalf of itself and the Baltimore & Ohio Railroad Co. Rates on coal for coking purposes, in carloads, from

points in West Virginia on the Chesapeake & Ohio Railway Co., to Portsmouth, Ohio on the Baltimore & Ohio Railroad Co.

Grounds for relief—Market and carrier competition.

Tariff—Supplement 39 to the Chesapeake & Ohio Railway Co., tariff ICC 13839.

FSA No. 41290—*Class and commodity rates from and to Norman, Ga.* Filed by O. W. South, Jr., agent (No. A5098), for interested rail carriers. Rates on property moving on class and commodity rates, between Norman, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

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

[F.R. Doc. 68-4558; Filed, Apr. 16, 1968; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 12, 1968.

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

LONG-AND-SHORT HAUL

FSA No. 41291—*Fertilizer and fertilizer materials to points in western truckline territory.* Filed by Western Trunk Line Committee, agent (No. A-2547), for interested rail carriers. Rates on fertilizer and fertilizer materials, in carloads, also kindred or related articles, from specified points in Canada, to points in western trunkline territory.

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

Tariffs—Revised pages to Canadian National Railways, tariff ICC W.766 and Canadian Pacific Railway Co., tariff ICC W.1091.

By the Commission.

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

[F.R. Doc. 68-4559; Filed, Apr. 16, 1968; 8:49 a.m.]

[Notice 494]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 12, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

NO. MC 730 (Deviation No. 33), PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, Oakland, Calif. 94604, filed March 3, 1968. Carrier's representative: A. G. Krebs, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Louisville, Ky., and Chicago, Ill., over Interstate Highway 65, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Indianapolis, Ind., over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31-E to Louisville, Ky., (2) from Muncie, Ind., over Indiana Highway 32 to Anderson, Ind., thence over Indiana Highway 9 to junction Indiana Highway 67, thence over Indiana Highway 67 to Indianapolis, Ind., (3) from Muncie, Ind., over U.S. Highway 35 to junction Indiana Highway 28, thence over Indiana Highway 28 to junction Indiana Highway 9, thence over Indiana Highway 9 to Marion, Ind., thence over Indiana Highway 15 to Wabash, Ind., thence over U.S. Highway 24 to Peru, Ind., thence over U.S. Highway 31 to Plymouth, Ind., thence over U.S. Highway 31 to Plymouth, Ind., thence over U.S. Highway 30 to Chicago Heights, Ill., thence over Alternate Illinois Highway 1 to Chicago, Ill., and (4) from Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 30, and return over the same routes.

No. MC 41432 (Deviation No. 8), EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Post Office Box 10125, Dallas, Tex. 75207, filed April 3, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction U.S. Highway 61 and Interstate Highway 55 at or near Turrell, Ark., and St. Louis, Mo., over Interstate Highway 55, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) Memphis, Tenn., over U.S. Highway 61 to junction U.S. Highway 67, thence over U.S. Highway 67 to St. Louis, Mo., and (2) from Memphis, Tenn., over U.S. Highway 61 to Cape Girardeau, Mo., thence across the Mississippi River to East Cape Girardeau, Ill., thence over Illinois Highway 146 to Ware, Ill., thence over Illinois Highway 3 to Red Bud, Ill., thence over Illinois Highway 159 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., thence across the Mississippi River to St. Louis, Mo., and return over the same routes.

No. MC 41432 (Deviation No. 9), EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Post Office Box 10125, Dallas, Tex. 75207, filed April 3, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction U.S. Highway 80 and Interstate Highway 20 near Mesquite, Tex., and Shreveport, La., over Interstate Highway 20, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Dallas, Tex., over U.S. Highway 80 via Wills Point and Gladewater, Tex., to Shreveport, La. (also from Wills Point over Texas Highway 64 to Tyler, Tex., thence over U.S. Highway 271 to Gladewater), and return over the same routes.

No. MC 69116 (Deviation No. 33), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606, filed April 2, 1968. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from junction Indiana Turnpike (I-90) and the Ohio Turnpike (I-80) at the Indiana-Ohio State line, over the Ohio Turnpike (I-80) to junction with the Pennsylvania Turnpike (I-80-S and I-76), thence over the Pennsylvania Turnpike (I-80-S and I-76) to Philadelphia, Pa., (2) from junction Pennsylvania Turnpike (I-76) and Interstate Highway 83 (at or near Harrisburg, Pa.) over Interstate Highway 83 to Baltimore, Md., (3) from junction Pennsylvania Turnpike (I-76) and Interstate Highway 70 (at or near Bedford, Pa.) over Interstate Highway 70 to junction Interstate Highway 70-S (at or near Frederick, Md.), thence over Interstate Highway 70-S to Washington, D.C., (4) from junction Pennsylvania Turnpike (I-76) and Interstate Highway 70 (at or near Bedford, Pa.) over Interstate Highway 70 to junction Interstate Highway 70-N (at or near Frederick, Md.), thence over Interstate Highway 70-N to Baltimore, Md., (5) form Newark, N.J., over Interstate Highway 78 to junction the Pennsylvania Turnpike (I-76), at or near Harrisburg, Pa., (6) from junction Interstate Highways 90 and 84 (at or near Springfield, Mass.) over Interstate Highway 84 to junction Interstate Highway 81 (at or near Scranton, Pa.), thence, over Interstate Highway 81 to junction Interstate Highway 80 (at or near Hazleton, Pa.), thence over Interstate Highway 80 to junction with the Ohio Turnpike (I-80-S), at or near North Jackson, Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same

commodities, over pertinent service routes as follows:

(1) From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 231 (formerly Indiana Highway 8), thence over U.S. Highway 231 to Crown Point, Ind., thence over U.S. Highway 231 to Remington, Ind., thence over U.S. Highway 24 to Walcott, Ind., thence over U.S. Highway 231 to Montmorenci, Ind., thence over U.S. Highway 52 to Indianapolis, Ind., thence over U.S. Highway 40 to Cambridge, Ohio, thence over U.S. Highway 22 to junction unnumbered highway (formerly U.S. Highway 22) thence over unnumbered highway via Moon Run and Carfton, Pa., to Pittsburgh, Pa., thence over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 230 to Lancaster, Pa., thence over U.S. Highway 30 to Philadelphia, Pa., thence over U.S. Highway 1 to Boston, Mass., (2) from Huntington, Ind., over U.S. Highway 224 to junction U.S. Highway 422, thence over U.S. Highway 422 to Ebensburg, Pa., thence over U.S. Highway 22 to Harrisburg, Pa., thence to Philadelphia as specified above, (3) from Deerfield, Ohio, Ohio Highway 14, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to junction unnumbered highway (formerly Pennsylvania Highway 51), thence over unnumbered highway via Darlington, Pa., to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 to junction Pennsylvania Highway 88, thence over Pennsylvania Highway 88 to Pittsburgh, Pa., thence over U.S. Highway 30 to junction Pennsylvania Turnpike, at or near Irwin, Pa., thence over the Pennsylvania Turnpike to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa., (4) from Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 6.

Thence over U.S. Highway 6 to Cleveland, Ohio, thence over U.S. Highway 20 to Silver Creek, N.Y., thence over New York Highway 5 to Buffalo, N.Y., thence over New York Highway 33 to Rochester, N.Y., thence over New York Highway 31 to Weedsport, N.Y., thence over New York Highway 31–B to junction New York Highway 5, thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 9 to New York, N.Y. (also from Albany over U.S. Highway 9–W and bridge or ferry to New York), (5) from Chicago, Ill., over U.S. Highway 20 to Toledo, Ohio, thence over Ohio Highway 2 to Sandusky, Ohio, thence over U.S. Highway 6 to Cleveland, Ohio, thence to New York, N.Y., as specified above, (6) from Albany, N.Y., over U.S. Highway 20 to Boston, Mass., (7) from Cleveland, Ohio, over U.S. Highway 21 to junction U.S. Highway 224, (8) from Bedford, Pa., over U.S. Highway 220 to the Bedford toll gate on the Pennsylvania Turnpike, (9) from Bedford, Pa., over U.S. Highway 30 to junction Pennsylvania Highway 126, (10) from junction U.S. Highway 30 and Pennsylvania Highway 126 over U.S. Highway 30 to the Breezewood toll gate on the Pennsylvania Turnpike, (11) from junction U.S. Highway 30 and Pennsylvania Highway 126 over Pennsylvania Highway 126 to junction U.S. Highway 522, thence over U.S. Highway 522 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., (12) from junction U.S. Highways 40 and 240 over U.S. Highway 240 to Washington, D.C., (13) from Washington, D.C., over U.S. Highway 1 to Philadelphia, Pa., (14) from Indianapolis, Ind., over Indiana Highway 37 to Huntington, Ind., (15) from Harrisburg, Pa., over U.S. Highway 111 to Baltimore, Md., (16) from Norwalk, Ohio, over Ohio Highway 18 to Medina, Ohio, thence over Ohio Highway 3 to junction U.S. Highway 224.

Thence over U.S. Highway 224 to junction U.S. Highway 422 (also from Medina over Ohio Highway 18 to Akron, Ohio, thence over U.S. Highway 224 to junction U.S. Highway 422), thence over U.S. Highway 422 to junction U.S. Highway 19, thence over U.S. Highway 19 via Perrysville, Pa., to Pittsburgh, Pa. (also from Perrysville over Babcock Boulevard to junction U.S. Highway 30, thence over U.S. Highway 30 to Pittsburgh), thence over U.S. Highway 30 to Irwin, Pa., thence over the Pennsylvania Turnpike to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa., (17) from Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 20, thence over U.S. Highway 20 to Cleveland, Ohio, thence over Ohio Highway 84 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 6–N, thence over U.S. Highway 6–N to junction U.S. Highway 6, thence over U.S. Highway 6 via Bear Mountain Bridge, N.Y., to Peekskill, N.Y., thence over U.S. Highway 9 to New York, N.Y. (also from Bear Mountain Bridge over U.S. Highway 9–W to New York), (18) from Hartford, Conn., over U.S. Highway 6 to junction U.S. Highway 9–W, (19) from Bridgeport, Conn., over Connecticut Highway 25 to junction U.S. Highway 6, (20) from New Haven, Conn., over U.S. Highway 5 to Springfield, Mass., thence over U.S. Highway 20 to Worcester, Mass.

(21) From St. Louis, Mo., over U.S. Highway 40 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 1 (also from junction U.S. Highway 22 and New Jersey Highway 28 over New Jersey Highway 28 to junction U.S. Highway 1), thence over U.S. Highway 1 to Boston, Mass. (2) from Quincy, Ill., over U.S. Highway 24 to junction U.S. Highway 6, thence over U.S. Highway 6 to Cleveland, Ohio, thence over U.S. Highway 422 to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 230 to junction U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, N.Y., and (23) from junction U.S. Highways 224 and 21 over U.S. Highway 21 to Montrose, Ohio, thence over Ohio Highway 18 to Norwalk, Ohio, thence over U.S. Highway 20 to junction Alternate U.S. Highway 20 south of Toledo, Ohio, thence over Alternate U.S. Highway 20 to junction U.S. Highway 20 near Ainger, Ohio, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Deviation No. 70), AMERICAN BUSLINES, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed April 1, 1968. Carrier's representative: Bruce E. Mitchell, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 22 and access roads to Interstate Highway 78, Greenwich Township, N.J., over access roads to junction Interstate Highway 78, thence over Interstate Highway 78 to junction access roads to U.S. Highway 22, thence over access roads to junction U.S. Highway 22, Union Township, N.J., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from New York, N.Y., via the Holland Tunnel, City U.S. Highway 1 to junction U.S. Highway 22 (also from New York over U.S. Highway 1 to junction U.S. Highway 22), thence over U.S. Highway 22 via Somerville, N.J., and Manadahill, Pa., to Harrisburg, Pa., and return over the same route.

No. MC 50026 (Deviation No. 13) (Cancels Deviations Nos. 3, 4 and 6), ARKANSAS MOTOR COACHES LIMITED, INC., 100 East Markham, Little Rock, Ark. 72201, filed April 3, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) from junction U.S. Highway 70 and Arkansas Highway 33, 0.4 mile west of Biscoe, Ark., over Arkansas Highway 33 (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to North Little Rock, Ark., for a distance of 49.8 miles, (2) from junction U.S. Highway 70 and Arkansas Highway 33 over Arkansas Highway 33 (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Arkansas Highway 11, thence over Arkansas Highway 11 (an access road) to Hazen, Ark., for a distance of 13.7 miles, (3) from Hazen, Ark., over Arkansas, Highway 11 (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Arkansas Highway 31, thence over Arkansas Highway 31 (an access road) to Lonoke, Ark., for a distance of 23.8 miles and (4) from Lonoke, Ark., over Arkansas Highway 31 (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to North Little Rock, Ark., for a distance of 21.5 miles, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows:

From Memphis, Tenn., over U.S. Highway 70 to Hot Springs National Park, Ark., thence over Arkansas Highway 7 to Arkadelphia, Ark., thence over U.S. Highway 67 to Texarkana, Tex., and return over the same route.

No. MC 61616 (Deviation No. 29) (Cancels Deviation Nos. 6, 10 and 14), MIDWEST BUSLINES, INC., 433 West Washington Avenue, North Little Rock, Ark. 72214. Applicant's representative: Nathaniel Davis, Post Office Box 1188, Little Rock, Ark. 72203. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From North Little Rock, Ark., over Interstate Highway 40 to junction Arkansas Highway 33, thence over Arkansas Highway 33 (an access road) to junction U.S. Highway 70, 0.4 miles west of Biscoe, Ark., for a distance of 49.8 miles, (2) from North Little Rock, Ark., over Interstate Highway 40 to junction Arkansas Highway 31, thence over Arkansas Highway 31 (an access road) to Lonoke, Ark., for a distance of 21.5 miles, (3) from Lonoke, Ark., over Arkansas Highway 31 (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Arkansas Highway 11 (an access road), thence over Arkansas Highway 11 to Hazen, Ark., for a distance of 23.8 miles, and (4) from Hazen, Ark., over Arkansas Highway 11 (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Arkansas Highway 33 thence over Arkansas Highway 33 (an access road) to junction U.S. Highway 70, 0.4 miles west of Biscoe, Ark., for a distance of 13.7 miles, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Fort Smith, Ark., over U.S. Highway 64 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction U.S. Highway 70, thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-4560; Filed, April 16, 1968; 8:49 a.m.]

[Notice 1171]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 12, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTORS CARRIERS OF PROPERTY

No. MC 8958 (Sub-No. 20) (Republication), filed September 19, 1966, published in FEDERAL REGISTER issue of October 5, 1966 and republished this issue. Applicant: THE YOUNGSTOWN CARTAGE CO., a corporation, 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. In the above-entitled proceeding, the joint board recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of, the commodities, to, and from points substantially as indicated below. A Decision and Order of the Commission, Division 3, dated February 7, 1968, and served February 14, 1968, as modified, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, of *contractors' equipment, metal and metal products, machinery, and iron and steel articles*, between Niles, Ohio, on the one hand, and, on the other, points in Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the act and the Commission's rules and regulations thereunder; that an appropriate certificate should be issued; and that the application in all other respects should be denied: *Provided, however*, (1) that the authority granted herein shall not become effective until 35 days following its republication in the FEDERAL REGISTER, unless otherwise ordered, (2) that it shall not become effective until and unless the authority granted in No. MC-F-9529 has been exercised, and (3) that no certificate shall issue until and unless the application of Lee, Inc., in No. MC 121238 (Sub-No. 1) has been dismissed by order of the Commission. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 118127 (Sub-No. 8) (Republication), filed January 18, 1968, published in FEDERAL REGISTER issue February 1, 1968, and republished this issue. Applicant: HALE DISTRIBUTING CO., INC., 1315 East Seventh Street, Los Angeles, Calif. 90021. Applicant's representative: William J. Augello, Jr., 2 West 45th Street, New York, N.Y. 10036. By application filed January 18, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) frozen poultry products, and (2) commodities the transportation of which is partially exempt under the provisions of Section 203(b)(6) of the Interstate Commerce Act if transported in vehicles at the same time with (1) above, from and to points indicated below; restricted to the transportation of traffic originating at Moorefield, W. Va. An Order of the Commission, Operating Rights Board, dated March 22, 1968, and served April 8, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *frozen poultry products*, when moving in the same vehicle and at the same time with commodities, the transporation of which is otherwise exempt from economic regulations under section 203(b)(6) of the Interstate Commerce Act, as amended, and (2) commodities, the transportation of which is otherwise exempt from economic regulations under section 203(b)(6) of the act, when moving in the same vehicle and at the same time with the commodities authorized in (1) above, from Moorefield, W. Va., to points in Arizona (except Flagstaff, Phoenix and Tucson), Colorado (except Denver), Idaho, Montana, Nevada (except Las Vegas and Reno), New Mexico (except Albuquerque), Oregon (except Portland), Utah (except Salt Lake City), Washington (except Seattle), and Wyoming, with the authority in (1) above restricted to the transporation of traffic originating at Moorefield, W. Va.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 120946 (Sub-No. 2) (Republication), filed September 1, 1967, published FEDERAL REGISTER, issue of October 5, 1967, and republished this issue. Applicant: HENTZ TRUCK LINE, INC., Kankinson, N. Dak. 58041. Applicant's

representative: Will S. Tomljanovich, 2327 Wycliff, St. Paul, Minn. 55114. By application filed September 1, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, *general commodities* (except petroleum products), in bulk, in tank vehicles, (1) between points in Richland County, N. Dak., on and south of the North Boundary of Township 132 (north of North Dakota Highway 13), and (2) between points in Richland County, N. Dak., on and south of the North Boundary of Township 132 (north of North Dakota Highway 13), on the one hand, and, on the other, points in North Dakota. NOTE: The present application seeks conversion of its certificate of registration under MC 120946 (Sub-No. 1) to a certificate of public convenience and necessity. Applicant requests concurrent handling with MC–FC 69957. A Report of the Commission Review Board No. 3, decided March 28, 1968 and served April 9, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting *building materials, pulpwood, grader blades, agricultural implements, and glass bottles*, (1) between the points in that portion of Richland County, N. Dak., lying on and south of the north boundary of Township 132, and (2) between points in that portion of Richland County, N. Dak., lying on and south of the north boundary of Township 132, on the one hand, and, on the other, points in North Dakota; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a certificate authorizing such operations should be issued, (1) subject to the prior republication in the FEDERAL REGISTER of a notice of the authority granted herein, (2) subject to the approval by the Commission and concomitant consummation by applicant of the transfer of authority contemplated in No. MC–FC 69957 and (3) in the event condition (2) above occurs subject to the future condition that the Commission receives from applicant a written request for revocation of its outstanding certificate of registration in MC–120946 (Sub-No. 1). Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129320 (Republication), filed August 10, 1967, published FEDERAL REGISTER issue of August 25, 1967, and republished this issue. Applicant: CHARLES LARABEE, Box 84, Bristol (Kenosha County), Wis. 53104. Applicant's representative: Charles J. Richards, 1024 56th Street, Kenosha, Wis. 53140. By application filed August 10, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of commodities, uncrated and under 5,000 pounds in weight, between Kenosha, Racine and Walroth Counties, Wis., Lake, McHenry and Cook Counties, Ill., under contract with Montgomery Ward & Company, Kenosha, Wis. An order of the Commission, Operating Rights Board, dated January 31, 1968, and served February 16, 1968, finds that operation by applicant, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of general commodities (except classes A and B explosives) from Kenosha, Wis., to points in Lake and McHenry Counties, Ill., under a continuing contract with Montgomery Ward & Company, of Kenosha, Wis., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 41932 (Sub-No. 11) (Amendment), filed November 20, 1967, published FEDERAL REGISTER issue December 13, 1967, amended March 30, 1968, and republished as amended this issue. Applicant: BROWNING FREIGHT LINES, INC., 244 South 4th West, Salt Lake City, Utah 84111. Applicant's representative: Ben Browning, Post Office Box 8195, Foot Hill Station; Salt Lake City, Utah 84108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk in tank vehicles and those injurious or contaminating to other lading), Regular routes: Between Boise and McCall, Idaho, from Boise over U.S. Highway 30 to junction U.S. Highway 95, thence over U.S. Highway 95 to junction Idaho Highway 15, thence over Idaho Highway 15 to McCall, and return over the same route, serving all intermediate points and the off-route points of Homedale, Wilder, Marsing, Parma, Notus, and Mountain Home Air Force Base, and Irregular routes: Between points in Adams, Washington, Payette, Canyon, Owyhee, Valley, Boise, Elmore, Gooding, Ada, and Gem Counties, Idaho. NOTE: This application is directly related to MC–F 9948 published FEDERAL REGISTER issue of November 22, 1967. NOTE: Common control may be involved. The purpose of this republication is to add Gooding County, Idaho, to the above sought irregular route authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

APPLICATIONS UNDER SECTIONS 5 AND 210A(B)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC–F–10087. Authority sought for control and merger by McBRIDE TRANSPORTATION, INC., 289 West Main Street, Goshen, N.Y. 10924, of the operating rights and property of TIGER EXPRESS, INC., 289 West Main Street, Goshen, N.Y. 10924. Applicants' attorney: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604. Operating rights sought to be controlled and merged: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, and articles moving under refrigeration, as a *common carrier*, over irregular routes, between Buffalo, N.Y., on the one hand, and, on the other, points in Wayne County, N.Y., from New York, N.Y., to points in Erie and Monroe Counties, N.Y., from points in Wayne County, N.Y., to New York, N.Y.; *general commodities*, except those of unusual value, classes A and B explosives, livestock, bullion, currency, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Hudson, Essex, Passaic, Union, and Bergen Counties, N.J., on the one hand, and, on the other, New York, N.Y.; and *foodstuffs* (except frozen foods and commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Duffy-Mott Co., Inc., at or near Hamlin and Holley, N.Y., to New York, N.Y., with restrictions. McBRIDE TRANSPORTATION,

INC., is authorized to operate as a *common carrier* in New York, Pennsylvania, Connecticut, New Jersey, Ohio, Maryland, Massachusetts, Vermont, Maine, New Hampshire, Rhode Island, Michigan, Virginia, West Virginia, Delaware, Indiana, Kentucky, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10088. Authority sought for control and merger by SALEM NAVIGATION COMPANY, 320 Capitol Street SE., Salem, Oreg., of the operating rights and property of WILLAMETTE VALLEY TRANSFER CO., 1947 Northwest Savier Street, Portland, Oreg. 97209, and for acquisition by JAMES H. BROWN, also of Salem, Oreg., of control of such rights and property through the transaction. Applicants' attorneys: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210, and Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Portland, Oreg., and Dallas, Oreg., serving the intermediate and off-route points of Salem, Brooks, Rickreall, Gervais, Hopmere, Chemowa, Quinaby, Monmouth, and Independence, Oreg. SALEM NAVIGATION COMPANY, is authorized to operate as a *common carrier* in Oregon, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10089. Authority sought for purchase by G & W TRUCK LINE, INC., 8 Cherokee, Box 213, Hutchinson, Reno County, Kans. 67501, of a portion of the operating rights of McCUE TRANSFER, INC., 3524 East Fourth Street, Hutchinson, Reno County, Kans. 67501, and for acquisition by EARL BAUGHMAN, 8 Cherokee, Hutchinson, Kans. 67501, of control of such rights through the purchase. Applicants' attorney: William L. Mitchell, 119 West Sherman, Box 604, Hutchinson, Reno County, Kans. 67501. Operating rights sought to be transferred: *Salt*, as a *common carrier*, over irregular routes, from Hutchinson and South Hutchinson, Kans., and points within 1 mile of Hutchinson to points in Missouri, except St. Louis, and points in the Kansas City, Mo.-Kansas City, Kans., commercial zone as defined by the Commission. Vendee is authorized to operate as a *common carrier* in Illinois, Missouri, Nebraska, and Kansas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10090. Authority sought for for control by BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901, of CHICAGO AREA TRUCK LINES, INC., 1536 Union Avenue, Chicago Heights, Ill. 60411, and for acquisition by MOHIO LEASING CORPORATION, 2425 South Wood Street, Chicago, Ill. 60608, and, in turn by JOSEPH B. FOLLADORI, Jr., 1210 South Union Street, Kokomo, Ind. 46901, of control of CHICAGO AREA TRUCK LINES, INC., through the acquisition by BRADA MILLER FREIGHT SYSTEM, INC. Applicants' attorneys and representative: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and Oscar L. Toll, 1536 Union Avenue, Chicago, Ill. 60411. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Gary, Ind., and Joliet, Ill., between Waukegan, Ill., and Libertyville, Ill., between Chicago, Ill., and Chicago Heights, Ill., between Geneva, Ill., and Steger, Ill., serving all intermediate points; and *general commodities*, excepting as above, over irregular routes, between points in the Chicago, Ill., commercial zone, as defined by the Commission 1 M.C.C. 673, between Crete, Steger, South Chicago Heights, Chicago Heights, Glenwood, Matteson, and Flossmoor, Ill., on the one hand, and, on the other, points in the Chicago, Ill., commercial zone, as specified above. BRADA MILLER FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Michigan, Ohio, Illinois, Kentucky, Indiana, Pennsylvania, Missouri, West Virginia, Iowa, Wisconsin, and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10091. Authority sought for control by JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Post Office Box 10877, Charlotte, N.C., of RICHARDS FREIGHT LINES, INC., 9 South Keyser Avenue, Taylor, Pa. 18517, and for acquisition by H. BEALE ROLLINS, Sixth Floor, Title Building, Baltimore, Md. 21202, of control of RICHARDS FREIGHT LINES, INC., through the acquisition by JOHNSON MOTOR LINES, INC. Applicants' attorney: Donald E. Cross, 917 Munsey Building, Washington, D.C. 20004. Operating rights sought to be controlled: *General Commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Scranton, Pa., and Pottsville, Pa., serving all intermediate points, and the off-route point of Old Forge, Pa., between Scranton, Pa., and Oswego and Buffalo, N.Y., between Scranton, Pa., and Buffalo and New York, N.Y., between Scranton, Pa., and New York, N.Y., serving all intermediate points and certain off-route points, between Scranton, Pa., and New York, N.Y., and Philadelphia, Pa., serving all intermediate points, and the off-route points of Princeton and Lawrenceville, N.J., between Scranton, Pa., and Erie, Pa., serving all intermediate points, and certain off-route points, between Scranton, Pa., and Fredonia and Glens Falls, N.Y., serving all intermediate points, and the off-route points of Troy and Hudson Falls, N.Y., between Scranton, Pa., and Albany, N.Y., serving all intermediate points, and the off-route point of New Rochelle, N.Y., between Scranton, Pa., and Saratoga Springs, N.Y., Utica, N.Y., certain specified points in Pennsylvania, serving all intermediate points, and the off-route points of Throop and Olyphant, Pa., between Hazleton, Pa., and Allentown, Pa., serving all intermediate points, and the off-route point of Each Mauch Chunk, Pa., between Philadelphia, Pa., and Atlantic City, N.J., serving all intermediate points, and the off-route points of Vineland and Collingswood, N.J., between Canandaigua, N.Y., and Batavia, N.Y., serving all intermediate points, and the off-route point of Hamlin, N.Y., between Rochester, N.Y., and Buffalo, N.Y., serving all intermediate points, and the off-route point of Hamlin, N.Y., between Waterloo, N.Y., and junction New York Highway 96 and 332, serving all intermediate points, and the off-route point of East Rochester, N.Y., between Mount Morris, N.Y., and Avon, N.Y., serving all intermediate points, and the off-route point of East Rochester, N.Y., between Ovid, N.Y., and Rochester, N.Y., serving all intermediate points, and the off-route point of East Rochester, N.Y., between Lyons, N.Y., and Rochester, N.Y., serving all intermediate points, and the off-route point of Marion, N.Y., between Tamaqua, Pa., and Molino, Pa., between Easton, Pa., and Philadelphia, Pa., serving no intermediate points, but serving the off-route point of Bethlehem, Pa., between Jamestown, N.Y., and Westfield, N.Y., between junction New York Highways 365A and 5 near Oneida, N.Y., and Utica, N.Y., between Fulton, N.Y., and Rome, N.Y., between Hazleton, Pa., and Ashland, Pa., serving no intermediate points, but serving the off-route points of Mahanoy City and Shenandoah, Pa., between Port Carbon, Pa., and Harrisburg, Pa., serving no intermediate points, but serving the off-route point of Minersville, Pa., between Homer, N.Y., and Syracuse, N.Y., between Skaneateles, N.Y., and junction New York Highways 321 and 5, serving no intermediate or off-route points, over one alternate route for operating convenience only; *empty vehicles* only, between New York, N.Y., and Philadelphia, Pa., between Rochester, N.Y., and Fulton, N.Y., between Rochester, N.Y., and junction New York Highways 31B and 5, between Geneva, N.Y., and Auburn, N.Y. serving no intermediate or off-route points; *new automobiles, new trucks, automobile show equipment, and advertising matter used in connection with the distribution and sale of motor vehicles*, in truckaway service, in secondary movements, during the season of open navigation on the Great Lakes, from Buffalo, N.Y., to Scranton, Pa., from Buffalo, N.Y., and Wilkes-Barre, Pa., from Buffalo, N.Y., and Carbondale, Pa., serving no intermediate or off-route points; *chocolate, cocoa, confectionery, chocolate coating, chocolate syrup, malt milk, and chocolate and cocoa compounds*, over irregular routes, from Fulton, N.Y., to Chambersburg, Pa.; *rejected shipments of above-described commodities*, from Chambersburg, Pa., to Fulton, N.Y.; and *general commodities*, excepting, among others, household goods and commodities in bulk, between Corning, N.Y., on the one hand, and, on the other, points in Pennsylvania within 75 miles of Corning. JOHNSON MOTOR LINES, INC., is authorized to operate as a *common carrier* in Massachusetts, Connecticut,

Rhode Island, New Jersey, Pennsylvania, New York, Maryland, Virginia, Georgia, Mississippi, Louisiana, Florida, North Carolina, Alabama, South Carolina, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: F.D. 25050 is simultaneously filed.

No. MC-F-10092. Authority sought for purchase by HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. 68110, of a portion of the operating rights of WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38103, and for acquisition by R. L. HERMAN, and DALE G. HERMAN, both also of Omaha, Nebr., of control of such rights through the purchase. Applicants' attorneys: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102, and James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Operating rights sought to be transferred: *Cement*, as a *common carrier*, over irregular routes, from Nashville, Tenn. (except the plantsite of Marquette Cement Manufacturing Co. at Nashville), to points in Kentucky and Tennessee, and points in Virginia and North Carolina on and west of U.S. Highway 21. Vendee is authorized to operate as a *common carrier* in Iowa, Nebraska, Kansas, Missouri, South Dakota, Minnesota, North Dakota, Colorado, Montana, Wyoming, Illinois, Michigan, Wisconsin, Arkansas, Kentucky, Ohio, Tennessee, Indiana, Oklahoma, Texas, Mississippi, Louisiana, North Carolina, South Carolina, and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10093. Authority sought for purchase by VANCOUVER-PORTLAND FREIGHT, INC., 1321 Southeast Water Avenue, Portland, Oreg. 97214, of a portion of the operating rights and certain property of LESTER FREIGHT LINES, INC., 1321 Southeast Water Avenue, Portland, Oreg. 97214, and for acquisition by J. J. LESTER, also of Portland, Oreg., of control of such rights and property through the purchase. Applicants' attorney: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Portland, Oreg., and Washougal, Wash., serving the intermediate point of Vancouver, Wash., and the intermediate and off-route points within 10 miles of Washougal. Application has not been filed for temporary authority under section 210a(b). NOTE: This application was filed in accord with the order in Docket No. MC-FC-70024, dated November 28, 1967, by the Transfer Board.

No. MC-F-10094. Authority sought for control by CENTRAL NEW YORK FREIGHTWAYS, INC., 344 Sixth North Street, Syracuse, N.Y. 13208, of WESTERN NEW YORK STATE LINES, INC., 3454 Pearl Street, Batavia, N.Y. 14020, and for acquisition by W. W. PATTERSON, JR., Rural Delivery 3, Auburn, N.Y. 13021, of control of WESTERN NEW YORK STATE LINES, INC., through the acquisition by CENTRAL NEW YORK FREIGHTWAYS, INC. Applicants' attorneys and representative: Norman M. Pinsky and Herbert M. Canter, both of 345 South Warren Street, Syracuse, N.Y. 13202, and Harry H. Wiltse, Liberty Bank Building, Buffalo, N.Y. 14202. Operating rights sought to be controlled: *General commodities*, except livestock, explosives, loose bulk freight, articles the nature of which would endanger lives or impair equipment, and household goods as defined by the Commission, as a *common carrier*, over irregular routes from Buffalo, N.Y., to certain specified points in New York, from Rochester, N.Y., to certain specified points in New York, from Syracuse, N.Y., to certain specified points in New York, from Wolcott, N.Y., to Rochester, N.Y., from certain specified points in New York, to Buffalo, N.Y., from Clinton and Kenmore, N.Y., to Syracuse, N.Y.; and under a certificate of registration in No. MC-58016 Sub 3, covering the transportation of general commodities as a common carrier in intrastate commerce within the State of New York. CENTRAL NEW YORK FREIGHTWAYS, INC. is authorized to operate as a *common carrier* in New Jersey and New York. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 68-4561; Filed, Apr. 16, 1968; 8:49 a.m.]

[Notice 586]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 11, 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 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 35890 (Sub-No. 35 TA), filed April 1, 1968. Applicant: BLODGETT UNCRATED FURNITURE SERVICE, INC., 845 Chestnut Street SW., Grand Rapids, Mich. 49502. Applicant's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in cartons, from Odenton and Savage, Md. (restricted to plantsites and warehouses of National Industries, Inc.), for points in Michigan, Indiana, and Illinois, for 180 days. Supporting shipper: National Industries, Inc., Odenton, Md. 21113. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 66562 (Sub-No. 2304 TA), filed April 1, 1968. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: Robert C. Boozer, The Commerce Building, Broad at Seventh Street, Post Office Box 1226, Augusta, Ga. 30903. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities moving in express service*, (1) Between Cincinnati, Ohio, and Cartersville, Ga., serving the intermediate and/or off-route points of Falmouth, Cynthiana, Paris, Lexington, Winchester, Richmond, Berea, Mount Vernon, London, Corbin, and Williamsburg, Ky.; Jellico, Oneida, La Follette, Lake City, Knoxville, Alcoa, Maryville, Loudon, Sweetwater, Athens, Etowah, Cleveland, and Copperhill, Tenn.; and Chatsworth, Dalton, Ellijay, and Fairmount, Ga.; from Cincinnati over U.S. Highway 27 to Lexington, thence over U.S. Highway 25 to Corbin, thence over U.S. Highway 25 W to Lake City, thence over U.S. Highway 441 to Knoxville, thence over U.S. Highway 129 to Maryville, thence over U.S. Highway 411 to Cartersville, and return over the same route; (2) Serving Acworth, Rome, Adairsville, Fairmount, Chatsworth, Ellijay, and Ringgold, Ga., as intermediate and/or off-route points on carrier's authorized regular-route operations between Marietta, Ga. and Evansville, Ind. under MC 66562 Sub 2139 TA; (3) Between Wilmington, N.C. and Wilson, N.C., serving the intermediate and/or off-route points of Burgaw, Wallace, Rose Hill, Warsaw, Clinton, Faison, Mount Olive, Kinston, Goldsboro, and Fremont, N.C., from Wilmington over U.S. Highway 117 to junction U.S. Highway 301, thence over U.S. Highway 301 to Wilson, and return over the same route; (4) Between Wilmington, N.C. and Fayetteville, N.C., serving the intermediate and/or off-route points of Garland, Clinton, and Roseboro, N.C., from Wilmington over U.S. Highway 421 to Harrells, N.C., thence over N.C. Highway 411 to junction N.C. Highway 242, thence over N.C. Highway 242 to Roseboro, thence over N.C. Highway 24 to Fayetteville, and return over the same route.

Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplement of express service of the Railway Express Agency. Shipments transported shall be limited

to those moving on through bills of lading or express receipts. NOTE: Applicant intends to tack the authority here applied for to other authority held by it under Docket No. MC–66562 and Sub thereunder. Supporting shippers: There are approximately (47) 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: Jack Takakjian, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 66562 (Sub-No. 2307 TA), filed April 3, 1968. Applicant: RAILWAY EXPRESS AGENCY INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: Elmer F. Slovacek, Suite 1008, 105 West Madison Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service, (A) Between Crivitz, Wis., and Houghton, Mich., from Crivitz, North on U.S. Highway 141 to junction Michigan Highway 95; thence North on Michigan Highway 95 to junction U.S. Highway 41; thence West and North on U.S. Highway 41 to Houghton, Mich., and return over the same route, serving the intermediate and/or off-route points of Pembine, Wis., Iron Mountain, Champion, L'Anse, and Baraga, Mich.; (B) Between Chicago, Ill., and Green Bay, Wis., from Chicago, North on U.S. Highway 41 to Green Bay, and return over the same route, serving the intermediate points of Milwaukee, Fond du Lac, Oshkosh, Neenah-Menasha, and Appleton, Wis. Restrictions: (1) The service to be performed by the applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. (2) Shipments transported by applicant shall be limited to those on through bills of lading or express receipts. (3) Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc., for 150 days. NOTE: Applicant requests that the authority for the proposed operation, if granted, be construed as an extension, to be joined and combined with REA's existing authority in MC 66562 and subs thereunder. Supporting shippers: There are approximately (35) 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: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y.

No. MC 73165 (Sub-No. 248 TA), filed April 3, 1968. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, 830 North 33d Street, Birmingham, Ala. 35201. Applicant's representative: Ocie M. Cook, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, stoppers and tops for glass containers*, between New Orleans, La, and points in Alabama, Arkansas, Florida, Georgia, Mississippi, Tennessee, and Texas, for 180 days. Supporting shipper: Owens-Illinois, Inc., Post Office Box 1035, Toledo, Ohio 43601. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 106760 (Sub-No. 97 TA), filed April 1, 1968. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio 43614. Applicant's representative: O. L. Thee (same address as above)., Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, knocked down, or in sections, or *prefabricated building sections and components together with materials* necessary for the construction and erection thereof, from points in Pinellas County, Fla., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: Florida Development Services, Inc., Porta Branch, Box 797 Pinellas Park, Fla. 33565. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 114897 (Sub-No. 77 TA), filed April 3, 1968. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Road, Post Office Drawer 9897, El Paso, Tex. 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Monument, N. Mex., to points in Barton, Ellis, Logan, Thomas, Seward, Meade, Ford, Ellsworth, and Grant Counties, Kans.; and Cimarron, Tex.; Beaver and Harper Counties, Okla., for 180 days. Supporting shippers: O. W. McKee, office manager, Climax Chemical Co., Monument, N. Mex. 88265; M. H. Price, Weskem Corp., 601 South Locust Street, Borger, Tex. 79007. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 115022 (Sub-No. 14 TA), filed April 2, 1968. Applicant: CHAMBERLAIN MOBILEHOME TRANSPORT, INC., 64 East Main Street, Thomaston, Conn. 06787. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes* designed to be drawn by passenger automobiles, from Hartford County, Conn., to points in the United States east of the Mississippi River and Louisiana and Minnesota, with no compensation on return, for 180 days. Supporting shipper: Crown, Inc., Post Office Box 98, Cross Street, Bristol, Conn. 06010. Send protests to: District Supervisor, David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 117574 (Sub-No. 169 TA), filed April 1, 1968. Applicant: DAILY EXPRESS, INC., Post Office Box 39, 1076 Harrisburg Pike, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr., Daily Express, Inc., Carlisle, Pa. 17013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, compaction and roadmaking equipment, rollers, self-propelled and non-self-propelled; mobile cranes; and highway freight trailers;* (2) *parts, attachments and accessories* for the commodities described in (1) above, restricted to the handling to traffic originating at or destined to the named plantsites; between the plantsites of the Hyster Co. located at or near Danville, Kewanee, and Peoria, Ill., on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Hyster Co., 2902 Northeast Clackamas Street, Portland, Oreg. 97208. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 119641 (Sub-No. 70 TA), filed April 4, 1968. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Post Office Box 471, Fowler, Ind. 47944. Applicant's representative: Leo A. Maciolek (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (not including tractors with vehicle beds, bed frames or fifth wheels, (2) *industrial and construction* machinery and equipment, (3) *equipment designed for use in connection with trailers*, (4) *trailers designed for transportation of the commodities described above* (other than those designed to be drawn by passenger automobiles), (5) *attachments* for the commodities described above, (6) *international combustion engines*, and (7) *parts and accessories* of the commodities described in (1) through (6) above, when moving in mixed loads with such commodities, from the plant and warehouse sites of Massey-Ferguson, Inc., at or near Cuyahoga Falls, Ohio; to points in Alabama; Arkansas; Connecticut; Delaware; Florida; Georgia; Illinois; Indiana; Iowa; Kansas; Kentucky; Louisiana; Maine; Maryland; Massachusetts; Michigan; Minnesota; Mississippi; Missouri; Nebraska;

New Hampshire; New Jersey; New York; North Carolina; North Dakota; Ohio; Oklahoma; Pennsylvania; Rhode Island; South Carolina; South Dakota; Tennessee; Texas; Vermont; Virginia; West Virginia; and Wisconsin. Restriction: The authority requested above is restricted to traffic originating at the plant and warehouse sites named, for 180 days. Supporting shipper: Massey-Ferguson, Inc., 1901 Bell Avenue, Des Moines, Iowa 50315. Send protests to: District Supervisor, J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 123263 (Sub-No. 2 TA), filed April 3, 1968. Applicant: BELGIUM TRUCKING CO., INC., Belgium, Wis. 53004. Applicant's representative: John T. Porter, 16 North Carroll Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed specialties*, from Fond du Lac, Wis., to Wadsworth, Ill., Eden Valley, Minn., and Circleville, Ohio, for 180 days. Supporting shipper: Ralston Purina Co., Fond du Lac, Wis., Ronald H. Braun, traffic manager. Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 129449 (Sub-No. 2 TA), filed April 5, 1968. Applicant: OWENS AND ASHER, INC., 306 Northwest Fifth Street, John Day, Oreg. 97845. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips* and veneer, from Mount Vernon, Oreg., to points in Washington, for 180 days. Supporting shipper: Edward Hines Lumber Co., John Day, Oreg. 97845. Send protests to: R. V. Dubay, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 129702 (Sub-No. 1 TA), filed April 3, 1968. Applicant: CARPET TRANSPORT, INC., 1031 Meadowlark Avenue, Miami Springs, Fla. 33166. Applicant's representative: Joseph V. Silvia (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings or related articles—carpets, carpeting, carpet remnants or rugs; soft surface* (pile) *fabric, power machine tufted or power loom woven*, between points in Hamilton County, Tenn.; Bartow, Carroll, Catoosa, Chattahoochee, De Kalb, Floyd, Fulton, Gordon, Muscogee, Troup, Walker, and Whitefield Counties, Ga., and points in Brevard, Broward, Dade, Hillsborough, Orange, Palm Beach, Pinellas, and Polk Counties, Fla., for 180 days. Supporting shippers: There are approximately 19 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor, Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 129803 TA, filed April 1, 1968. Applicant: DENTON YOUNG AND G. D. SARTAIN, a partnership, doing business as SARTAIN & YOUNG, Stanton, Tenn. 38069. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heaters, air conditioners, air handlers, cooling towers*, from plant of American Air Filter Co., Inc., Brownsville, Tenn., to Memphis, Tenn., for 180 days. Supporting shipper: American Air Filter Co., Inc., 215 Central Avenue, Louisville, Ky. 40208, Kenneth L. Gibson, TAG traffic supervisor. Send protests to: W. W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Building, 167 North Main Street, Memphis, Tenn. 38103.

By the Commission.

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

[F.R. Doc. 68-4562; Filed, Apr. 16, 1968; 8:50 a.m.]

[Notice 587]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 12, 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 29660 (Sub-No. 17 TA), filed April 8, 1968. Applicant: HERMAN LOZOWICK TRUCKING CO., 1551 Park Avenue South, Linden, N.J. 07036. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products*, from Staten Island, N.Y., to points in New Jersey and those in Nassau, Suffolk, and Westchester Counties, N.Y., via New Jersey, for 180 days. Supporting shipper: United States Gypsum Co., 600 Madison Avenue, New York, N.Y. 10022. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Federal Building, Newark, N.J. 07102.

No. MC 31600 (Sub-No. 630 TA), filed April 5, 1968. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquor*, in bulk, in tank vehicles, from Hartford, Conn., to points in Maryland, for 180 days. Supporting shipper: Heublein, Inc., 330 New Park Avenue, Hartford, Conn. 06101. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Government Center, Boston, Mass.

No. MC 50493 (Sub-No. 36 TA), filed April 8, 1968. Applicant: P. C. M. TRUCKING, INC., 1065 Main Street, Orefield, Pa. 18069. Applicant's representative: Frank A. Doocey, 527 Hamilton Street, Allentown, Pa. 18101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed constituents such as meat scrap, bone meal, tankage, blood meal*, from points in New York and Long Island to Winfield, Geetsburg, Meadville, New Wilmington, and Manheim, Pa., for 150 days. Supporting shipper: Agway, Inc., Feed Division, 560 Delaware Avenue, Post Office Box 128, Buffalo, N.Y. 14240. Send protests to: Francis W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 59150 (Sub-No. 39 TA), filed April 4, 1968. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Box 47, Station G, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pulp*, from points in Putnam County, Fla., to points in Clay County, Fla., for 180 days. Supporting shipper: Hudson Pulp & Paper Corp., Putnam County, Fla. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, 400 West Bay Street, Box 35008, Jacksonville, Fla. 32202.

No. MC 66562 (Sub-No. 2308 TA), filed April 9, 1968. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John C. Ashton (same address as above). Authority is sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service, for a period of 150 days. The stated purposes of the application is to restructure REA's operations

throughout areas presently served in the United States from its present service routes, basically paralleling rail lines, to a so-called Hub system. Applicant proposes to establish 24 Hubs at cities in the United States at which its collection and distribution operations would be centered. The points are as follows: Boston, Mass.; Albany, N.Y.; Buffalo, N.Y.; New Haven, Conn.; New York, N.Y.; Newark, N.J.; Philadelphia, Pa.; Pittsburgh, Pa.; Washington, D.C.; Atlanta, Ga.; Jacksonville, Fla.; Detroit, Mich.; Cleveland, Ohio; Cincinnati, Ohio; St. Paul, Minn.; Milwaukee, Wis.; Chicago, Ill.; St. Louis, Mo.; Kansas City, Mo.; Dallas, Tex.; Denver, Colo.; Seattle, Wash.; Los Angeles, Calif.; and Oakland, Calif. Applicant proposes to perform service between the various Hub-cities over a network of routes, which are both presently authorized and sought herein; and at each of the Hub cities applicant proposes to perform a so-called "Secondary-System, Hub-to-Satellite" service, over a network of routes both presently authorized and sought herein, which routes radiate from the various Hub cities to various points in its present service areas. Applicant intends to combine the authority it presently holds with the authority here sought, as well as to combine the various routes sought herein one to another, at common service points. Because of the physical scope and length of the descriptions of the routes sought herein, it would not be feasible to reproduce all such route descriptions herein, but such descriptions as filed are available for inspection by any interested person at the offices of the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Supporting shippers: There are 36 shippers' supporting statements attached to the application, which statements may be examined at the offices of the Commission in Washington, D.C., or at the field office named below. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 107496 (Sub-No. 654 TA), filed April 4, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third; 50309, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk and bags, from Midwest Terminal site at Kansas City, Mo., to points in Kansas, Iowa, and Nebraska, for 180 days. Supporting shipper: The New Jersey Zinc Co., 160 Front Street, New York, N.Y. 10038. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 113094 (Sub-No. 16 TA), filed April 5, 1968. Applicant: R. A. GOULD, INC., 5231 Monroe Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives*, between Salt Lake City, Utah and Rico and Montrose, Colo., for 180 days. NOTE: Applicant intends to interline at Salt Lake City, Utah, Montrose and Rico, Colo. Supporting shippers: Ireco Chemicals, 3000 West 8600 South, West Jordan, Utah 84084; Neylon Bros. Freight Lines, 541 South First Street, Lincoln, Nebr. 68508; The Ensign-Bickford Company, Post Office Box 126, Louviers, Colo. 80131; Harry L. Young and Sons, Inc., Post Office Box 1566, Salt Lake City, Utah 84110; Atlas Chemical Industries, Hudson, Colo. 80642; Browning Freight Lines, Inc., 244 South Fourth West Street, Salt Lake City, Utah 84101, and Barton Truck Line, Inc., 455 West Fourth South, Salt Lake City 84101. Send protests to: District Supervisor, C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 116063 (Sub-No. 108 TA), filed April 4, 1968. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road; 76101, Post Office Box 270, Fort Worth, Tex. 76106. Applicant's representative: W. H. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard*, in bulk, in tank vehicles, from Arkansas City, Kans., to Joplin and Springfield, Mo., Albuquerque, N. Mex., and Tulsa, Okla., for 180 days. Supporting shipper: Maurer-Neuer, Inc., Arkansas City, Kans. 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 123057 (Sub-No. 6 TA), filed April 8, 1968. Applicant: JAMES RICCIARDI & SONS, INC., 203 Fillmore Street, Staten Island, N.Y. 10301. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and gypsum products*, from New Brighton, Staten Island N.Y., to points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Morris, Ocean, Salem, Sussex and Warren Counties, N.J., for 180 days. Supporting shipper: United States Gypsum Co., 600 Madison Avenue, New York, N.Y. 10022. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 125657 (Sub-No. 5 TA), filed April 5, 1968. Applicant: FLOYD D. BAZE, doing business as BAZE TRUCKING, 4879 Martin Street, Mira Loma, Calif. 91752. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vacation trailers and campers*, by truckaway service, from Hemet, Calif., to points in Washington, Oregon, Idaho, Montana, Utah, New Mexico, Nevada, Arizona, Texas, Alberta and British Columbia, Canada, and *damaged or rejected shipments* on return, for 180 days. Supporting shippers: Nomad Travel Trailers, 920 Mayberry Street, Post Office Box 933, Hemet, Calif. 92343; Aljo Modernistic Industries, 335 South Lyon Street, Post Office Box 1405, Hemet, Calif. 92343. Send protests to: Wm. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 127689 (Sub-No. 16 TA), filed April 3, 1968. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Post Office Box 1326, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery, agricultural implements and parts, accessories, attachments therefor*, from Laurel, Miss., and points within 5 miles thereof, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and (2) *Equipment, materials, supplies and parts* used in the manufacture *of farm machinery, agricultural implements, and parts, accessories, and attachments therefor*, on return, for 180 days. Supporting shipper: Howse Implement Co., Route 6, Laurel, Miss. 39440 (C. J. Howse, Owner). Send protests to: District Supervisor, Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, 312–A, U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 129506 (Sub-No. 1 TA), filed April 3, 1968. Applicant: GENE BAILEY, doing business as AMERICAN BROKERAGE COMPANY, 20 Peters Street, Bristol, Va. 24201. Applicant's representative: Easton H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Shell containers*, from Washington and Alpha, N.J., to the plantsite of Baldwin Electronics Co., Camden, Ark., Naval Ammunition Depot near McAlester, Okla., Pine Bluff Arsenal near Pine Bluff, Ark., the plantsite of Remington Rand near Doyline, La., Louisiana Ordnance Plant near Doyline, La., and the plantsite of Day & Zimmermann, Inc., and Lone Star Ammunition Plant at or near Texarkana, Tex., and (2) *equipment and materials used in the manufacture of shell containers*, from Monroe, La., Atlanta, Tex., and Jackson, Huntingdon, and Milan, Tenn., to Washington and Alpha, N.J., for 150 days. Supporting shipper: M. C. Ricciardi Co., Post Office Box 1032, Alpha, N.J. 08865. Send protests to: George S. Hales, District Supervisor Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 129509 (Sub-No. 1 TA), filed April 3, 1968. Applicant: ALBERT A. CLARK AND PERCY F. CLARK, a

partnership, doing business as CLARK BROTHERS, Schuyler, Va. 22969. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous sulphate*, in bulk, in dump vehicles, from Piney River, Va., to points in Maryland, Pennsylvania, West Virginia, Kentucky, Tennessee, and North Carolina, for 180 days. Supporting shipper: American Cyanamid Co., Wayne, N.J. 07470. Send protests to: George S. Hales, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 129808 TA, filed April 3, 1968. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., Box 46, Municipal Airport, Rural Route 3, Grand Island, Nebr. 68801. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain storage bins, grain drying bins, bulk feed tanks and metal buildings and parts, materials and supplies* used in connection therewith, from plantsite and storage facilities of Big Chief of Nebraska, Inc., at or near Grand Island, Nebr., to points in North Dakota, South Dakota, Colorado, Wyoming, Montana, Washington, Oregon, Idaho, Utah, Indiana, Illinois, Iowa, Ohio, and Missouri, (2) *raw materials, parts, supplies and tools* used in connection *with the manufacture and distribution of grain storage bins, grain drying bins, bulk feed tanks and metal buildings*, from Piqua, Ohio, St. Louis, Mo., and Sterling and Chicago, Ill., to plantsite and storage facilities of Big Chief of Nebraska, Inc., at or near Grand Island, Nebr., for 150 days. Supporting shipper: Big Chief of Nebraska, Inc., West Highway 30, Grand Island, Nebr. Send protests to: District Supervisor Max H. Johnson, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 129810 TA, filed April 4, 1968. Applicant: CHARLES CLINE, INC., 1135 North Little, Post Office Box 152, Cushing, Okla. 74023. Applicant's representative: Robert J. Beaver (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter and related dairy products*, from Burkey Creamery, Cushing, Okla., to Phoenix, Ariz., Los Angeles, Calif., and San Francisco, Calif., with occasional stops for repackaging in Oklahoma City, Okla., for 180 days. Supporting shipper: Burkey Creamery, Post Office Box 1127, Cushing, Okla. 74023. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 129815 TA, filed April 5, 1968. Applicant: KEITH BRINKERHOFF, 807 Second Avenue, Salt Lake City, Utah 84103. Applicant's representative: William S. Richards, 1601 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and exempt agricultural products, mixed with bananas*, from points in California and Washington to the U.S. port of export at Sweet Grass, Mont., for continuous movement to points in Canada, for 180 days. Supporting shippers: Dominion Fruit, Ltd., Plunkett & Savage Branch, 614 10th Avenue West Calgary, Alberta, Dominion Fruit Ltd., Brown-Royal Branch, Post Office Box 487, Edmonton, Alberta. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

MOTOR CARRIER OF PASSENGERS

No. MC 129644 (Sub-No. 1 TA), filed April 8, 1968. Applicant: C & J TRAVEL, INC., 163 Central Avenue, Dover, N.H. 03820. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, and *express* in the same vehicle with passengers, in special operations of not more than 11 persons in any one vehicle (not including the driver and children under 10 years of age who do not occupy seats) between Somersworth, Dover, Portsmouth, and Exeter, N.H., on the one hand, and, on the other, Logan International Airport at Boston, Mass., for 180 days. Supported by: There are approximately 38 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Ross J. Seymour, Interstate Commerce Commission, Bureau of Operations, 424 Federal Building, 55 Pleasant Street, Concord, N.H. 03301.

By the Commission.

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

[F.R. Doc. 68-4563; Filed, Apr. 16, 1968; 8:50 a.m.]

[Notice 123]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 11, 1968.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, '49 CFR Part 179:

No. MC-FC-70446. By application filed April 8, 1968, CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, Post Office Box 212, Billings, Mont. 59103, seeks temporary authority to lease the operating rights of H. F. LLOYD TRUCKING, INC., 410 Wicks Lane, Billings, Mont. 59101, under section 210a(b). The transfer to CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, of the operating rights of H. F. LLOYD TRUCKING, INC., is presently pending.

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

[F.R. Doc. 68-4564; Filed, Apr. 16, 1968; 8:50 a.m.]

[S.O. 994; ICC Order No. 11]

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD CO., AND PENNSYLVANIA, NEW YORK CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, The New York, New Haven and Hartford Railroad Co. is unable to transport carload traffic loaded to excessive dimensions over its line between Putnam, Conn., and Franklin, Mass., because of severe damage to bridge No. 35.67 located in the vicinity of Blackstone, Mass. They are also prevented from moving such traffic over other of their lines due to clearance restrictions.

It is ordered, That:

(a) Rerouting traffic: The New York, New Haven and Hartford Railroad Co. being unable to transport carload traffic loaded to excessive dimensions over its line between Putnam, Conn., and Franklin, Mass., because of severe damage to bridge No. 35.67 located in the vicinity of Blackstone, Mass.; and they are also prevented from moving such traffic over other of their lines due to clearance restrictions, is hereby authorized to reroute or divert such traffic over the Pennsylvania, New York Central Transportation Co. via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving road to be obtained: The New York, New Haven and Hartford Railroad Co. shall receive the concurrence of the Pennsylvania, New York Central Transportation Co. before the rerouting or diversion is ordered.

(c) Notification to shippers: The New York, New Haven and Hartford Railroad Co. rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic authorized by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted under this authority shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed

upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9 a.m., April 13, 1968.

(g) Expiration date: This order shall expire at 11:59 p.m., August 31, 1968, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 12, 1968.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 68-4565; Filed, Apr. 16, 1968; 8:50 a.m.]

[No. 34978]

PACIFIC INLAND TERRITORY RATE INCREASES, 1968

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing that by order dated April 9, 1968, the Commission, in the above-entitled proceeding, instituted an investigation into and concerning the lawfulness of the rates, charges, and regulations contained in the schedules described in said order;

It further appearing that by order dated September 8, 1967, in Docket No. 34875, Increased Rates and Charges, Pacific Inland Territory, the Commission instituted an investigation into and concerning the lawfulness of the rates, charges, and regulations described in tariff schedules designated therein; that by order dated January 9, 1968, the Commission, among other things, directed the procedure to be followed in the proceeding and required the respondents to submit certain information and supporting data for the record; and by order dated March 18, 1968, the Commission scheduled a hearing to commence in No. 34875 on May 6, 1968, in Portland, Oreg.;

And it further appearing that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the question whether the resulting rates would be just and reasonable, it is deemed appropriate in the public interest that the information specified below be included in the record to be developed in this proceeding; and good cause appearing therefor:

It is ordered, That the same information and supporting data required to be filed by the respondents in accordance with the first seven ordering paragraphs of the Commission's order dated January 9, 1968, of Docket No. 34875, be, and they are hereby, required to be included for submission in developing the record in the instant proceeding.

It is further ordered, That the Commission will take official notice of all the respondent carriers' financial statements on file with the Commission.

It is further ordered, That all of the required data specified in this order shall be based upon and reflect at least the 1967 annual reporting period.

It is further ordered, That the Department of Transportation be, and it is hereby, notified and requested to submit, as part of its presentation, evidence which will (1) adequately support the allegations contained in its protests before the Board of Suspension including data showing the productivity of respondents, any increase in such productivity for at least the calendar year 1967, and the labor costs per unit of productivity; (2) show what financial indicators should be considered by the Commission in making its decision in this proceeding; (3) show to what extent the Commission should consider operating ratios, return on invested capital, and rate of return on stockholders' equity, in determining the revenue needs of respondents recognizing the differences which exist among the individual carriers both as to their financial conditions and their methods of operation; and (4) should the Commission adopt any of these as criteria, show what percentage or percentages should the motor carrier industry be allowed in order to maintain a healthy financial condition.

It is further ordered, That the detailed information called for by this order shall be in writing and shall be verified by a person or persons having knowledge thereof; that such verified material shall be served on all parties of record on or before April 29, 1968, and at the same time, respondents shall file an executed original and 16 copies with this Commission, together with certificates of service in accordance with § 1.22(a) of the general rules of practice. The information with respect to carrier affiliates may be served on the parties in summary form, if so desired.

It is further ordered, That all underlying data used in preparation of the material outlined above shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that the underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination.

It is further ordered, That all parties whose names appeared on the service list attached to the Commission's order dated March 18, 1968, in Docket No. 34875, and, in addition, the following parties:

Department of Transportation, John E. Robson, General Counsel, 800 Independence Avenue SW., Washington, D.C. 20590.
Commission of Public Docks, Milton A. Mowat, 3070 Northwest Front Avenue, Portland, Oreg. 97210.
John Deere Co., P. S. Koppang, Post Office Box 7498, Portland, Oreg. 97220.

are considered parties to the instant proceeding to receive copies of the verified material of respondents to be filed in accordance with the procedure set forth above. Any other interested person desiring to participate in the proceeding may make his appearance at the hearing.

It is further ordered, That this proceeding be, and it is hereby, referred to Hearing Examiner L. H. Dishman for hearing commencing on May 6, 1968, at 9:30 a.m., daylight saving time (or 9:30 a.m. U.S. standard time, if that time is observed), in Room 401, Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg., and for the recommendation of an appropriate order thereon, accompanied by the reasons therefor.

It is further ordered, That a copy of this order be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(2) Have appeared at a hearing.

Dated at Washington, D.C., this 10th day of April 1968.

By the Commission, Commissioner Walrath.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-4566; Filed, Apr. 16, 1968; 8:50 a.m.]

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26 CFR

1 ... 5354, 5518, 5848, 5872
31 ... 5354
301 ... 5354

PROPOSED RULES:

1 ... 5804, 5858, 5878
31 ... 5804
46 ... 5804
48 ... 5804
49 ... 5804

28 CFR

0 ... 5580

29 CFR

31 CFR

32 CFR

32A CFR

33 CFR

37 CFR

38 CFR

39 CFR

41 CFR

42 CFR

43 CFR

45 CFR

46 CFR

46 CFR—Continued

47 CFR

49 CFR

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PART II

Department of Health, Education, and Welfare

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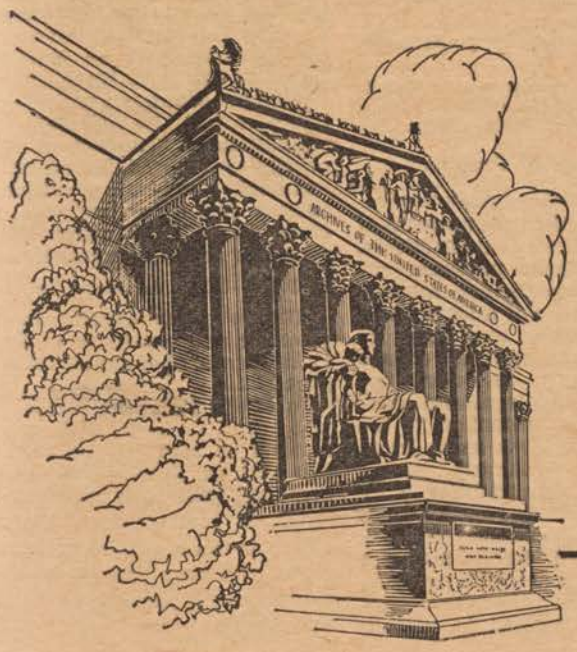

Standards of Conduct

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 73—STANDARDS OF CONDUCT

Part 73 is revised and amended to incorporate changes made by the Civil Service Commission in Part 735, Civil Service Regulations. The requirement for filing a statement of employment and financial interests has been revised and reduced in scope. These amendments were approved by the Civil Service Commission on February 28, 1968, and are effective upon publication in the FEDERAL REGISTER.

AUTHORITY: The provisions of this Part 73 issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

Subpart A—General Provisions

§ 73.735–101 Principles and purpose.

In order to assure that the business of this Department is conducted effectively, objectively and without improper influence or appearance thereof, all employees must be persons of integrity and observe unquestionable standards of behavior. An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or other conduct prejudicial to the Government. An employee must avoid conflicts of his private interests with his public duties and responsibilities. Also, he must not do indirectly that which is improper for him to do directly. For example, members of his family may not accomplish for him that which he, himself, may not do. The propriety of any activity must be considered in relation to general ethical standards of the highest order. Certain standards are set by law. Others are set by regulation and by policy. This part references or discusses these standards and constitutes the Department's regulations on this subject. Failure to observe any of the regulations in this part is cause for disciplinary action.

§ 73.735–102 Applicability.

The regulations in this part apply to all officers and employees of the Department, including regular officers of the Public Health Service Commissioned Corps and Reserve Officers of the Corps while on active duty, except that the regulations in this part apply to special Government employees only to the extent stated in Subpart L of this part. A special Government employee is defined by law as "* * * an officer or employee * * * who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties whether on a full-time or intermittent basis * * *."

§ 73.735–103 Responsibilities.

(a) Supervisors, because of their day-to-day relationships with employees, are responsible to a large degree for maintaining high standards of conduct. They must become familiar with the Department regulations and apply the standards to work they do and supervise. They shall inform new employees as they come on duty and make sure that all employees are kept aware of the regulations. Supervisors shall take suitable action, including disciplinary action in accordance with Subpart K of this part, when violations occur.

(b) Each employee shall be responsible for observing all generally accepted rules of conduct and the specific provisions of law and the regulations in this part. He shall secure approvals when required and file statements of outside work and financial interests as appropriate, as stated in this part. He is subject to discipline in accordance with Subpart K of this part, when he violates laws, rules or regulations on conduct or the ethical principles involved. When an employee has doubt about any provision, he shall consult his supervisor, the personnel office, the administrative office or the counselor or deputy counselor.

§ 73.735–104 Advice and guidance.

The following sources shall provide guidance and assistance as described on matters covered by the regulations in this part:

(a) Supervisors shall advise employees who come to them with questions on matters covered by the regulations in this part, or, as they consider appropriate, shall refer such questions to higher levels of management, the personnel office, or the counselor or deputy counselors who have been designated in accordance with paragraphs (b) and (c) of this section.

(b) The Regional Attorneys are designated deputy counselors for all employees of the Department in the geographic areas covered by their respective regions, except as specified in paragraph (c)(3) of this section. Included are employees and special Government employees of the regional offices, Public Health Service hospitals, clinics, or other Public Health Service installations, District Offices and Payment Centers of the Social Security Administration, and District Offices of the Food and Drug Administration. Deputy counselors shall:

(1) Give authoritative advice and guidance when requested to employees, special Government employees, management officials and personnel offices within their areas of jurisdiction.

(2) Receive information on and attempt to resolve, or refer to the Department counselor, conflicts of interest or appearances of conflicts of interest in Statements of Employment and Financial Interests submitted by employees and special Government employees to whom they are required to give advice and guidance, which are not resolved at lower levels.

(c) The Assistant General Counsel, Business and Administrative Law Division, Office of the General Counsel, is designated as the counselor for the Department. He shall:

(1) Serve as the Department's designee to the Civil Service Commission on matters covered by the regulations in this part.

(2) Coordinate the Department's counseling services and assure that counseling and interpretations on questions of conflicts of interest and other matters covered by the regulations in this part are available as needed to deputy counselors.

(3) Render authoritative advice and guidance on matters covered by the regulations in this part which are presented to him by employees, special Government employees, management or personnel offices in the Washington, D.C., metropolitan area or in the Social Security Administration headquarters, Baltimore, Md.

(4) Receive information on and resolve or forward to the Secretary for consideration, conflicts or appearance of conflicts which appear in the Statements of Employment and Financial Interests submitted under Subpart J or Subpart L of this part, which are not resolved at a lower level.

(d) The names and addresses of the counselor and deputy counselors will be made available to employees by appropriate bulletins, circulars, or other releases of a current nature. Any employee may also obtain the name and address of his counselor or deputy counselor through his personnel office and may seek advice and guidance therefrom, either indirectly through his supervisory or the personnel office, or directly in person, by telephone, or by mail.

§ 73.735–105 Supplementation.

Operating agencies may supplement the regulations in this part with additional requirements where necessary. Such requirements shall not be inconsistent with Civil Service Regulations and this part. The additional provisions or changes thereto shall be submitted to the Office of Personnel and Training, Office of the Assistant Secretary for Administration, Office of the Secretary, for clearance and publication as necessary, as supplements to this part. When issued, a copy of the supplement shall be provided to each employee to whom it applies.

Subpart B—Miscellaneous Statutory Provisions

§ 73.735–201 General.

Each employee and special Government employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of his operating agency, the Department, and the Government. These statutory provisions are referenced in Appendix A to this part and some are discussed at greater length in the various subparts of this part. The statutes will be made available for review upon the employee's request to the deputy counselor for his part of the Department or to the counselor.

Subpart C—Gifts, Entertainment and Favors

§ 73.735–301 Accepting gifts and expenses from outside sources.

(a) Law provides that a Federal employee shall not accept anything of value for or because of any official act he has performed or will perform. (See criminal provisions in Appendix A of this part.) In this connection, an employee shall not solicit or accept directly or indirectly any gift, gratuity, favor, entertainment, loan or any other thing of monetary value from members of the public with whom he has official relationships, whether or not proffered for or because of any action or decision of the employee, such as from a person or organization that:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with his agency;

(2) Conducts operations or activities that are regulated by his agency; or

(3) Has interests that may be substantially affected by the performance or nonperformance of his official duties.

(b) The restrictions set forth in paragraph (a) of this section do not apply to:

(1) Obvious family or personal relationships such as those between the employee, his parents, children, or spouse, when the circumstances make it clear that those relationships rather than the business of the persons concerned are the motivating factors;

(2) The acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may be properly in attendance.

(3) The acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans.

(4) The acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(c) An employee may accept travel expenses from outside sources only when acceptance is approved in accordance with the provisions of the Department Travel Manual. The Travel Manual states restrictions in this connection: "Neither payment in cash nor services in kind may be accepted where an inspectional or administrative-supervisory relationship exists between the traveler and the non-Federal organization offering to pay his expenses. Examples are: Food and Drug inspectors may not receive travel expenses in cash or kind from any individual business which it inspects unless the inspection is under the program of Certification Services or is part of a reconditioning operation; staff of the Department who have responsibility for making grants to States, local governments, or institutions may not receive travel expenses in cash or kind from organizational segments of the States, local governments, or institutions to which the traveler has responsibility for making grants or assuring compliance with grant regulations; grant-in-aid auditors may not accept travel expenses in cash or kind from any organization which they have responsibility for auditing." An employee may not be reimbursed, or payment made in his behalf for excessive personal living expenses, gifts, entertainment or other personal benefits, nor be reimbursed by a person for travel or official business under agency orders when a reimbursement is proscribed by Decision B–128527 of the Comptroller General dated March 7, 1967. Employees of this Department are authorized by section 211 of Public Law 85–67 (42 U.S.C. 3506) in connection with their attendance at meetings or in performing advisory services concerned with the functions or activities of the Department to accept payment in cash or in kind from non-Federal agencies, organizations, and individuals, for travel and subsistence expenses to cover the cost thereof as provided in the Department Travel Manual.

§ 73.735–302 Offers of gifts and expenses from outside sources.

Law provides criminal penalties for whoever directly or indirectly receives, gives, offers or promises anything of value for performance of or to influence the performance of an official act (Item 2, Appendix A of this part).

§ 73.735–303 Gifts to official superiors.

An employee shall not solicit contributions from another employee for a gift or make a donation as a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. (Item 24, Appendix A of this part.) However, this paragraph does not prohibit a voluntary

gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

§ 73.735–304 Acceptance of awards.

(a) This subpart does not preclude an employee from accepting an award from a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit education and recreational, public service, or civic organization.

(b) An employee shall not accept a gift, present, decoration or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in Public Law 89–673, 5 U.S.C. 7342, 80 Stat. 952, 22 U.S.C. 2621–2626.

§ 73.735–305 Other prohibitions.

An employee shall avoid any action, whether or not specifically prohibited by this part, which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person;

(c) Impeding Government efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making a Government decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Government.

Subpart D—Outside Employment

§ 73.735–401 General provisions.

(a) Outside employment may be appropriate when it will not adversely affect performance of an employee's official duties and will not reflect discredit on the Government or the Department. Such work may include civic, charitable, religious, and community undertakings. It may also include some paid or unpaid outside work which would contrbiute to technical or professional development. There are certain types of outside work, however, which give rise to a real or apparent conflict of interest. Some of these are prohibited by law as discussed in paragraph (b) of this section. Others are prohibited by Civil Service Regulation, as discussed in paragraph (c) of this section. Others may be prohibited by criteria developed by heads of operating agencies. Such criteria must be observed by the employees of the respective agencies. All of these provisions are binding, but do not necessarily include all possible conflicts of interest. In all instances, good judgment must be used to insure scrupulous compliance with all provisions.

(b) Statutory provisions of Chapter 11 of title 18 of the United States Code (referenced in full in Appendix A of this part) which relate to outside work both during and after Government employment are reiterated below:

(1) An employee shall not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (Items 3 and 4, Appendix A).

(2) A person shall not, at any time after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (Item 27, Appendix A).

(3) A person shall not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility (but in which he may not have participated personally and substantially) during the last year of his Government service (Item 27, Appendix A).

(c) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment whether or not in violation of any specific provision of statute. Incompatible activities include, but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in any circumstances in which acceptance may result in, or create the appearance of, conflicts of interest;

(2) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner;

(3) Work which identifies the Department or any employee in his official capacity with any organization commercializing products relating to work conducted by the Department, or with any commercial advertising matter, or work performed under such circumstances as to give the impression that it is an official act of the Department or represents an official point of view;

(4) Outside work or activity that takes the employee's time and attention during his official work hours;

(d) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (Item 6, Appendix A). For example, a Department employee may be called upon, as a part of his official duties, to participate in a professional meeting sponsored by a non-Government organization, or to contribute a paper or other writing prepared on official time for publication under non-Government auspices. The employee must not accept an honorarium or fee for such services, even though the organization accepting the service customarily makes such a payment to those who participate. In some cases of this kind, the organization involved may indicate a desire or willingness to make a contribution to some charity, educational institution, or the like, in appreciation of the services furnished by the Department employee since he cannot accept the usual payment. Department standards require that all offers to make such a contribution be refused. No Department employee may suggest, or agree to a suggestion made by others, that such a contribution should be made. Any employee with whom such a question is raised shall explain that the service involved was provided as an official action of the Department and is authorized by law. Under these circumstances, it is inappropriate for any payment to be made, even indirectly and to a third party, for services which are furnished without charge by the Government.

(e) An employee who is a Presidential appointee covered by section 401(a) of Executive Order 11222 shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his agency, or which draws substantially on official data or ideas which have not or will not on request become part of the body of public information.

(f) Application of these general provisions to some specific activities is discussed in §§ 73.735–402 to 73.735–407.

§ 73.735–402 Professional and consultative services.

(a) Employees may engage in outside professional or consultative work only after meeting certain conditions. Except as provided in §§ 73.735–403, 73.735–404, and 73.735–405, the conditions which must be met are:

(1) The work is to be rendered to organizations or to individuals seen as private patients or clients, and

(2) Is not to be rendered to organizations, institutions, or State or local governments with which the official duties of the employee are directly related, or indirectly related if the indirect relationship is significant enough to permit existence of conflict or apparent conflict of interest, and

(3) Is not to be rendered for compensation to help institutions or government units prepare or aid in the preparation of grant applications, contract proposals, program reports and other material which are designed to become the subject of dealings between the institutions or government units and the Federal Government. All requests to perform consultative services, both compensated and uncompensated, for institutions or government units which have recently negotiated or may in the near future seek a contract or grant from the Federal Government must be carefully appraised to avoid any conflict or apparent conflict of interest.

(4) The compensation expected must bear a reasonable relationship to the services to be performed.

(5) Advance administrative approval in accordance with Subpart I of this part must be obtained. Such approval is required whether or not the services are for compensation, and whether or not related to the employee's official duties.

(b) For the purpose of this section, "professional and consultative work" is work in occupations such as those listed in Appendix B to this part.

§ 73.735–403 Writing and editing.

(a) *General.* Employees are encouraged to engage in outside writing and editing whether or not done for compensation, when such activity is not otherwise prohibited. Such writing and editing, though not a part of official duties, may be on a directly related subject or entirely unrelated. Certain conditions must be met in either case, however, and certain clearances or approvals are prescribed according to the content of the material as set forth in paragraphs (b) through (e) of this section.

(b) *Conditions applying to all writing and editing done not as a part of official duties.* All of the following conditions shall apply to all writing and editing whether related or unrelated to the employee's official duties:

(1) Government-financed time or supplies shall not be used by the author or by other Government employees in connection with the activity.

(2) Official support must not be expressed or implied in the material itself or advertising or promotional material, including book jackets and covers, relating to the employee and his contribution to the publication.

(3) Editing activities must not involve approval or disapproval of advertising matter.

(4) Advance administrative approval must be obtained if required by paragraph (f) of this section.

(c) *Additional conditions applying to writing and editing activities unrelated to the employee's official duties or other responsibilities and programs of the Federal Government.* In addition to observing the conditions in paragraph (b) of this section, the employee must either:

(1) Make no mention of his official title or affiliation with the Department, or

(2) Use his official title or affiliation with the Department in a way that will not suggest or convey official endorsement of the work.

(d) *Additional conditions applying to writing and editing activities related to the employee's official duties or other responsibilities and programs of the Federal Government.* In addition to observing the conditions in paragraph (b) of this section, the employee must either:

(1) Make no mention of his official title or affiliation with the Department, or

(2) Use his official title or affiliation with the Department and a disclaimer as provided in paragraph (e) of this section, or

(3) Submit his material for technical clearance within the operating agency and for clearance for publication by the public information officer of the employee's operating agency or bureau. When technical clearance is denied at any lower level, the employee shall have recourse for review up to the head of the operating agency. If the public information officer has question as to granting clearance for publication, he should refer the question for resolution by the Director of Public Information. These two clearances by the Department will show there are no official objections to the activity and the employee may then use his official title or affiliation with the Department usually without a disclaimer. (Publications and Reports Bulletin No. 2, available in public information offices, governs clearances necessary for writing and editing as a part of official duties.)

(e) *Disclaimers.* Disclaimers are required in writing and editing activities in accordance with the following provisions:

(1) Disclaimers shall be used in all writing and editing related to the employee's official duties or other responsibilities and programs of the Federal Government in which the employee identifies himself by official title or affiliation with the Department, except where requirement for disclaimer is waived as result of official clearance.

(2) Disclaimers shall be used in all writing and editing related to the employee's official position or other responsibilities or programs of the Federal Government, when the prominence of the employee or his position or other reason might lead the public to associate him with the Department, even without identification other than name.

(3) Disclaimers shall read as follows unless a different wording is approved by the public information officer with the concurrence of the Division of Business and Administrative Law, Office of the General Counsel: "This (article, book, etc.) was (written, edited) by (employee's name) in his private capacity. No official support or endorsement by (name of operating agency, or of Department) is intended or should be inferred."

(f) *Advance approval.* Advance approval is required in accordance with Sub-part I of this part when one or more of the following conditions apply:

(1) Any Government information is used which is not available on request to persons outside the Government;

(2) Material is written or edited which pertains to subject matter directly related to an employee's official duties. (This includes editing for scientific or professional journals which is related to his official duties.)

(3) Material is written or edited which pertains to any Government-sponsored research or other studies for which clinical case records or other material of a confidential nature are used or to which access is limited for persons outside the Government. Such use will not be permitted unless made under safeguards established by the operating agency to retain the confidentiality of the material and such use is determined to be in the public interest.

(4) Material is edited for publications organized for profit.

§ 73.735–404 Publishing.

Employees are encouraged to engage in publishing activities which are not part of their official duties, when all the following conditions are met:

(a) No financial profit is derived from publishing materials which are made available to the general public by this Department or which are available to the employee because of his official duties, but are not available to the general public.

(b) No financial profit is sought or derived from publishing proceedings or similar compilations of conferences, symposia, or similar gatherings:

(1) Which are sponsored by the Government, or

(2) Which involve the performance of official duties, or are directly related to official duties, or

(3) Where participation or attendance has been authorized on Government time.

(c) The publishing activities are conducted on non-Government time at no expense to the Government.

(d) The official title of the individual engaged in such publishing business is not used. If the individual is the author as well as the publisher, the provisions referred to under § 73.735–403 apply.

§ 73.735–405 Teaching and lecturing.

(a) *Conditions that must be met.* Employees are encouraged to engage in teaching and lecturing activities which are not part of their official duties when certain conditions are met. These conditions, which apply to outside teaching and lecturing (including giving single addresses such as commencement and Memorial Day speeches) whether or not done for compensation, are:

(1) No Government-financed time is used in connection with such activity, nor Government supplies which are not otherwise available to the public;

(2) Government travel or per diem funds are not used for obtaining or performing such teaching or lecturing;

(3) Such teaching or lecturing is not dependent on specific information which would not otherwise be available to the public;

(4) Such activities are not conducted for the purpose of preparing students to pass civil service examinations;

(5) Such activities do not involve knowingly instructing persons on dealing with specific matters pending before Government organizations with which the employee is associated in an official capacity;

(6) Advance approval is obtained when required by paragraph (b) of this section.

(b) *Advance approval.* Advance approval must be obtained in accordance with Subpart I of this part before an employee may:

(1) Teach or lecture for an institution which has or is likely to have official dealings with the operating agency in which he is employed;

(2) Use, for teaching or lecturing purposes, clinical case records or other material of a confidential nature or to which access is limited for persons outside the

Government. Such use will not be permitted unless made under safeguards established by the operating agency to retain the confidentiality of the material and such use is determined to be in the public interest.

§ 73.735–406 Holding office in professional societies.

(a) Employees may be members of professional societies and be elected or appointed to office in such a society. Activity in professional associations is generally desirable from the point of view of both the Department and the employee. Employees shall avoid, however, any real or apparent conflict of interest in connection with such membership. For example, they must not:

(1) Directly or indirectly commit the Department or any portion of it on any matter;

(2) Permit their names to be attached to documents the distribution of which would be likely to embarrass the Department;

(3) Serve in capacities involving them as representatives of non-Government organizations in dealing with the Government.

(b) In undertaking any office or function beyond ordinary membership in a professional association, a Department employee must obtain advance approval in accordance with Subpart I of this part in any situation in which his responsibilities as an officer would create a real or apparent conflict of interest with his responsibilities as a Department employee. For example, advance administrative approval must be obtained:

(1) Before an employee who is responsible for review and approval of grants or contracts, or is in a supervisory position over those who conduct review and approval, may hold office, or be a trustee or member of the governing board, or the chairman or member of a committee, in any organization which has or is seeking a grant or contract with the operating agency in which he is employed;

(2) Before an employee may hold office in an organization which customarily expresses publicly views on matters of legislative or administrative policy within the areas of concern to the Department.

§ 73.735–407 Holding office under State or local government.

(a) Employees may hold office under State or local government only to the extent permitted by Executive Order or 5 CFR Part 734, Civil Service Regulations. Part 734, Civil Service Regulations, provides that with prior approval of the employing agency and a determination that an employee's service in the State or local office will not interfere with the regular and efficient performance of his Federal position, certain exceptions to the general prohibition can be made. In this Department, agency approval may be given orally by the immediate supervisor of the employee unless written approval or approval at a higher level is required by Subpart I or this part, or by the employee's operating agency or bureau, or as deemed desirable by the employee or his supervisor because of the nature of the part-time work. The exceptions under which such officeholding is permitted with prior approval are:

(1) A full-time Federal employee may hold a State or local office on other than a full-time basis.

(2) A Federal employee employed on other than a full-time basis may hold a State or local office, whether full time or otherwise.

(3) A Federal employee who is on leave without pay may hold a State or local office on a full-time basis.

(4) An employee of a State or local government who is on leave without pay may hold a Federal position on a full-time basis under a temporary appointment.

(b) Certain Executive orders permit holding a State or local office by specified employees of this Department as shown in Appendix A to this part.

Subpart E—Financial Interests

§ 73.735–501 General provisions.

(a) An employee shall not have a direct or indirect financial interest that conflicts substantially or appears to conflict substantially with his Government duties and responsibilities. He shall not participate in his Government capacity in any matter in which he, his spouse, his minor child, or an outside business associate or organization (profit or nonprofit) with which he is connected or is negotiating employment has a financial interest (Item 5, Appendix A). The indirect interest in business entities which the holder of shares in a widely held diversified mutual fund or other regulated investment company derives from ownership by the fund or regulated investment company of stocks in business entities is exempted from the provisions of this statutory provision as being too remote or inconsequential to affect the integrity of an officer's or employee's services, except as provided in paragraph (b) (1) and (2) of this section. In other cases, when the outside financial interest appears not substantial enough to have an effect on the integrity of his official services, the employee shall, each time a matter arises to which his financial interest relates, request administrative approval to participate in accordance with Subpart I of this part.

(b) An employee shall not engage directly or indirectly in financial transactions as a result of, or primarily relying on information obtained through his employment. For example:

(1) An employee shall not use official information not available to the public, on such matters as the successful clinical trials of drugs, a successful bid on a contract, or planned Government actions for speculative stock purchases, or stock investment.

(2) An employee shall not use official information not available to the public, on the prospective location of a new Government installation to gain financial advantage in the purchase of real estate.

(3) An employee shall not use official information not available to the public, to inform friends, neighbors, etc., so they may use it for speculative or investment purposes.

§ 73.735–502 Employees in regulatory, procurement and contracting activities.

(a) Employees in regulatory, procurement and contracting activities are prohibited from having certain types of financial interests, as stated below. The term "employee" as used here, includes line supervisory officials in the upward chain of authority and staff officials who advise supervisory officials.

(1) Regulatory activities. For the purpose of this paragraph all activities in the following organizations or functions within organizations are designated as regulatory activities: Control activities in foods, drugs, cosmetics, colors, devices, pesticides, hazardous substances, food additives, and veterinary foods, drugs, preparations, and devices in the Food and Drug Administration; Division of Biologics Standards, NIH, PHS; Division of Foreign Quarantine Program, NCDC, PHS; inspection and enforcement activities of the Environmental Sanitation Program, NCUIH, BDPEC, PHS; National Center for control activities of Air Pollution Control, BDPEC, PHS; and the divisions of the Office of the General Counsel serving the above regulatory activities. An employee who is engaged in a regulatory activity shall not have financial interests in any company whose business activities are subject to such regulations, unless the regulated activities of the company are an insignificant part of its total business operations. Such an employee may not hold shares in a mutual fund or other regulated investment company which specializes in holdings in industries that are regulated by the organization in which he is employed.

(2) Procurement or contracting activities. An employee who serves as a procurement or contracting officer or whose duties include authority to recommend or prepare specifications, negotiate noncompetitive contracts, or evaluate bids, shall not have financial interests in companies with which his office has any significant procurement or contracting relationship. An insignificant relationship exists only when all the following conditions are met: (i) the company is one with which the employee would rarely or never do official business; (ii) such business as he would do with the company is with respect to items of a standard type on the basis of competitive bids or regulated prices, as for utility services; and (iii) the amount of the financial interest is very small in relation to the size of the company. Such an employee may not hold shares in a mutual fund or other regulated investment company that specializes in holdings in industries with which his office has any significant procurement or contracting relationship.

(b) An employee who has a direct or indirect financial interest that would be prohibited except that he believes it to be

relatively "insignificant" in terms of the discussions in paragraph (a) (1) and (2) of this section should request approval for retention by discussing the matter with his supervisor. If the supervisor approves the retention, the fact concerning such financial interest should be recorded. An employee who retains such an approved financial interest must disqualify himself from participating in his Government capacity if a matter arises involving the organization in which he has such interest. If in a special situation an exception to this rule appears desirable, administrative approval must be obtained in accordance with Subpart I of this part. Such approval extends only to the specific situation and may not be interpreted as extending to other situations, even though involving the same outside organization or similar official activities.

§ 73.735–503 Disposition of financial interest.

An employee who is newly assigned to a position in which the holding of stock or other financial interests is prohibited shall liquidate his interests within 90 days of entrance on duty in such position.

§ 73.735–504 Exceptions.

If any situation arises in which it would appear to be contrary to the best interests of the Government, or cause extreme and undue hardship to an individual to apply strictly the policies set forth in this subpart, a request for exception should be forwarded through supervisory channels to the counselor or deputy counselor for his part of the Department, for review and recommendation to the Secretary.

Subpart F—Conduct on the Job

§ 73.735–601 General provisions.

An employee's conduct on the job is, in all respects, of concern to the Federal Government. Courtesy, consideration, and promptness in dealing with others must be shown in carrying out official responsibilities. In addition, specific rules and regulations have been set which must be observed as discussed in this subpart.

§ 73.735–602 Support of Department programs.

(a) When a Department program is based on law or Executive Order, every employee has a positive obligation to make it function as efficiently and economically as possible and to support it as long as it is a part of recognized public policy. An employee may, therefore, properly make an address explaining and interpreting such a program, citing its achievements, defending it against uninformed or unjust criticism, pointing out the need for possible improvements, or soliciting views for improving it.

(b) An employee shall not, either directly or indirectly, use appropriated funds to influence a Member of Congress to favor or oppose legislation in violation of 18 U.S.C. 1913. However, an employee is not prohibited from:

(1) Testifying as a representative of the Department on pending legislation proposals before Congressional committees on request; or

(2) Assisting Congressional Committees in drafting bills or reports on request, when it is clear that the employee is serving solely as a technical expert under the direction of committee leadership.

§ 73.735–603 Use of Government funds.

(a) Several laws, referred to in Items 18–22, Appendix A to this part, carry penalties for misuse of Government funds. These apply to:

(1) Improper use of official travel;

(2) Improper use of payroll and other vouchers and documents on which Government payments are based;

(3) Taking or failing to account for funds with which an employee is entrusted in his official position;

(4) Taking other Government funds for personal use.

§ 73.735–604 Use of Government property.

(a) An employee shall not directly or indirectly use, or allow the use of Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him. For example:

(1) Only official documents and materials may be processed on Government reproduction facilities. Both supervisors and employees must assure that this rule is strictly followed. (Exception for employee welfare and recreation associations is stated in Chapter 25–10, General Administration Manual. Exception for employee organizations is stated in Personnel Instruction 711–1.)

(2) Employees may drive or use Government automobiles only on official business.

§ 73.735–605 Conduct in Federal buildings.

(a) An employee shall not participate while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

(1) Necessitated by an employee's law enforcement duties; or

(2) Involving fundraising within the Federal service under section 3 of Executive Order 10927 and similar agency-approved activities.

(b) General Services Administration regulations on "Conduct on Federal Property" are applicable to all property under the control of the General Services Administration and are applied to all buildings and space under the control of this Department. These regulations prohibit, among other things, gambling and consumption of intoxicating beverages on the premises. The GSA regulations are found in Subpart 101–19.3 of the GSA Regulations, 41 CFR 101–19.3.

§ 73.735–606 Use of official information.

The public interest requires that certain information in the possession of the Government be kept confidential, and released only with general or specific authority under Department or operating agency regulations. This is necessary because it may involve the national security or because it is private personal or business information which has been furnished to the Government in confidence (Item 19–21, Appendix A). In addition, information in the possession of the Government and not generally available may not be used for private gain. The following paragraphs set forth the rules to be followed by Department employees in handling information in official files or documents:

(a) *Classified information.* Employees who have access to information which is classified for security reasons in accordance with Executive Order 10501, as amended, are responsible for its custody and safekeeping, and for assuring that it is not disclosed to unauthorized persons. See Security Manual, Part 3, for details.

(b) *Security and investigative information.* Security and investigative data received from Government agencies or other sources for official use only within the Department or developed under a pledge of confidence is not to be divulged to unauthorized persons or agencies.

(c) *Information obtained in confidence.* Certain Department units (e.g., Food and Drug Administration, Social Security Administration) obtain in the course of their program activities certain information from businesses or individuals which they are forbidden by law from disclosing. These statutory prohibitions are cited in Appendix A to this part. Each employee is responsible for observing these laws.

(d) *Use of information for private gain.* Government employees are sometimes able to obtain information about some action the Government is about to take or some other matter which is not generally known. Information of this kind shall not be used by the employee to further his or someone else's private financial or other interests. Such a use of official information is clearly a violation of a public trust. Employees shall not, directly or indirectly, make use of, or permit others to make use of, for the purpose of furthering a private interest, official information not made available to the general public.

§ 73.735–607 Nondiscrimination.

An employee shall not be discriminated against because of race, color, religion, national origin, sex, or age. This prohibition applies to both employment and utilization of Federal employees. Discrimination on the basis of politics also is prohibited.

§ 73.735–608 Participation in management of employee organizations.

Any employee has the right to be a member of an employee organization. He shall not, however, participate in the management of an employee organization as an officer of the organization or

represent it in dealings with management when such activity might result in a conflict of interest or otherwise be incompatible with law or the official duties of the employee. The duties of managerial executives who determine management policies and put them into effect and of personnel employees, other than those in a purely clerical capacity, are inconsistent with participation in the management or representation of an employee organization. Determination whether such conflict exists in other cases shall be made on a case-by-case basis by management after discussion with the employee organization concerned. Guidelines for such determinations are:

(a) Conflict of interest will be deemed to exist when an employee is an officer of an employee organization or actively represents it on specific matters of direct official concern, and also has continuing responsibility as a management official for

(1) Making administrative decisions or formal recommendations on cases or policies advocated by the same or a similar employee organization, or

(2) Dealing with officers and representatives of the same or a similar employee organization.

(b) The conflict must be immediate and real, not remote and theoretical.

(c) When the conflict is temporary and may be expected to occur only rarely, the employee shall be disqualified from acting as the representative of the employee organization in the particular case.

Subpart G—Financial Responsibility

§ 73.735–701 General provisions.

(a) An employee shall not by failure to meet his just financial obligations reflect adversely on the Government as his employer. He shall pay each just financial obligation in a proper and timely manner. A "just financial obligation" is one acknowledged by the employee or reduced to judgment by a court. "In a proper and timely manner" is a manner which the Department determines does not, under the circumstances, reflect adversely on the Government as his employer. The Department cannot condone laxness on the part of an employee in discharging his financial obligations, particularly those to Federal, State or local governments or to tax-supported institutions such as a city or State hospital or educational institution or in meeting his obligations for support of his family. If for some reason an employee is unable to pay these obligations promptly, he is expected to make satisfactory arrangements for payment and abide by these arrangements. It is the responsibility of the Department to help an employee who asks for advice in meeting such obligations.

(b) When an employee has handled his financial affairs in such a way that

(1) Action on complaints received from his creditors requires the use of a considerable amount of official time, or

(2) It appears that financial difficulties are impairing his efficiency on the job, or

(3) By reason of his financial irresponsibility the attitude of the general public toward the Department is adversely affected, and the employee after counseling does not make arrangements to meet his financial obligations, disciplinary action should be considered in accordance with Subpart K of this part.

(c) Where there is no judgment or acknowledgement in accordance with paragraph (a) of this section, the Department is not obligated to help creditors who have an opportunity to make an investigation before extending credit such as mercantile creditors. The Department should not act as collection agent nor arbitrator when the validity of a debt is questioned.

§ 73.735–702 Processing indebtedness complaints.

(a) *Tax indebtedness.* (1) When an employee cannot pay his Federal income taxes promptly he should get in touch with the local office of the Internal Revenue Service and make arrangements to pay. If he fails to make such arrangements or fails to keep the agreement, the Internal Revenue Service may place a levy against his salary. This will require the payroll office to deduct at least part of the employee's take-home pay to meet the tax obligations.

(2) When a complaint on tax indebtedness is received by a member of the personnel or administrative office or a comparable official, he will discuss it with the employee. The employee will be told that he is expected to make arrangements to pay the indebtedness and to abide by the arrangements. If a supervisor receives such a complaint, he should send it to his personnel or administrative office.

(b) *Indebtedness for family support.* A complaint that an employee has failed to meet his obligations for support of his family will be handled in the same manner as in paragraph (a)(2) of this section.

(c) *Indebtedness in mercantile cases.* When an indebtedness complaint of this type is received, the personnel or administrative office or the employee's supervisor, according to local practice, will discuss it with the employee. If more than one letter is received from the same creditor within 30 days, the additional letter or letters will not be discussed with the employee. If the supervisor holds the discussion, he will send the debt letter with a notation of the results of the discussion with the employee or the employee's statement of intention to the personnel or administrative office for filing.

§ 73.735–703 Telephone inquiries.

(a) Telephone inquiries to verify employment with the Department, the amount of an employee's salary, and similar information should be referred to the personnel or administrative office, or in the case of a Social Security District Office employee, to the District Manager. No other person or office should give out this information. Where there is question as to whether such information should be provided by telephone the caller should be asked to present his request in writing.

(b) No action will be taken on debt complaints received by telephone. When a creditor calls to make a complaint, he will be told that Department policy does not permit handling debt complaints by telephone and will be told the office to which he should direct his complaint in writing. An employee shall not be called to the telephone to discuss a debt complaint with a creditor.

Subpart H—Political Activity

§ 73.735–801 Applicability.

(a) All employees in the Executive Branch of the Federal Government are subject to basic political activity restrictions in subchapter III of Chapter 73 of title 5, U.S.C. (the former Hatch Act) and Civil Service Rule IV. Employees are individually responsible for refraining from prohibited political activity. Ignorance of a prohibition does not excuse a violation. This subpart summarizes provisions of law and regulation concerning political activity of employees. The Federal Personnel Manual, Civil Service Pamphlet 20, and Federal Employees Facts Leaflet No. 2 contain more detailed information on this subject. These may be reviewed in the personnel office, or will be made available by the counselor or deputy counselor for that part of the Department.

(b) Intermittent employees are subject to the restrictions when in active duty status only and for the entire 24 hours of any day of actual employment.

(c) Employees on leave, on leave without pay, or on furlough or terminal leave, even though the employees' resignations have been accepted are subject to the restrictions. A separated employee who has received a lump-sum payment for annual leave, however, is not subject to the restriction during the period covered by the lump-sum payment or thereafter, provided he does not return to Federal employment during that period. An employee is not permitted to take leave of absence to work with a political candidate, committee, or organization or become a candidate for office with the understanding that he will resign his position if nominated or elected.

(d) An employee is accountable for political activity by another person acting as his agent or under the employee's direction or control if he is thus accomplishing indirectly what he may not lawfully do directly and openly.

§ 73.735–802 Restrictions.

(a) Section 7324 of title 5, U.S.C. (the former Hatch Act) provides that employees have the right to vote as they please and the right to express their opinions on political subjects and candidates. Generally, however, they are prohibited from taking an active part in political management or political campaigns or using official authority or influence to interfere with an election or affect its results. There are some exemptions from the restrictions of the statute:

(1) Employees may engage in political activity in connection with any question

not specifically identified with any National or State political party. They also may engage in political activity in connection with an election if none of the candidates represents a party any of whose candidates for presidential elector received votes at the last preceding election at which presidential electors were selected.

(2) An exception relates to political campaigns in communities adjacent to the District of Columbia or in communities the majority of whose voters are employees of the Federal Government. Communities in which the exception applies are specifically designated by the Civil Service Commission. Information regarding the localities and the conditions under which the exceptions are granted may be obtained from the personnel office or the Department counselor or deputy counselor.

(3) Intermittent employees are exempt during such time as they are not in active duty status.

(4) The Secretary, Under Secretary, and Assistant Secretaries of the Department, as well as other officials appointed by the President by and with the advice and consent of the Senate, who determine policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws are exempt from the prohibitions concerning active participation in political management and political campaigns.

(b) There are restrictions other than those imposed by subchapter III of Chapter 73 of title 5, U.S.C. (former Hatch Act) and Rule IV which relate to:

(1) Political contributions and assessments.

(2) Circulars of solicitation.

(3) Solicitation in Federal buildings.

(4) Solicitation by letter.

(5) Payment by one employee to another.

(6) Discrimination because of political contributions.

(7) Purchase and sale of public office.

(8) Political recommendations and discrimination.

(9) Other criminal offenses discussed in 18 United States Code, Chapter 29.

Subpart I—Administrative Approval for Certain Activities

§ 73.735–901 Applicability.

Administrative approval is the authorization by an operating agency head (see 73.735–903 for requests on which agency head must act) or such person or persons as he designates for an employee to engage in certain outside activities or to participate in his Government capacity in a matter in which he has a direct or indirect financial interest. It is required in advance for:

(a) Any outside work which creates a conflict or apparent conflict of interest or about the propriety of which an employee is uncertain;

(b) Certain writing or editing activities as specified in § 73.735–403;

(c) Certain types of teaching or lecturing as specified in § 73.735–405;

(d) All professional and consultative services as specified in § 73.735–402;

(e) Any other outside activity or financial interest for which the head of an operating agency imposes an internal requirement for administrative approval;

(f) Participation of an employee in his Government capacity in any matter in which he has a direct or indirect financial interest, on grounds that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government might expect, as specified in Subpart E of this part;

(g) Certain office-holding activities in professional societies as specified in § 73.735–406.

§ 73.735–902 Requesting approval.

Employees shall make requests for administrative approval in writing through administrative channels to the operating agency head (Assistant Secretary for Administration for Office of Secretary employees) or to such person or persons as he designates. Unless the operating agency requires extra copies of the request, it shall be made in one copy only.

(a) *Outside work.* The request shall include:

(1) Employee's name, occupational title, grade or rank and Federal salary;

(2) Nature of the activity, giving full description of specific duties or services for which approval is being requested. In the case of self-employment in a professional capacity, however, it is sufficient to indicate the type of service to be rendered, as medical, legal, etc.

(3) Name and business of person or organization for which work will be done, or statement that work is to be done as self-employment. If self-employment, show whether alone or with partners, giving their names, and, if such self-employment consists of professional services to a large number of clients or patients, estimate the total number rather than listing them individually.

(4) Place where work will be conducted.

(5) Estimated total time that will be devoted to the activity. (If on a continuing basis, show estimated time per year; if not, show total time and anticipated ending date.)

(6) Whether services can be performed entirely outside of usual duty hours; if not, estimated number of hours of absence from work that will be required.

(7) Method or basis of compensation (e.g., whether fee basis, per diem, per annum, or other).

At any time when the income from an employee's approved outside work changes or there is a change in the nature or scope of the duties or services performed, or the nature of his employer's business, the employee shall submit a revised request. The employee not only has a duty to keep the Department informed of a change of approved outside actions, but to inform the Department promptly. If the outside work is discontinued sooner than anticipated (not merely suspended temporarily), he shall notify the officer who approved the request.

(b) *Participation in a matter in which an employee has a financial interest.* The request shall include the information listed below. New approval must be sought for each dealing by an employee in his official capacity with any organization or matter in which he, his spouse, minor child, partner, organization in which serving as officer, etc., has a financial interest.

(1) Employee's name, occupational title, grade or rank and Federal salary;

(2) Full description of financial interest: including whether ownership, service as officer, partner, etc.;

(3) Business or activity in which financial interest exists;

(4) Description of official matter in which employee is requesting approval to participate;

(5) Basis for requesting determination that the interest is "not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect." (If based on a small total value of investment, supply appropriate information on total value, such as total shares held and latest quoted market price. If other basis, explain fully.)

(c) *Providing consultative or professional services to institutions or government units which have negotiated or may seek a Federal grant or contract.* The request shall include the information listed below:

(1) Employee's name, occupational title, grade or rank and Federal salary;

(2) Name and business of institution or government unit for which consultative or professional services will be rendered, giving full description of specific duties or services for which approval is being requested;

(3) Description of the Federal grants or contracts involved (type, granting or contracting department or agency, etc.). Full details must be provided on any aspect of the professional and consultative services which involves, directly or indirectly, the preparation of grant applications, contract proposals, program reports, and other material which are designed to become the subject of dealings between the institutions and government units and the Federal Government;

(4) Place where work will be conducted;

(5) Estimated total time that will be devoted to the activity. (If on continuing basis, show estimated time per year; if not, show total time and anticipated ending date.);

(6) Whether services can be performed entirely outside of usual duty hours; if not, estimated number of hours of absence from work that will be required;

(7) Method or basis of compensation (e.g. whether fee basis, per diem, per annum, or other).

(d) *Office-holding in professional societies.* The request should be submitted in memorandum form and should show all information pertinent to the activity

and the reasons why the employee considers that such activity would not constitute a conflict of interest.

§ 73.735–903 Acting on employee requests.

(a) Requests must be thoroughly reviewed to insure that the outside activity for which approval is being sought is permissible under applicable statutes and regulations. The review should be conducted by an individual conversant with the statutes and regulations. As required, advice and guidance should be obtained from the Department Counsellor or Deputy Counsellors on employee conduct (section 73.735–104).

(b) The review should appraise the request in terms of:

(1) Compliance with statutes, regulations;

(2) Conflicts or apparent conflicts of interest; and

(3) Potential problems arising from the employee's participation in the outside activity which could result in embarrassment to the Department or the employee.

(c) The approving official must satisfy himself on all these points before granting approval. Any conflict or apparent conflict of interest questions must be resolved before action is taken. The Department Counsellor or Deputy Counsellors on employee conduct will furnish advice and assistance as needed by the approving official.

(d) The approving official should indicate his action in writing in response to the employee's written request. The record on each request should be complete and contain the written request and written notification of action taken on the request.

(e) Requests for approval to perform professional or consultative services involving institutions or government units which have recently negotiated, or may in the near future seek contracts or grants from the Federal government must be referred to the head of the operating agency where the employee works (Assistant Secretary for Administration for OS employees). Approval by the operating agency head must be indicated in writing and will be granted only after any conflict or apparent conflict of interest matters have been identified and resolved.

§ 73.735–904 Annual reporting.

On September 5 each year, the approving officer shall require a report from each person for whom outside work has been approved during the past year. The report shall show:

(a) *For the 12 months just past (ending August 31).* (1) Whether the anticipated work was actually performed for the person or organization named in the request for approval;

(2) Actual amount of time spent on the activity;

(3) Actual compensation received in cash, and statement of any other benefits received, such as stock, options to purchase stock, or participation in life insurance plans.

(b) *For the forthcoming 12 months (ending August 31).* (1) Whether it is anticipated that the outside work will continue;

(2) Whether any change is anticipated with respect to information supplied in accordance with the original request on which approval was based.

§ 73.735–905 Maintenance of records.

All requests for approval of outside work or of participation in a matter in which an employee has a financial interest (or copies of such requests), a copy of the notification of approval or disapproval, and the annual report shall be filed at a level where they are readily available to the operating agency head. This level shall be that of the approving official or higher. These records will be treated as Personnel-Confidential and made available only to persons specifically authorized by the head of the operating agency.

Subpart J—Statements of Employment and Financial Interest

§ 73.735–1001 General.

(a) The requirements of this subpart are in addition to and not in substitution for, the requirements of Subpart I of this part concerning administrative approval for certain activities. Also, the requirements of this subpart are in addition to and not in substitution for, or in derogation of, any similar requirement otherwise imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

§ 73.735–1002 Applicability.

(a) The following employees shall submit statements of employment and financial interest in accordance with the provisions of this subpart:

(1) Employees paid at a level of the Executive Schedule in subchapter II of Chapter 53 of title 5, United States Code.

(2) Employees in positions classified at GS–13 or above (or comparable pay level) specifically identified in Appendix C to this part which have basic duties and responsibilities which require the incumbent to exercise judgment in making a Government decision or in taking Government action in regard to contracting or procurement, administering or monitoring grants or subsidies, regulating or auditing private or other non-Federal enterprise, or other activities where the decision or action has an economic impact on the interest of any non-Federal enterprise;

(3) Any other positions classified at GS–13 or above (or comparable pay level) specifically identified in Appendix C to this part as positions determined by the operating agency head as requiring the incumbent thereof to report employment and financial interests in order to avoid involvement in a possible conflicts-of-interest situation and to carry out the requirements and intent of standards of ethical conduct.

(4) Any other positions classified below GS–13 (or comparable pay level) specifically identified in Appendix C determined by the operating agency head (and justified to and approved by the Civil Service) as requiring the incumbent thereof to report employment and financial interests in order to protect the integrity of the Government and avoid employee involvement in a possible conflicts-of-interest situation.

(b) As new positions are established or duties of other positions change to bring them within the criteria stated in paragraph (a)(5) of this section and such positions do not fall within the listings already appearing in Appendix C to this part, they shall be identified and reported to the Office of Personnel and Training, Office of the Assistant Secretary for Administration, Office of the Secretary, for inclusion as a part of the regulations in this part through publication in the FEDERAL REGISTER. Exclusion of such positions from this requirement may be made when the operating agency head or his designee determines that the duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests by the incumbent is not necessary because of the degree of supervision and review over the incumbent and the remote and inconsequential effect on the integrity of the Government. Exclusions under this provision must be documented in writing and retained at the level of the determining official.

(c) Employees shall have the opportunity for review through the Department's grievance procedure of a complaint that his position has been improperly included under this subpart as one requiring the submission of a statement of employment and financial interests.

§ 73.735–1003 Content of statements.

(a) The statements of employment and financial interests shall follow the format prescribed in Appendix D to this part.

(b) The interest of a spouse, minor child, or other blood relative who is a resident of the employee's household is considered to be an interest of the employee, and shall be reported on the statement.

(c) If any information required to be included on the statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

(d) An employee is not required to submit on the statement any information relative to his connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. Educational and other institutions doing research and development

or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included.

§ 73.735–1004 Submission and review of statements.

(a) Officials responsible for reviewing employment and financial interests shall be the same as by those who are designated to consider requests for administrative approval as discussed in Subpart I of this part.

(b) Reviewing officials shall request that statements of employment and financial interests be submitted by employees covered by § 73.735–1002, in accordance with the following schedule:

(1) September 30, 1967, if employed before September 1, 1967; or

(2) Thirty days after he becomes subject to the reporting requirements by occupying a position covered by 73.735–1102, if he occupies the position after August 1, 1967.

(3) Changes in, or additions to, the information contained in the statement shall be reported in a supplementary statement as of June 30, of each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest, provisions of section 208 of title 18, United States Code, or Subpart E of this part.

(c) Statements shall be submitted in one copy only.

(d) The reviewing officer shall review statements to determine whether conflicts of interest or apparent conflicts might arise from the activities reported thereon.

(e) When no conflict of interest or apparent conflict is disclosed by the review of the statements, no further action is necessary by the reviewing officer and the statements shall be filed in accordance with §73.735–1005.

(f) When a question on conflict of interest or apparent conflict arises, the reviewing officer shall work with the employee to resolve the matter. He shall offer the employee or special Government employee an opportunity to explain the conflict or apparent conflict. If the question cannot be resolved the matter shall be reported to the operating agency head through the appropriate counselor or deputy counselor for further consideration and action.

§ 73.735–1005 Maintenance of records.

Statements on which questions of conflict of interest or apparent conflict have arisen shall be annotated to show the action taken. All statements and supplementary statements of employment and financial interests shall be filed at a level where they are readily available to the operating agency head. This level shall be that of the approving official or higher. These records shall be treated as Personnel-Confidential and made available only as specifically authorized by the head of the operating agency or the Civil Service Commission for good cause shown. Each employee who is responsible for reviewing or retaining statements of employment and financial interests shall maintain each such statement in confidence and shall not allow access to, or information to be disclosed from a statement except to carry out the purpose of this part.

Subpart K—Disciplinary and Remedial Action

§ 73.735–1101 Disciplinary action.

(a) Violation of the regulations contained in this part may be cause for disciplinary action which may be in addition to any penalty prescribed by law.

(b) The type of disciplinary action to be taken shall be determined in relation to the specific violation. No standard table of penalties has been established for application in the Department. Those responsible for recommending and for taking disciplinary action must apply judgment to each case, taking into account the general objectives of meeting any requirements of law, deterring similar offenses by the employee and other employees and maintaining high standards of employee conduct and public confidence. Some types of disciplinary actions to be considered are:

(1) Oral admonishment.
(2) Written reprimand.
(3) Reassignment.
(4) Demotion.
(5) Suspension.
(6) Separation.

(c) Demotion, suspension, and separation are adverse actions and when taken must follow law, Civil Service Regulations and Department procedures.

§ 73.735–1102 Remedial action.

(a) Where the statements of employment and financial interest of employees or special Government employees, filed under the provisions of subparts J and L of this part, show a conflict of interest with their official responsibilities, consideration should be given by the agency head or his designee and the employee's supervisor to reconciling the conflict through remedial actions. The following are examples of such actions which may be appropriate:

(1) Divestment by the employee or special Government employee of his conflicting interest.

(2) Disqualification for a particular assignment.

(3) Changes in assigned duties.

(b) Remedial action shall be effected in accordance with any applicable laws, Executive orders, and regulations.

Subpart L—Special Provisions Relating to Special Government Employees

§ 73.735–1201 Applicability.

The requirements of this subpart apply to the group of employees designated by law (18 U.S.C. 202) as "special Government employees." The term includes employees who are retained, designated, appointed or employed to serve, with or without compensation, for not more than 130 days during any period of 365 consecutive days, either on a full-time or intermittent basis. This subpart applies to all consultants (defined in § 73.735–1205) even though the consultant who works more than 130 days in 365 is subject also to the reguations in this Part 73 as a regular employee. Sections 73.735–1205 and 73.735–1206 apply only to those special Government employees indicated. Intermittent employees are subject to the political activity restrictions of subchapter III of Chapter 73 of title 5, U.S.C. (the former Hatch Act) and Civil Service Rule IV when in active duty status only and for the entire 24 hours of any day of actual employment.

§ 73.735–1202 Ethical standards of conduct.

(a) A special Government employee must conduct himself according to ethical behavior of the highest order. In particular,

(1) He must refrain from any use of his office which is, or appears to be, motivated by a private gain for himself or other persons, particularly those with whom he has family, business, or financial ties. The fact that the desired gain, if it materializes, will not take place at the expense of the Government makes his actions no less improper.

(2) He must conduct himself in a manner devoid of any suggestion that he is exploiting his Government employment for private advantage. He must not, on the basis of any inside information, enter into any speculation or recommend speculation to members of his family or business associates, in commodities, land, or the securities of any private company. He must obey this injunction even though his duties have no connection whatever with the Government programs or activities which may affect the value of such commodities, land, or securities. He should be careful in his personal financial activities to avoid any appearance of acting on the basis of information obtained in the course of his Government work.

(3) He must not use information not generally available to those outside the Government for the special benefit of a business or other entity by which he is employed or retained or in which he has a financial interest. Information not available to private industry should remain confidential in his hands and not divulged to his private employer or client. In cases of doubt whether information is generally available to the public, the special Government employee should confer with the person who assigns work to him, with the office having functional responsibility for a specific type of information, or, as appropriate, with the Director of Public Information or the officials designated in § 73.735–104 to give interpretive and advisory service.

(4) He must, where requested by a private enterprise to act for it in a consultant or advisory capacity and the request appears motivated by the desire for inside information, make a choice between acceptance of the tendered private employment and continuation of

his Government consultancy. He may not engage in both.

(5) He must not use his position in any way to coerce, or give the appearance of coercing, anyone to provide a financial benefit to him or another person, particularly one with whom he has family, business, or financial ties.

(6) He must not receive or solicit anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties if the acceptance would result in loss of complete independence or impartiality in serving the Government.

(7) He may teach, lecture, publish, or write in a manner not inconsistent with the regulations in §§ 73.735–403 to 73.735–405 for such activities for regular employees.

(b) A special Government employee who has questions about conflicts of interest or the application of the regulations in this part to him or his assigned work should make inquiry of the person who assigns his work. That person will direct him to the counselor or a deputy counselor for interpretative and advisory services as provided in § 73.735–104.

§ 73.735–1203 Statement of financial interests required.

(a) Each special Government employee described in §§ 73.735–1205 and 73.735–1206 must submit a statement which reports:

(1) All other employment; and

(2) The financial interests which relate either directly or indirectly to his duties and responsibilities.

(b) He shall submit such statement not later than the time of employment, and shall keep it current throughout the period of employment by the submission of supplementary statements.

(c) The format prescribed in Appendix E to this part shall be used for recording the information required by paragraph (a) of this section.

(d) Officials responsible for reviewing statements of employment and financial interests shall be the same as those designated to give administrative approval to outside work or regular employees unless the head of the operating agency designates another official to be responsible for such review. When no conflict of interest is disclosed by the review of the statements, no further action is necessary by the reviewing officer and the statement shall be filed in accordance with paragraph (e) of this section. When a question of conflict of interest arises, the reviewing officer shall work with the consultant or special Government employee to resolve the matter or shall refer the question to the appropriate counselor or a deputy counselor for further consideration and advisement.

(e) A confidential file of completed statements of employment and financial interests shall be maintained in the personnel office that maintains the official personnel folder (but not in the personnel folder), together with correspondence, memorandum, etc., relating specifically thereto. These forms and related materials are not forwarded to the Federal Records Center upon separation of the employee but are disposed of in accordance with the appropriate disposal schedule.

§ 73.735–1204 Special Government employees who must submit statement of financial interests.

(a) The statements of financial interests described in § 73.735–1203 must be submitted by the following special Government employees:

(1) Consultants, experts, or advisers (hereafter referred to in this subpart as consultants) described in § 73.735–1205;

(2) Such special Government employees (other than consultants) as the heads of operating agencies so determine (in accordance with § 73.735–1206).

§ 73.735–1205 Coverage—consultants.

(a) As used in this subpart, the term consultant refers to a person whose advice the Department obtains on a temporary (either full or part-time) or intermittent basis because of his individual qualifications, and who serves as an officer or employee of the Government for the periods during which his advice is obtained. Where this definition is met, the consultant (except for any excluded in paragraph (b) of this section) is subject to this subpart irrespective of:

(1) The title by which he is designated;

(2) The statutory authority under which his services are obtained;

(3) The duration of the period for which his services are obtained (and whether or not limited to 130 days within the period of employment);

(4) Whether his services are obtained by appointment or invitation and acceptance. (A consultant whose services are obtained by contract is also subject to this subpart if his relationship to the Department is that of an employee. Such condition will exist only through error or misunderstanding, as Department instructions require that a person whose relationship to the Department is that of an employee shall be appointed. Only where there is not to be such relationship shall a formal contract be processed.)

(5) Whether services are compensated or rendered without compensation;

(6) Whether or not services are obtained pursuant to a statute exempting persons rendering services from conflict of interest statutes.

(b) This subpart need not be applied to:

(1) Doctors, dentists, and allied medical specialists performing services for, or consulted as to the diagnosis or treatment of, individual patients;

(2) Veterinarians performing services for or consulted as to care and service to animals.

§ 73.735–1206 Coverage—special Government employees other than consultants.

(a) Coverage by § 73.735–1203 requiring the submission of a statement of financial interests is waived for special Government employees (other than consultants) except those identified by the heads of operating agencies. Such identification shall be published in Appendix C to this part. The identification may be made because of the nature of the duties, or because of the nature of the principal employment, which is non-governmental. For example, a special Government employee, even though not a consultant, may be made subject to § 73.735–1203 if:

(1) The performance of his Department duties could directly and predictably affect a person or organization that is known to: Have a grant from this Department or contract with it; be seeking or negotiating such grant or contract; conduct an operation that is subject to regulation by the Department (as, for example, drug manufacture is subject to regulation under the Federal Food, Drug and Cosmetic Act).

(2) His principal occupation or employment is not his Government employment and is of such nature that being made subject to § 73.735–1203 is desirable to protect him and the Department from possible conflict-of-interest situations: Viz, those whose principal non-Government occupation is: On or concerned with work for the Government or supported in whole or in part by the Government under grant or contract; on or concerned with work for which Govenrment support is being sought; in any category of work which the head of the operating agency, or official he designates, determines should be subject to § 73.735–1203.

§ 73.735–1207 Restrictions—conflict-of-interest statutes.

(a) Each consultant and special Government employee covered by this subpart should acquaint himself in particular with sections of Title 18 numbered 203, 205, 207, and 208, all of which carry criminal penalties. The restraints imposed by the four criminal sections are summarized in paragraph (b) through (d) of this section.

(b) 18 U.S.C. 203 and 205.

(1) These two sections in general operate to preclude a regular Government employee, except in the discharge of his official duties, from representing another person before a department, agency or court, whether with or without compensation, in a matter in which the United States is a party or has a direct and substantial interest. However, the two sections impose only the following major restrictions upon a special Government employee:

(i) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he has at any time participated personally and substantially in the course of his Government employment.

(ii) He may not, except in the discharge of his official duties, represent anyone else in a matter involving a specific party or parties in which the United

States is a party or has a direct and substantial interest and which is pending before the agency he serves. However, this restraint is not applicable if he has served the agency no more than 60 days during the past 365. He is bound by the restraint, if applicable, regardless of whether the matter is one in which he has ever participated personally and substantially. These restrictions prohibit both paid and unpaid representation and apply to a special Government employee when he does not serve the Government as well as on the days when he does.

(2) To a considerable extent the prohibitions of sections 203 and 205 are aimed at the sale of influence to gain special favors for private businesses and other organizations and at the misuse of governmental position or information. In accordance with these aims, it is desirable that a consultant or adviser or other individual who is a special Government employee, even when not compelled to do so by sections 203 and 205, should make every effort in his private work to avoid any personal contact with respect to negotiations for contracts or grants with the department or agency which he is serving if the subject matter is related to the subject matter of his consultancy or other service. This will not always be possible to achieve where, for example, a consultant or adviser has an executive position and responsibility with his regular employer which requires him to participate personally in contract negotiations with the department or agency he is advising. Whenever this is the case the consultant or adviser should participate in the negotiations for his employer only with the knowledge of a responsible Government official. In other instances an occasional consultant or adviser may have technical knowledge which is indispensable to his regular employer in his efforts to formulate a research and development contract or a research grant and for the same reason, it is in the interest of the Government that he should take part in negotiations for his private employer. Again, he should participate only with the knowledge of a responsible Government official.

(3) Section 205 contains an exemptive provision dealing with a similar situation which may arise after a Government grant or contract has been negotiated. This provision in certain cases permits both the Government and the private employer of a special Government employee to benefit from his performance of work under a grant or contract for which he would otherwise be disqualified because he had participated in the matter for the Government or it is pending in an agency he had served more than 60 days in the past year. The provision gives the head of a department or agency the power, notwithstanding any prohibition in either section 203 or 205, to allow a special Government employee to represent before such department or agency either his regular employer or another person or organization in the performance of work under a grant or contract. As a basis for this action, the Secretary must first make a certification in writing, published in the FEDERAL REGISTER, that it is required by the national interest.

(4) Section 205 contains three other exemptive provisions, all of which apply to both special and regular Government employees. The first permits one Government employee to represent another without compensation, in a disciplinary, loyalty or other personnel matter. The second permits a Government employee to represent, with or without compensation, a parent, spouse, child, or person or estate he serves as a fiduciary, but only if he has the approval of the official responsible for appointments to his position and the matter involved is neither one in which he has participated personally or substantially, nor one under his official responsibility. The term "official responsibility" is defined in 18 U.S.C. 202 to mean, in substance, the direct administrative or operating authority to control Government action. The third provision removes any obstacle in section 205 to a Government employee's giving testimony under oath or making statements required to be made under penalty for perjury or contempt.

(c) 18 U.S.C. 207. Section 207 applies to individuals who have left Government service, including former special government employees. It prevents a former employee from representing another person in connection with certain matters in which he participated personally and substantially on behalf of the Government. The matters are those involving a specific party or parties in which the United States is also a party or has a direct and substantial interest. In addition, section 207 prevents a former employee, for a period of 1 year after his employment has ceased, from appearing personally for another person in such matters before a court, department or agency if the matters were within the area of his official responsibility (note that a consultant or adviser usually does not have "official responsibility") at any time during the last year of this Government service. The employment of a special Government employee ceases on the day his appointment expires or is otherwise terminated, as distinguished from the day on which he last performs service.

(d) 18 U.S.C. 208. This section bears on the activities of Government personnel, including special Government employees, in the course of their official duties. In general, it prevents a Government employee from participating as such in a particular matter in which, to his knowledge, he, his spouse, minor child, partner, or a profit or nonprofit enterprise with which he is connected has a financial interest. However, the section permits an employee's agency to grant him an ad hoc exemption if the interest is not so substantial as to affect the integrity of his services. Insignificant interests may also be waived by a general rule or regulation. The matters in which special Government employees are disqualified by section 208 are not limited to those involving a specific party or parties in which the United States is a party or has an interest, as in the case of sections 203, 205, and 207. Section 208 therefore undoubtedly extends to matters in addition to contracts, grants, judicial and quasi-judicial proceedings, and other matters of an adversary nature. Accordingly, a special Government employee should in general be disqualified from participating as such in a matter of any type the outcome of which will have a direct and predictable effect upon the financial interests covered by the section. However, the power of exemption may be exercised in this situation if the special Government employee renders advice of a general nature from which no preference or advantage over others might be gained by any particular person or oganization. The power of exemption may of course be exercised also where the financial interests involved are minimal in value.

§ 73.735–1208 Requesting waivers or exemptions.

(a) A consultant or special Government employee may present in writing to the official who assigns his work requests for the waivers or exemptions discussed in §§ 73.735–1207(b), (c), and (d). That offcial will take, or refer the request for, action as appropriate, and will see that the employee receives advice or decision on his request.

(b) A file of all waivers or exemptions granted shall be maintained in such manner that information can be given promptly on individual cases or statistics provided upon request. Unless the head of the agency specifically provides for maintenance elsewhere, these records, together with written advice given in connection with less formal requests concerning questions of ethical standards, are kept with the employee's statement of employment and financial interests, required to be filed in the personnel office in accordance with § 73.735–1203(d).

§ 73.735–1209 Salary from two sources.

Special Government employees are not subject to 18 U.S.C. 209 which prohibits other employees from receiving any salary, or supplementation of Government salary from a private source as a compensation for services to the Government. As a matter of policy this Department will not knowingly pay per diem to a consultant who also receives per diem pay for the same day from another Government agency (in or outside the Department).

This Part 73 was approved by the Civil Service Commission on February 28, 1968. This Part 73 shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] WILBUR J. COHEN,
Acting Secertary.

APRIL 4, 1968.

Appendix A—Index to Some Statutes and Executive Orders Related to Conflict of Interest and Other Prohibited Activities

DEPARTMENTWIDE APPLICABILITY

SUBJECT AND CITATION

A. *Relating to Present Employees.*

1. Code of Ethics for Government Service (H. Con. Res. 175, 85th Cong., 2d sess., 72 Stat. B12).

2. Acceptance of gift or favor made with intent of influencing decision or action on any official matter (18 U.S.C. 201).

3. Compensation from outside sources for services rendered in relation to any application, proceeding, contract, etc., in any matter in which the United States has a direct and substantial interest (18 U.S.C. 203).

4. Acting as agent or attorney (1) for prosecution or aiding in prosecution of any claim against the United States, or (2) for anyone before any Department, agency, court, etc., in connection with a particular matter in which the United States is a party or has a direct and substantial interest (18 U.S.C. 205).

5. Participating personally and substantially as a Government employee in any application, request for a ruling, contract or other particular matter in which he, to his knowledge, or his spouse, minor child, or any organization with which he is negotiating, has a financial interest, direct or indirect (18 U.S.C. 208).

6. Receipt of any salary or contribution to or supplementation of salary as compensation for services as a Government employee from any other source than the Government (18 U.S.C. 209).

7. Use of appropriated funds, services, or communciations with intent to influence any member of Congress to favor or oppose any legislation or appropriation (18 U.S.C. 1913).

8. Participation in strike against Government (5 U.S.C. 7311, 18 U.S.C. 1918).

9. Advocating the overthrow of the constitutional form of Government in the United States or being a member of an organization that so advocates (5 U.S.C. 7311).

10. Being a member of the Communist Party of the United States of America, and contributing funds or services to that party (50 U.S.C. 784).

11. Disclosing confidential information or classified information (18 U.S.C. 798, 50 U.S.C. 783, 18 U.S.C. 1905).

12. Habitual use of intoxicants to excess (5 U.S.C. 7352).

13. Using or authorizing use of Government automobiles for other than official purposes (31 U.S.C. 638(a)(c)).

14. Using official envelope or label to avoid payment of postage (18 U.S.C. 1719).

15. Deceiving in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

16. Practicing fraud or making false statements in a Government matter (18 U.S.C. 1001).

17. Mutilating or destroying a public record (18 U.S.C. 2071).

18. Falsely making, forging, or attempting to pass a forged or altered travel request (18 U.S.C. 508).

19. Taking for own use or use of another any Government record, voucher, money, or thing of value (18 U.S.C. 641).

20. Failure to account for public money received (18 U.S.C. 643.).

21. Embezzling money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

22. Taking or attempting to use vouchers or documents intended to be used to procure payments by the United States (18 U.S.C. 285).

23. Prohibition against certain political activities (subchapter III of Chapter 73 of title 5, U.S.C. (former Hatch Act) and 18 U.S.C. 602, 603, 607, and 608).

24. Making or soliciting gifts for official superiors, or accepting gifts from employees receiving a lower salary (5 U.S.C. 113).

25. Instructing persons with a view to their special preparation for civil service examinations (E.O. 9367, Aug. 4, 1943).

26. Nondiscrimination in Government employment (E.O. 11246, 30 F.R. 12319).

27. Acting as an agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

B. *Relating to Former Employees.*

28. After having been employed by the United States, a. At any time after his employment has ceased, acting as agent or attorney for anyone other than the Government in connection with any application, contract, claim, proceeding or other matter against the United States, involving a specific party, in any matter in which the United States has an interest, and in which he participated personally and substantially as a Government employee.

b. Within 1 year after his employment has ceased, appearing personally before any agency in connection with any application, contract, claim, proceeding, or other matter against the United States, involving a specific party, which was under his official responsibility as a Government employee (18 U.S.C. 207).

29. For a period of 3 years after retirement from the Public Health Service, engaging for himself or for others in selling, or contracting, or negotiating to sell, any supplies or war materials to an agency of the Department of Defense, Coast Guard, Coast and Geodetic Survey or the Public Health Service (37 U.S.C. 801).

SINGLE OPERATING AGENCY APPLICABILITY

OFFICE OF EDUCATION

30. Prohibits any department, agency, or officer from supervision, direction, or control over, the personnel and projects assisted by the Act (20 U.S.C. 757).

31. National Defense Education Act: Restricts the receipt of payment in salary by an appointee in Government service from any source other than the private employer of the appointee (20 U.S.C. 583(a)(b)).

32. Social Security Act: Restriction regarding disclosure of information in possession of the Department of Health, Education, and Welfare (42 U.S.C. 1306).

33. Area Redevelopment Act: Regarding restriction of financial assistance and employment to expediters and administrative employees who have occupied positions involving discretion within certain period (42 U.S.C. 2516).

34. Officers or employees of the Office of Education owning interest in or receiving money or services from any educational institution operated for profit in which an eligible veteran is pursuing a course of education or training under the Veterans Readjustment Assistance Act of 1952 (sec. 264 of the Veterans Readjustment Assistance Act of 1952, Public Law 550, 82d Cong.).

35. Holding office in State or local government by employees of the Office of Education (E.O. 7796, Jan. 21, 1938, as amended by Reorganization Plan No. I of 1939, 5 U.S.C. (1964 Ed.) 133t, note).

FOOD AND DRUG ADMINISTRATION

36. Revealing any method or process (which is a trade secret) acquired under authority of the Food, Drug and Cosmetic Act (21 U.S.C. 331j).

37. Holding office under State or local government under certain conditions by employees of Food and Drug Administration (E.O. 661, June 26, 1907, as amended by Reorganization Plan No. I of 1939, 5 U.S.C. (1964 Ed.) 133t, note).

PUBLIC HEALTH SERVICE

38. Holding office under State or local government under certain conditions by Public Health Service Officers in health organizations upon recommendations of the Surgeon General and approval of the Secretary (E.O. 5700, Aug. 31, 1932, as amended by Reorganization Plan No. I of 1939, 5 U.S.C. (1964 Ed.) 133t, note; Reorganization Plan No. 1 of 1953, 5 U.S.C. (1964 Ed.) 133z-15, note; and Reorganization Plan No. 3 of 1966, 5 U.S.C. (1964 Ed. Supplement II, Title 5, appendix) 133z-15, note).

39. Holding office under State or local government under certain conditions by employees serving in a medical or sanitary capacity, in the Division of Indian Health, Bureau of Health Services (E.O. 7369, May 13, 1936, as amended by 42 U.S.C. 2001).

40. Requires chief officer of Saint Elizabeths Hospital to devote his whole time to the welfare of the institution (24 U.S.C. 165).

41. Holding office under State or local government under certain conditions by employees of Saint Elizabeths Hospital (E.O. 7796, Jan. 21, 1938, as amended by Reorganization Plan No. I of 1939, 5 U.S.C. (1964 Ed.) 133t, note).

SOCIAL SECURITY ADMINISTRATION

42. Prohibits knowingly deceiving, misleading, or threatening any claimant or prospective claimant or beneficiary or knowingly charging or collecting or making any agreement to charge or collect any fee in excess of the prescribed maximum fee (42 U.S.C. 406).

43. For the purpose of causing an increase in any social security payment to be made or for causing an unauthorized payment to be made, wrongfully makes or causes to be made any false statement or representation as to the amount of wages paid or received or the period during which earned or paid; or as to the amount of net earnings from SE derived or the period during which derived; or makes or causes to be made any false statement of a material fact in or in connection with any application for Social Security payments (42 U.S.C. 408).

44. A person with the intent to elicit information as to date of birth, employment, wages, or benefits of any individual, (1) falsely represents to this Department that he is such individual, or the spouse or former spouse, child or parent of such individual; or (2) falsely represents to any person that he is an employee or agent of the United States (42 U.S.C. 1307(b)).

45. "Medicare": Makes sections 406, 408, 416(j), and subsections (a), (d), (e), (f), (h), (i), (j), (k), and (l) of sec. 405 of Title 42 applicable to Title XVIII of the Social Security Act (42 U.S.C. 1395ii).

46. Disclosing information obtained by any employee of the Social Security Administration in the discharge of official duties (42 U.S.C. 1306).

47. Holding office under State or local government under certain conditions by employees of the Social Security Administration (E.O. 8399, Apr. 29, 1940).

Appendix B—Professional Occupations

Following is a list of series of positions subject to Chapter 51 of title 5, United States Code that include professional positions. Positions not subject to that Chapter should also be considered professional if the incumbents perform duties similar to the series listed.

015	Operations Research Series.
020	Urban Planning Series.
060	Chaplain Series.
101	Social Science Series.
102	Social Administration Series.
110	Economist Series.
130	Foreign Affairs Series.
131	International Relations Series.
135	Foreign Agricultural Affairs Series.
150	Geography Series.
170	History Series.
180	Psychology Series.

184 Sociology Series.
185 Social Work Series.
190 General Anthropolgy Series.
193 Archeology Series.
195 Scientific Linguistics Series.
401 Biology Series.
403 Microbiology Series.
405 Pharmacology Series.
406 Agricultural Extension Series.
410 Zoology Series.
411 Systematic Zoology Series.
412 Parasitology Series.
413 Physiology Series.
414 Entomology Series.
415 Nematology Series.
430 Botany Series.
433 Plant Taxonomy Series.
434 Plant Pathology Series.
435 Plant Physiology Series.
436 Plant Quarantine and Pest Control Series.
437 Horticulture Series.
440 Genetics Series.
450 General Agricultural Administration Series.
451 General Agriculture Series.
452 Park Naturalist Series.
454 Range Conservation Series.
457 Soil Conservation Series.
460 Forestry Series.
470 Soil Science Series.
471 Agronomy Series.
475 Farm Management Loan Series.
480 General Fish and Wildlife Administration Series.
482 Fishery Biology Series.
484 Animal Control Biology Series.
485 Wildlife Refuge Management Series.
486 Wildlife Biology Series.
487 Husbandry Series.
493 Home Economics Series.
510 Accounting Series.
512 Internal Revenue Agent Series.
601 General Health Science Series.
602 Medical Officer Series.
610 Nurse Series.
615 Public Health Nurse Series.
630 Dietitian Series.
631 Occupational Therapist Series.
633 Physical Therapist Series.
635 Corrective Therapist Series.
637 Manual Arts Therapist Series.
639 Educational Therapist Series.
644 Medical Technologist Series.
660 Pharmacist Series.
662 Optometrist Series.
665 Speech Pathology and Audiology Series.
668 Podiatrist Series.
680 Dental Officer Series.
685 Public Health Program Specialist Series.
690 Industrial Hygiene Series.
695 Food and Drug Officer Series.
696 Food and Drug Inspection Series.
701 Veterinary Medical Science Series.
801 General Engineering Series.
803 Safety Engineering Series.
804 Fire Prevention Engineering Series.
806 Materials Engineering Series.
807 Landscape Architecture Series.
808 Architecture Series.
810 Civil Engineering Series.
819 Sanitary Engineering Series.
830 Mechanical Engineering Series.
840 Nuclear Engineering Series.
850 Electrical Engineering Series.
855 Electronic Engineering Series.
861 Aerospace Engineering Series.
870 Marine Engineering Series.
871 Naval Architecture Series.
880 Mining Engineering Series.
881 Petroleum Production and Natural-Gas Engineering Series.
890 Agricultural Engineering Series.
892 Ceramic Engineering Series.
893 Chemical Engineering Series.
894 Welding Engineering Series.
896 Industrial Engineering Series.
905 General Attorney Series.
920 Estate Tax Examining Series.
935 Hearing Examiner Series.
942 Deportation and Exclusion Examining Series.
954 Legal Assistance Series.
960 Adjudicating Series.
1015 Museum Curator Series.
1210 Copyright Examining Series.
1220 Patent Administration Series.
1221 Patent Adviser Series.
1222 Patent Attorney Series.
1223 Patent Classifying Series.
1224 Patent Examining Series.
1225 Patent Interference Examining Series.
1226 Design Patent Examining Series.
1241 Trade-Mark Examining Series.
1301 General Physical Science Series.
1306 Health Physics Series.
1310 Physics Series.
1313 Geophysics Series.
1315 Hydrology Series.
1320 Chemistry Series.
1321 Metallurgy Series.
1330 Astronomy and Space Science Series.
1340 Meteorology Series.
1350 Geology Series.
1360 Oceanography Series.
1370 Cartography Series.
1372 Geodesy Series.
1373 Cadastral Surveying Series.
1380 Forest Products Technology Series.
1382 Food Technology Series.
1384 Textile Technology Series.
1390 Technology Series.
1420 Archives Series.
1510 Actuary Series.
1520 Mathematics Series.
1529 Mathematical Statistician Series.
1530 Statistician Series.
1540 Cryptography Series.
1710 Education and Vocational Training Series.
1720 Education Research and Program Series.
1725 Public Health Educator Series.

Appendix C—Additional Positions the Incumbents of Which Must Complete Employment and Financial Interest Statements

OFFICE OF THE SECRETARY

OFFICE OF FIELD COORDINATION

Regional Director.

OFFICE OF ADMINISTRATION

Deputy Assistant Secretary for Administration.

Executive Office

Executive Officer.
Chief, Supply Operations Branch.
Supervisory Contracting Specialist GS-1102-12.[1]

Division of Surplus Property Utilization

Chief.
Regional Representatives (Surplus Property Utilization).

Office of General Services

Director.
Deputy Director.
Director, Property Management Branch.
Director, Procurement Management Branch.
All positions GS-13 and Above in GS-1102 and GS-2003 series.

ASSISTANT SECRETARY FOR HEALTH AND SCIENTIFIC AFFAIRS

Deputy Assistant Secretary.
Special Assistant for Patent Policy.
Assistant to the Assistant Secretary.

[1] Approved by the Civil Service Commission in accordance with CSR Section 735.403(d).

OFFICE OF GENERAL COUNSEL

Deputy General Cousel.
Assistant General Counsel for Business and Administrative Law Division.
Assistant Chief, Division of Business and Administrative Law.
Attorney Adviser (General) (4055).
Assistant General Counsel, Food and Drug Division.
Assistant Chief, Food and Drug Division.
Assistant General Counsel, Public Health Division.
Assistant Chief, Public Health Division.
Assistant General Counsel, Civil Rights Branch.
Assistant Chief, Civil Rights Branch.

OFFICE OF THE COMPTROLLER

Audit Agency

All auditors in positions GS-13 and above.

OFFICE OF EDUCATION

OFFICE OF COMMISSIONER

Immediate Office of Commissioner

Deputy Commissioner.
Associate Commissioner for International Education.

Office of Construction Services

Assistant Commissioner.
Deputy Assistant Commissioner.
Director, Construction Support Division.
Director, Facilities Development Division.

Office of Administration

Assistant Commissioner.
Director, Contracts Division.
Contracts Division, Section Chief.

Office of Field Services

Regional Assistant Commissioner.
Director, Elementary and Secondary Education.
Director, Educational Research.
Director, Higher Education.
Director, Adult, Vocational, & Library Programs.
MDT Program Officer.
Contracts Officer.
Financial Management Officer.
Regional Engineer.

National Center for Educational Statistics

Assistant Commissioner.
Deputy Assistant Commissioner.
Director, Division of Statistical Operations.

BUREAU OF ELEMENTARY AND SECONDARY EDUCATION

Office of Associate Commissioner

Associate Commissioner.
Deputy Associate Commissioner.

Division of Compensatory Education

Director.
Chief, Operations Branch.
Chief, Programs Branch.

Division of School Assistance in Federally Affected Areas

Director.
Chief, Technical Operations Branch.
Chief, Field Operations Branch.

Division of Equal Educational Opportunities

Director.
Chief, East Coast Branch.
Chief, Southern Branch.
Chief, Southwestern Branch.
Chief, Northern-Western Branch.

Division of State Agency Cooperation

Director.
Chief, Program Operations Branch.
Chief, Consultative Services Support Branch.
Chief, Program Management Branch.

Division of Plans and Supplementary Centers

Director.
Chief, Instructional Resources Branch.
Chief, Program Development and Dissemination Branch.
Chief, Guidance and Personnel Branch.
Chief, Invocations Centers Branch.

Teachers Corps

Director.
Deputy Director.
Chief, Programs Branch.
Chief, Services Branch.

Division of Educational Personnel Training

Director.
Chief, Social Sciences Branch.
Chief, Arts and Humanities Branch.
Chief, International Exchange Branch.
Chief, Modern Language Branch.
Chief, Behavioral Sciences Branch.

BUREAU OF ADULT, VOCATIONAL, AND LIBRARY PROGRAMS

Immediate Office of Associate Commissioner

Associate Commissioner.
Deputy Associate Commissioner.

Division of Manpower Development and Training

Director.
Chief, State Programs and Services Branch.
Chief, National Programs and Services Branch.

Division of Library Services and Educational Facilities

Director.
Chief, Library Program and Facilities Branch.
Chief, College Resources Branch.
Chief, Educational TV Branch.

Division of Vocational and Technical Education

Director.
Chief, Program Services Branch.
Chief, State Vocational Services Branch.
Chief, Program, Planning, and Development Branch.

Division of Adult Education Programs

Director.
Chief, Adult Education Branch.
Chief, Civil Defense Education Branch.
Chief, Community Services and Continuing Education Branch.

BUREAU OF HIGHER EDUCATION

Immediate Office of Associate Commissioner

Associate Commissioner.
Deputy Associate Commissioner.

Division of Graduate Programs

Director.
Chief, Graduate Facilities Branch.
Chief, Academic Programs Branch.

Division of College Support

Director.
Chief, Developing Institutions Branch.
Chief, Faculty Development Branch.

Division of Student Financial Aid

Director.
Chief, Loans Branch.
Chief, Work-Study Branch.
Chief, Insured Loans Branch.
Chief, Educational Opportunity Grants Branch.

Division of College Facilities

Director.
Chief, Program Operations Branch.

Division of Foreign Studies

Director.
Chief, Institutional Assistance Branch.
Chief, Overseas and Training Branch.

BUREAU OF EDUCATION FOR HANDICAPPED

Immediate Office of Associate Commissioner

Associate Commissioner.
Deputy Associate Commissioner.

Division of Educational Services

Director.
Chief, Captioned Films for Deaf Branch.
Chief, State Plans and Projects Branch.

Division of Training Programs

Director.

Division of Research

Director.

BUREAU OF RESEARCH

Immediate Office of Associate Commissioner

Associate Commissioner.
Deputy Associate Commissioner.
Chief, Arts, and Humanities Program.

Division of Educational Laboratories

Director.
Chief, Laboratory Branch.
Chief, Research and Development Centers Branch.

Division of Elementary and Secondary Education

Director.
Chief, Basic Studies Branch.
Chief, Instructional Materials and Practices Branch.
Chief, Organization and Administration Studies Branch.

Division of Community and Vocational Educational Research

Director.
Chief, Basic Studies Branch.
Chief, Instructional Materials and Practices Branch.
Chief, Organization and Administration Studies Branch.
Chief, Career Opportunities Branch.

Division of Higher Education Research

Director.
Chief, Basic Studies Branch.
Chief, Instructional Materials and Practices Branch.
Chief, Organization and Administration Studies Branch.
Chief, Research Training Branch.

Division of Information Technology and Dissemination

Director.
Chief, Educational Research Information Center.
Chief, Library and Information Sciences Branch.
Chief, Equipment Development Branch.
Chief, Research Utilization Branch.

FOOD AND DRUG ADMINISTRATION

OFFICE OF COMMISSIONER

Immediate Office of Commissioner

Deputy Commissioner.
Hearing Examiner.
Committee Management Officer.

Office of Policy Management

Director, Office of Policy Management.
Deputy Director, Office of Policy Management.

Office of Assistant Commissioner for Field Coordination

All Food and Drug Officers, GS–15 and 14.

Office of Legislative and Governmental Services

Director, Office of Legislative and Governmental Services.

Office of the Associate Commissioner for Science

Extramural Research Administrator, 602–17.
Pharmacologist, GS–15.

Office of the Associate Commissioner for Compliance

Associate Commissioner for Compliance.
Deputy Associate Commissioner for Compliance.
All Food and Drug Officers, GS–15, 14, and 13.

Office of the Assistant Commissioner for Administration

Assistant Commissioner for Administration.
Deputy Assistant Commissioner for Administration.
Director, Division of General Services.
Deputy Director, Division of General Services.
All GS–11[1] through GS–14 positions in the 1102 Contract and Procurement Series.

BUREAU OF VOLUNTARY COMPLIANCE

Director, Bureau of Voluntary Compliance.
Deputy Director, Bureau of Voluntary Compliance.

BUREAU OF MEDICINE

All Medical and Dental Officers, GS–15 and above.
Director, Regulations and Policy Office.
Assistant Director for Medical Advertising.
Director, Division of Oncology and Radiopharmaceuticals, OND.

BUREAU OF VETERINARY MEDICINE EXCLUDING BELTSVILLE ACTIVITY

All Veterinarians, GS–14 and above.
All Chemists, GS–14 and above.

BUREAU OF REGULATORY COMPLIANCE

Director, Bureau of Regulatory Compliance.
Deputy Director, Bureau of Regulatory Compliance.
Director, Division of Case Guidance.
Deputy Director, Division of Case Guidance.
Chief, Drug Case Branch.
Chief, Food Case Branch.

BUREAU OF SCIENCE

Director, Bureau of Science.
Deputy Director, Bureau of Science.
Assistant Director for Physical Sciences Research.
Assistant Director for Biological Sciences Research.
Assistant Director for Program Management.
Assistant Director for Regulatory Programs.
Chief, Petitions Control Branch.
Supervisor, Pesticides Section.
Supervisor, Food Additives Section.

Division of Color Certification and Evaluation

Director.
Deputy Director.
Assistant to the Director.
All Branch Chiefs.

Division of Food Standards and Additives

Director.
Deputy Director.
All Branch Chiefs.
Chief, Evaluation Section, Pesticides Branch.
Chief, Laboratory Section, Pesticides Branch.
Chief, Evaluation Section, Food Additives Branch.
Chief, Laboratory Section, Food Additives Branch.

Division of Microbiology

Director.
Deputy Director.
Assistant to the Director.
Branch Chiefs.

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[1] Approved by the Civil Service Commission in accordance with CSR section 735.403(d).

Division of Toxicological Evaluation

Director.
Deputy Director.
All Branch Chiefs.
Chief, Food Packaging Section, Laboratory Investigations Branch.
Chief, Food Additives Section, Laboratory Investigations Branch.
Chief, Pesticides Section, Laboratory Investigations Branch.
Research Veterinarian, Pathology Branch.
Review Scientists, GS–14.

BUREAU OF DRUG ABUSE CONTROL

Director, Bureau of Drug Abuse Control.
Deputy Director, Bureau of Drug Abuse Control.
GS–1811–13 to 15 positions in Division of Investigations and Division of Case Guidance.

FIELD OFFICES

Directors.
Assistant Directors.
GS–1811–12 [1] or 13 Case Officers.

DISTRICT OFFICES

Director.
Deputy Director.
Food and Drug Officers, GS–12 [1] or 13.
Chief Chemists, GS–1320–14.
Supervisory Inspectors, GS–696–12 [1] and above.

FDA-WIDE

Project Officers for Contracts.

SOCIAL SECURITY ADMINISTRATION

OFFICE OF COMMISSIONER

Office of Commissioner, Field

Assistant Commissioner, Field.
Deputy Assistant Commissioner, Field.
Regional Assistant Commissioner.

OFFICE OF THE ACTUARY

Chief Actuary.

OFFICE OF ADMINISTRATION

Office of Assistant Commissioner

Assistant Commissioner.
Deputy Assistant Commissioner.

Employee Management Relations and Equal Employment Opportunity Staff

Civil Rights and Labor Relations Administrator.

Division of Systems Coordination and Planning

Director.
Deputy Director.
Digital Computer Systems Officer.
Chief, Systems Controls and Standards Branch.

Division of Operating Facilities

Director.
Deputy Director.
Deputy Director (Realty and Space).
Property and Supply Management Officer.
Deputy Property and Supply Management Officer.
Contract Specialist.
Chief, Property Methods Section.
Printing and Records Management Officer.
Printing Officer.
Assistant Printing and Records Management Officer.
Chief, Graphics Section.
Chief, Management Services Branch.

OFFICE OF INFORMATION

Information Officer.

OFFICE OF PROGRAM EVALUATION AND PLANNING

Assistant Commissioner.

OFFICE OF RESEARCH AND STATISTICS

Assistant Commissioner.
Chief, Research Grants Staff.

BUREAU OF DATA PROCESSING AND ACCOUNTS

Director (Bureau).
Deputy Director (Bureau).
Assistant Bureau Director.
Director (Division).
Deputy Director (Division).
Social Insurance Operations Advisor (GS–15).
Supervisory Computer Systems Analyst (GS–14).
Supervisory Communications Specialist (GS–13).

BUREAU OF DISABILITY INSURANCE

Office of the Director

Director.
Deputy Director.
Executive Officer.
Technical Advisor.

Division of Management and Appraisal

Assistant Bureau Director.
Deputy Assistant Bureau Director.

Division of Disability Policy and Procedures

Assistant Bureau Director.
Chief, Systems and Procedures Branch.

Office of Assistant Bureau Director, Disability Operations

Assistant Bureau Director, Operations.

BUREAU OF DISTRICT OFFICE OPERATIONS

Director.
Deputy Director.

BUREAU OF FEDERAL CREDIT UNIONS

Director.
Deputy Director.
Director, Division of Administration.

BUREAU OF HEALTH INSURANCE

Office of the Bureau Director

Bureau Director.
Deputy Bureau Director.
Assistant to the Bureau Director.

Professional Organizations Liaison Staff

Supervisory Professional Relations Specialist.

Division of Management

Assistant Bureau Director.
Program Analysis Officer (GS–14, 15).
Administrative Management Officer (GS–14).
Administrative Officer (GS–13).

Regional Staff

Social Insurance Administrator (GS–14, 15).

Division of Reimbursement

Assistant Bureau Director.
Deputy Assistant Bureau Director.
Medical Insurance Reimbursement Administrator (GS–14, 15).
Supervisory Social Insurance Reimbursement Specialist (GS–14).
Supervisory Accountant (GS–14, 15).

Division of Policy and Standards

Assistant Bureau Director.
Deputy Assistant Bureau Director.

Division of Intermediary Operations

Assistant Bureau Director.
Deputy Assistant Bureau Director.
Supervisory Contract Operations Specialist (GS–14, 15).
Supervisory Contract Evaluation Specialist (GS–14, 15).
Supervisory Fiscal Control Specialist (GS–14, 15).

Division of State Operations

Assistant Bureau Director.
Deputy Assistant Bureau Director.

Division of Systems

Assistant Bureau Director.
Deputy Assistant Bureau Director.

BUREAU OF HEARINGS AND APPEALS

Office of the Director

Director.
Deputy Director.

BUREAU OF RETIREMENT AND SURVIVORS INSURANCE

Office of the Director

Director.
Deputy Director.
Executive Officer.

Office of the Assistant Bureau Director (Administration)

Assistant Bureau Director.
Deputy Assistant Bureau Director.
Chief, Administrative Management Branch.
Chief, Operating Services Section.

Division of Methods and Procedures

Assistant Bureau Director.
Deputy Assistant Bureau Director.

Payment Center Staff

Regional Representative.
Director of Management.
Assistant Director of Management.
Chief, Administrative Services Branch.
Director of Operations.

PUBLIC HEALTH SERVICE

OFFICE OF THE SURGEON GENERAL

Immediate Office of Surgeon General

Surgeon General.
Deputy Surgeon General.
Associate Surgeon General.
Assistant Surgeon General for Special Projects.
Regional Health Directors.
Executive Officer.
Assistant Executive Officer.

Office of Extramural Programs

Director.
Deputy Director.
Associate Director.

Division of Finance

Director.
Deputy Director.
Chief, Contract Audit and Cost Advisory Branch.
Assistant Chief, Contract Audit & Cost Advisory Branch.

Division of Grants and Contract

Director.
Negotiated Contracts Staff Chief.

Division of Procurement and Material Management

Director.
Deputy Director.
Chief, Supply Management Branch.
Officer in Charge, Supply Service Center.
Positions in the GS–1102 series at grade 13 and above.

Office of Comprehensive Health Planning and Development

Director.
Deputy Director.
Executive Officer.

National Library of Medicine

Grants and Contracts Management Officer, Extramural Program.

[1] Approved by the Civil Service Commission in accordance with CSR section 735.403(d).

BUREAU OF HEALTH SERVICES

Office of the Bureau Director

Director.
Deputy Director.
Executive Officer.
Assistant Director and Deputy Assistant Director, for Program and Evaluation.
Director and Deputy Director, Office of Research and Development.
Chief, Extramural Programs Section.
Chief, Project Review Branch.
Chief, Project Review Section.
Supervisory Grants Management Officer.
Grants Management Specialists, GS–13 or above.
Contract Specialists and Administrators, GS–13 or above.
Assistant Director for International Health and Special Services.
Associate Regional Health Directors.

Division of Direct Health Services

Director.
Deputy Director.
Executive Officer.
Assistant Executive Officer.
Medical Officers in Charge, and Hospital Administrative Officers, US PHS Hospitals.

Division of Indian Health

Director.
Deputy Director.
Executive Officer.
Assistant Executive Officer.
Indian Health Area Office Directors, Area Office Executive Officers and Area Office General Services Officers.

Division of Community Health Services

Director.
Deputy Director.
Assistant Director.
Executive Officer.
Chief, Research Branch.
Chief, Migrant Health Branch.
Chief, Behavioral Science Branch.
Chief, Health Communications Branch.
Chief, Rural Health Branch.
Chief, Health Planning Branch.
Public Health Educator, Health Communications Branch, GS 13 or above.
Public Health Analyst, Health Planning Branch, GS 13 or above.
Health Officers, Health Communications Branch, GS 13 or above.
Program Management Officer, Migrant Health Branch.

Division of Federal Employee Health

Director.
Deputy Director.
Chief of Administration.

Division of Hospital and Medical Facilities

Director.
Deputy Director.
Executive Officer.
Special Services Officer.
General Services Officer.
Assistant Director for Programs.
Assistant Director for Plans and Policies.
Assistant Director for Regional Office Liaison.
Education Officer.
Public Health Advisor, Office of the Assistant Director for Plans and Policies.
Chief and Assistant Chief, Architectural, Engineering and Equipment Branch.
Chief and Assistant Chief, State Plans Branch.
Medical Officer (Administration), State Plans Branch.
Public Health Advisor, State Plans Branch, Office of the Chief (2)
Chief and Assistant Chief, Program Planning and Analysis Branch.
Chief and Assistant Chief, Research and Demonstration Grants Branch.
Health Administration Advisor.
Principal Regional Representative, each DHEW Regional Office.

Division of Medical Care Administration

Director.
Deputy Director.
Assistant Directors.
Executive Officer.
Special Assistants to the Division Directors (2).
Chief, Health Economics Branch.
Chief, Standards and Methods Branch.
Chief, Nursing Homes and Related Facilities Branch.
Chief, Home Health and Related Services.
Chief, Adult Health Protection and Aging Branch.
All project officers on contracts (including such classification positions as nurses, medical social workers, public health advisors and analysists, economists, and information specialists, etc.), GS–13 or above.

BUREAU OF HEALTH MANPOWER

Office of the Bureau Director

Director.
Deputy Director.
Associate Director.
Executive Officer.
Deputy Executive Officer.
Supervisory Contract Administrator.
Contract Specialist.

Division of Nursing

Director.
Deputy Director.
Executive Officer.
Chief, Research Grants Branch.
Chief, Nurse Education and Training Branch.

Division of Health Manpower Educational Services

Director.
Deputy Director.
Executive Officer.
Chief, Health Manpower Grants Branch.
Chief, Student Loan and Scholarship Branch.

Division of Physician Manpower

Director.
Deputy Director.
Executive Officer.
Grants Management Officer, Educational Facilities Branch.
Chief, Physician Education Branch.
Chief, Continuing Education Branch.

Division of Allied Health Manpower

Director.
Deputy Director.
Executive Officer.
Chief, Educational Program Development Branch.
Chief, Manpower Resources Branch.
Chief, Program Assistance Branch.

Division of Dental Health

Director.
Deputy Director.
Executive Officer.
Chief, Research Grants Unit.
Chief, Education and Facilities Branch.

BUREAU OF DISEASE PREVENTION AND ENVIRONMENTAL CONTROL

Office of the Bureau Director

Director.
Deputy Director.
Associate Director.

Office of Compliance and Control

Director.
Liaison Coordinator.

Office of Administrative Management

Executive Officer.
Assistant Executive Officer.
Chief, Administrative Operations Staff.
Supervisory Contracts Specialist.
Supply Management Officer.

Office of Program Planning and Evaluation

Director.
Deputy Director.
Chief, Legislative Analysis Staff.

Office of Standards and Intelligence

Director.
Deputy Director.

Office of Research and Development

Director.
Deputy Director.
Medical Advisor to Director.
Public Health Research Analyst.
Physical Sciences Administrator.

National Center for Radiological Health

Center Director.
Deputy Center Director.
Chief, Training and Manpower Development Program.
Assistant Chief, Training and Manpower Development Program.
Chief, Medical and Occupational Radiation Program.
Chief, Radiation Bio-Effects Program.
Assistant Chief, Radiation Bio-Effects Program.
Chief, Population Studies Program.
Assistant Chief, Population Studies Program.
Chief, Environmental Surveillance and Control Program.
Assistant Chief, Environmental Surveillance and Control Program.
Chief, Office of Program Planning and Evaluation.
Chief, Compliance and Control Branch.
Chief, Standards and Intelligence Branch.
Chief, Technical Services Branch.
Executive Officer.
Assistant Executive Officer.

National Center for Chronic Disease Control

Director.
Deputy Director.
Chief, Office of Research and Development.
Assistant Chief, Office of Research and Development.
Chief, Office of Grants Management and Coordination.
Assistant Chief, Office of Grants Management and Coordination.
Executive Officer.
Assistant Executive Officer.

National Center for Urban and Industrial Health

Director.
Deputy Director.
Associate Director.
Chief, Office Grants Administration.
Chief, Office of Program Planning and Evaluation.
Chief, Office of Research and Development.
Chief, Office of Administrative Management.
Executive Officer.

National Communicable Disease Center

Director.
Deputy Director.
Assistant Director.
Executive Officer.
Assistant Executive Officer.
Chief, Administrative Services.
Deputy Chief, Administrative Services.
Chief, Foreign Quarantine Program.
Deputy Chief, Foreign Quarantine Program.
Chief, Immunization Program.
Deputy Chief, Immunization Program.
Chief, Office of Research Grants.
Deputy Chief, Office of Research Grants.
Chief, Tuberculosis Program.
Deputy Chief, Tuberculosis Program.
Chief, Venereal Disease Program.
Deputy Chief, Venereal Disease Program.
Chief, Aedes Aegypti Program.
Deputy Chief, Aedes Aegypti Program.

Chief, Pesticides Program.
Deputy Chief, Pesticides Program.
Medical Officers in Charge of Foreign Quarantine Stations.

National Center for Air Pollution Control

Director.
Assistant Director.
Executive Officer.
Executive Officer for Field Operations.
Chief, General Services Section, Office of Administrative Management.
Chief, Office of Program Planning and Evaluation.
Chief, Office of Legislative and Public Affairs.
Chief, Research Grants Branch.
Associate Director, Standards and Criteria Development Programs.
Chief, Criteria and Standards Development Branch.
Associate Director, Abatement and Control Programs.
Chief, Abatement Program.
Deputy Chief, Abatement Program.
Chief, Legal Procedures Section, Abatement Program.
Chief, Federal Facilities Section, Abatement Program.
Chief, Field Operations Activity, Abatement Program.
Chief, Training Program, Abatement and Control Programs.
Chief, Satellite Testing Unit, Motor Vehicle Compliance Section, Abatement Program.
Chief, Control Development Program.
Deputy Chief, Control Development Program.
Chief, Motor Vehicle Compliance Section, Abatement Program.
Program Management Officer, Abatement and Control Programs.
Associate Director, Control Technology Research and Development Programs.
Executive Assistant, Control Technology Research and Development Programs.
Chief, Chemical and Physical Research and Development Program.
Chief, Motor Vehicle Research and Development Program.
Chief, Process Control Engineering Program.

NATIONAL INSTITUTES OF HEALTH

Director and Deputy Director.
Director of Laboratory and Clinics.
Associate Director for Extramural Programs.
Executive Officer and Assistant Executive Officer.
Positions at GS–14 or 15, or those held by Director grade officers, whose incumbents are engaged in making judgments or determinations which materially affect the awarding and monitoring of grants and fellowships.
Project and administrative officers responsible for negotiating, supervising, accepting, and terminating research contracts, GS–13 or above.
Procurement, contract, and administrative officers who are required to exercise judgment in making a Government decision to purchase, contract, and accept material and/or services from non-Government entities, GS–13 or above, and Administrative Officer (GS–12), Office of the Director, NIAMD;[1] Administrative Officer (GS–11), Phoenix, Arizona Field Unit, NIAMD; [1]
Project Officer (GS–12), Field Studies, Carcinogenesis Studies Branch, Carcinogen Screening Section, NCI.[1]
Accountants and auditors who are required to exercise judgment in making a Government decision concerning a proposed contractor's financial ability, and the propriety of payments during the course of contract administration, GS–13 or above.
Engineering positions and positions in the 1640 series in the Division of Research Services whose incumbents are authorized to approve contract change orders and determine acceptability of a contractor's performance, GS–13 or above.
Positions in the Division of Biologics Standards whose incumbents make independent inspections of establishments subject to Federal controls, and are the recommending agents for approval of licenses, labels and/or products, GS–13 or above.

NATIONAL INSTITUTE OF MENTAL HEALTH

Director and Deputy Director.
Associate Directors.
Executive Officer and Deputy Executive Officer.
Division and Office Directors and Deputy Directors.
Associate Regional Health Directors.
Positions at grades GS–14 and GS–15 and above, or comparable pay levels whose incumbents are engaged in grant and fellowship activities including the review and approval of the applications and the administration thereof.
Project and Administrative Officers at grades GS–13 and above, or comparable pay levels, who are required to exercise judgment in making a Government decision concerning a proposed contractor's financial ability, and the propriety of payments during the course of contract administration.
Procurement and contract personnel, grades GS–13 and above, or comparable pay levels, who are required to exercise judgment in making a Government decision to purchase, contract, and accept material and/or services from non-Government entities.
Chiefs and Deputy Chiefs, Lexington and Ft. Worth Clinical Research Centers.
Chiefs and Assistant Chiefs of Clinical and Administrative Branches, Clinical Research Centers.
Executive Officer and Assistant Executive Officer, Saint Elizabeths Hospital.

SOCIAL REHABILITATION SERVICE

List of positions to be published at a later date.

[1] Approved by the Civil Service Commission in accordance with CSR section 735.403(d).

Appendix D—Confidential Statement of Employment and Financial Interests (for Use by Regular Government Employees) [1]

Appendix E—Confidential Statement of Employment and Financial Interests (for Use by Special Government Employees) [1]

Appendix F—Code of Ethics for Government Service

Any person in Government service should:

Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

Uphold the Constitution, laws, and legal regulations of the United States and all governments therein and never be a party to their evasion.

Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

Seek to find and employ more efficient and economical ways of getting tasks accomplished.

Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for renumeration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

Expose corruption wherever discovered.

Uphold these principles, ever conscious that public office is a public trust.

(This Code of Ethics was agreed to by the House of Representatives and the Senate as House Concurrent Resolution 175 in the Second Session of the 85th Congress. The Code applies to all Government Employees and Office Holders.)

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[1] Filed as part of the original document.