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Agencies in this issue—

Detailed list of Contents appears inside.

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Contents

(Continued on next page)

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

3 CFR

EXECUTIVE ORDER:
11248 (amended by EO 11369) ... 12585
11369 ... 12585

5 CFR

213 (2 documents) ... 12598

7 CFR

215 ... 12587
811 ... 12592
948 ... 12593
987 ... 12594
1002 ... 12596
1062 ... 12597
1067 ... 12597
1073 ... 12598
1106 ... 12598
1126 ... 12598

PROPOSED RULES:
929 ... 12621
1006 ... 12622
1099 ... 12623

9 CFR

203 ... 12599

20 CFR

405 ... 12599

21 CFR

8 ... 12603
27 ... 12603
42 ... 12604
120 (2 documents) ... 12604, 12605
121 (4 documents) ... 12605, 12606

22 CFR

42 ... 12607

29 CFR

463 ... 12607

32 CFR

169 ... 12607
267 ... 12608
807 ... 12609
839 ... 12609
874 ... 12611

32A CFR

PROPOSED RULES:
OIA Ch. X:
OI Reg. 1, Rev. 5 ... 12621
Ch. XVIII (MA):
SMR–5 ... 12625

45 CFR

801 ... 12629

47 CFR

73 ... 12612

50 CFR

28 ... 12615
32 (12 documents) ... 12615–12620

Presidential Documents

Title 3—THE PRESIDENT

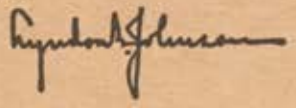
Executive Order 11369

PLACING ADDITIONAL POSITIONS IN LEVEL V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, and as President of the United States, section 2 of Executive Order No. 11248 of October 10, 1965, as amended, is further amended by adding thereto the following:

(15) Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare.

(16) Chief, Children's Bureau, Social and Rehabilitation Service, Department of Health, Education, and Welfare.



THE WHITE HOUSE,
August 29, 1967.

[F.R. Doc. 67-10310; Filed, Aug. 30, 1967; 11:36 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Regulations are hereby amended, revised, and reissued for the operation of the Special Milk Program for Children pursuant to the authority contained in the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 885.

Sec.
215.1 General purpose and scope.
215.2 Definitions.
215.3 Administration.
215.4 Apportionment of funds to States.
215.5 Payments to States.
215.6 Use of funds.
215.7 Requirements for participation.
215.8 Reimbursement payments.
215.9 Effective date for reimbursement.
215.10 Reimbursement procedure.
215.11 Special responsibilities of State Agencies.
215.12 Claims against schools or child-care institutions.
215.13 Administrative analyses and audits.
215.14 Nondiscrimination.
215.15 Miscellaneous provisions.
215.16 Program information.

AUTHORITY: The provisions of this Part 215 issued under sec. 3, 80 Stat. 885, 42 U.S.C. 1772.

§ 215.1 General purpose and scope.

This part announces the policies and prescribes the general regulations with respect to the Special Milk Program for Children, under Public Law 89-642, and sets forth the general requirements for participation in the Program. The Act reads in pertinent part as follows:

SEC. 3. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1967, not to exceed $110 million; for the fiscal year ending June 30, 1968, not to exceed $115 million; and for each of the 2 succeeding fiscal years not to exceed $120 million, to enable the Secretary of Agriculture, under such rules and regulations as he may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. For the purposes of this section "United States" means the 50 States and the District of Columbia. The Secretary shall administer the Special Milk Program provided for by this section to the maximum extent practicable in the same manner as he administered the Special Milk Program provided for by Public Law 85-478, as amended, during the fiscal year ended June 30, 1966.

§ 215.2 Definitions.

For the purpose of this part, the term:

(a) "Act" means the Child Nutrition Act of 1966.

(b) "Adult staff members and employees" means all persons who are staff members and employees of a school or child-care institution, including all faculty, supervisory and other personnel, but excluding camp counselors under 21 years of age.

(c) "Adults enrolled for care and training" means (1) students enrolled in school classes above the 12th grade level, and (2) all persons 21 years or older attending camps or receiving care and training as enrollees of institutions.

(d) "Attendance unit" means a building or a complex of buildings and supporting facilities in which instruction is provided for classes of high school grade or under.

(e) "Child-care institution" means any nonprofit nursery school (other than nursery schools falling within the definition of school in this section), child-care center, settlement house, summer camp or similar nonprofit institution, devoted to the care and training of children. "Child-care institution" as used in this part includes, where applicable, the authorized sponsoring agency which has entered into an agreement under the Program for a child-care institution.

(f) "C&MS" means the Consumer and Marketing Service of the U.S. Department of Agriculture.

(g) "CFPDO" means Consumer Food Programs District Office(s), of the Consumer and Marketing Service of the U.S. Department of Agriculture.

(h) "Cost of Milk" means the net purchase price paid by the school or child-care institution to the milk supplier for milk delivered to the school or child-care institution. This shall not include any amount paid to the milk supplier for servicing, rental of or installment purchase of milk service equipment.

(i) "Department" means the U.S. Department of Agriculture.

(j) "Distribution costs" means direct expenses incurred by the school or child-care institution in connection with the sale, handling and service of milk. This may include expenses incident to acquisition or rental of necessary milk service equipment.

(k) "Fiscal year" means a period of 12 calendar months, beginning with July 1 of any calendar year and ending with June 30 of the following calendar year.

(l) "Milk" means unflavored milk which meets State and local standards for fluid whole milk and flavored milk made from fluid whole milk which meets such standards, except that, in those areas of Alaska and Hawaii where a sufficient supply of fresh fluid whole milk cannot be obtained, "milk" shall include recombined or reconstituted fluid whole milk.

(m) "National School Lunch Program" means the program authorized by the National School Lunch Act.

(n) "Needy children" means children who cannot afford to make any payment at all for milk served to them.

(o) "Needy schools" means schools which, because of poor local economic conditions, are determined by State Agencies, or CFPDO where applicable, to be in need of special assistance in order to serve milk without charge to needy children, and which either (1) are participating in the National School Lunch Program at assigned reimbursement rates averaging more than 9 cents per Type A lunch, from Federal funds, or (2) have no noon food service.

(p) "Nonpricing program" means a program which does not sell milk to children. This shall include any such program in which children are normally provided milk, along with food and other services, in a school or child-care institution financed by a tuition, boarding, camping or other fee, or by private donations or endowments.

(q) "Nonprofit food service" or "nonprofit milk service" means food or milk service maintained by or on behalf of the school or child-care institution for the benefit of the children, all of the income from which is used solely for the operation or improvement of such food or milk service.

(r) "Nonprofit private school" means a nonpublic school that is exempt from income tax under the Internal Revenue Code, as amended.

(s) "OIG" means the Office of the Inspector General of the U.S. Department of Agriculture.

(t) "Pricing program" means a program which sells milk to children. This shall include any such program in which maximum use is made of Program reimbursement payments in lowering, or reducing to "zero," wherever possible, the price per half pint which children would normally pay for milk.

(u) "Program" means the Special Milk Program for Children.

(v) "School" means the governing body responsible for the administration of a public or nonprofit private "school" of high school grade or under, as recognized under the laws of the State. "School of high school grade or under" shall include preschool programs operated as part of the school system. The term "school" also includes a nonprofit agency to which the school has delegated authority for the operation of its nonprofit milk service.

(w) "School Breakfast Program" means the program authorized by section 4 of the Child Nutrition Act of 1966.

(x) "SLD" means the School Lunch Division, Consumer Food Programs, of the Consumer and Marketing Service of the U.S. Department of Agriculture.

(y) "State" means any of the 50 States, and the District of Columbia.

(z) "State Agency" means the educational agency or other agency of a State.

§ 215.3 Administration.

(a) Within the Department, C&MS shall act on behalf of the Department in the Administration of the Program. Within C&MS, SLD, and CFPDO shall be responsible for Program administration.

(b) To the extent practicable and permissible under State law, responsibility for the administration of the Program in schools and child-care institutions within a State shall be in the educational agency of the State: *Provided, however,* That another State Agency, upon request by an appropriate State official, may be approved by CFPDO to administer the Program in child-care institutions.

(c) CFPDO shall administer the Program in any nonprofit private schools and in child-care institutions in which the Program is not administered by the State.

(d) Each State Agency desiring to take part in the Program shall enter into a written agreement with the Department for the administration of the Program in the State in accordance with the provisions of this part. Such agreement shall show the class or classes of schools and child-care institutions in which the State Agency will administer the Program. Such agreement shall cover a fiscal year and may be extended at the option of the Department.

(e) References in this part to "CFPDO where applicable" are to CFPDO as the agency administering the Program in nonprofit private schools and child-care institutions in which the Program is not administered by the State.

§ 215.4 Apportionment of funds to States.

(a) As soon as possible after the beginning of each fiscal year for which funds are made available by the Congress, SLD shall apportion such funds among the States in the following manner: First, 1 percent of the funds shall be held by SLD in an uncommitted reserve to meet unforeseen contingencies. The remainder shall be apportioned among the States on the basis of the payments made to schools and child-care institutions for Program reimbursement during the preceding fiscal year. SLD shall advise each State Agency of the amount of funds which will be available to it for Program reimbursement during that fiscal year.

(b) C&MS shall withhold a share of the funds apportioned to any State for the Program for the nonprofit private schools and child-care institutions of that State if the State Agency does not administer the Program in such schools and child-care institutions. The funds withheld by C&MS shall be an amount which bears the same ratio to the Program funds apportioned to that State as the amount of the reimbursement payments of all nonprofit private schools and child-care institutions of the State during the preceding fiscal year bears to the amount of the reimbursement payments of all schools and child-care institutions in the State during the preceding fiscal year.

(c) The State Agency, or CFPDO where applicable, in establishing rates of reimbursement (within the maximum rates) shall consider the Program funds available to it, the class or classes of schools and child-care institutions in which it will administer the Program and the necessity of extending Program operations over the entire fiscal year. The State Agency, or CFPDO where applicable, shall make funds available for child-care institutions and summer camps (including anticipated June operations therein) in a proportion related to the Program reimbursement paid to these categories of participants during the preceding fiscal year, and shall make funds available for new programs in these categories. Adjustments in rates of reimbursement shall be made from time to time as necessary in order for the State Agency, or CFPDO where applicable, to maintain Program reimbursement for the full fiscal year for which funds are made available.

(d) The State Agency, or CFPDO where applicable, shall be responsible for controlling Program reimbursement obligations so as to keep within the funds made available to it.

(e) SLD reserves the right to request any State Agency at any time during the third or fourth quarter of any fiscal year to justify its need for the full amount of funds apportioned to it. If SLD determines that a State Agency has not justified the need to retain the full amount of funds apportioned to it, SLD shall adjust the State's Letter of Credit by the amount determined to be in excess of the State's need.

(f) In the event that a State Agency justifies the need for funds in excess of the amount of its apportionment, additional funds will be provided to such State Agency to the extent they are available for such purpose, either from the amount remaining in the contingency reserve fund retained by SLD or from funds not needed in other States. Such justification shall be based on the need for additional funds resulting from factors that could not be anticipated.

§ 215.5 Payments to States.

(a) Funds shall be made available to each State Agency with which the Department has an agreement by means of a consolidated Letter of Credit issued by C&MS to an appropriate Federal Reserve Bank in accordance with procedures applicable to C&MS for food service programs. A Program Limitation Letter detailing the funds available to the State Agency for each of the food service programs shall accompany the Letter of Credit.

(b) The State Agency shall obtain funds needed to reimburse schools and child-care institutions through presentation by designated State officials of a Payment Voucher on Letter of Credit to a local commercial bank for transmission to the appropriate Federal Reserve Bank, in accordance with procedures prescribed by C&MS and approved by the U.S. Treasury Department. The State Agency shall draw only such funds as are needed to pay claims certified for payment and shall use such funds without delay to pay the claims. State Agencies shall report information on the status of Program funds on a monthly basis to C&MS on a form provided by C&MS.

(c) Notwithstanding the foregoing provisions of this section, Program funds shall be made available to the State Agency in the District of Columbia by means of Treasury Department checks.

(d) Each State Agency shall return to C&MS any Federal funds paid to it under the Program which are unobligated at the end of the fiscal year. Such return shall be made as soon as practicable but in any event not later than 30 days following demand made by CFPDO. Each State Agency shall also pay to C&MS any interest paid or credited on Federal funds paid to the State Agency under the Program.

§ 215.6 Use of funds.

Funds made available under this Program shall be used to increase the consumption of milk through reimbursement payments to schools and child-care institutions in connection with the purchase of milk for service to children.

§ 215.7 Requirements for participation.

(a) Any school or child-care institution not participating in the Program in the previous fiscal year shall make written application for participation to the State Agency, or CFPDO where applicable.

(b) As a minimum, applications shall provide information on each of the items listed below, except that State Agencies may obtain some of the required information from other program forms or special inquiries or other sources prior to approval of a school or child-care institution for participation. Further exceptions may be made with respect to any of the items which SLD determines are not pertinent or necessary in the proper administration of the Program in the specific types of schools or child-care institutions for which a State Agency is responsible under its agreement with the Department.

(1) The name, location, and mailing address of the school or child-care institution;

(2) The type of nonprofit school or child-care institution;

(3) Whether the school or child-care institution is public or private;

(4) The total number of persons regularly having access to the milk service, including as separate items the average daily number of (i) children, (ii) adult staff members and employees, (iii) adults enrolled for care and training, and (iv) total persons in attendance;

(5) Whether the period of attendance is during the morning, afternoon, all day or on a 24-hour basis;

(6) If the application is for a school, whether the school is participating in the National School Lunch Program or in the School Breakfast Program, or

both, and, if not, whether the school is planning to apply for participation in the National School Lunch Program or in the School Breakfast Program, or both;

(7) Whether the applicant school or child-care institution operates its food or milk service under a contractual arrangement with a concessionaire or food service management company. If the applicant is a child-care institution, a copy of the contract must be attached to the application;

(8) The opening date and closing date of operation, within a fiscal year;

(9) The number of days of operation per week;

(10) A description of the milk service in sufficient detail to enable a determination of whether the school or child-care institution operates a pricing or nonpricing program;

(11) The net delivered cost of milk per half pint (after discount);

(12) The price per half pint at which the school or child-care institution offers children milk in a pricing program;

(13) A description of specific service practices planned for encouraging increased milk consumption by children, if the school or child-care institution offers children milk in a nonpricing program; and

(14) In addition, if applicant is a needy school as defined under paragraph (o) of § 215.2, and desires special assistance under the Program, (i) the reason why the school has not participated in the Program, (ii) the reason why the school believes it is eligible to participate in the Program as a needy school, (iii) any special problems in obtaining delivery of milk, (iv) the estimated number of needy children and (v) the proposed number of servings of milk without charge per child per day.

(c) Any school which operates the food or milk service in any attendance unit under a contractual arrangement with a concessionaire or food service management company or under similar arrangement shall not be eligible for participation in the Program with respect to such attendance unit, even though the school or such attendance unit obtains no profit from the operation of such food or milk service: *Provided, however,* That this does not exclude from participation any school:

(1) That contracts with a dairy or other milk supplier for the rental of milk service equipment and related services as a means of increasing the availability of milk;

(2) Whose food or milk service is operated by a private nonprofit organization, such as a parent-teacher association, under delegation of authority from school officials; or

(3) That maintains food or milk service, such as a snack bar, operated by students for the benefit of student activities, if (i) supplemental to regular nonprofit food or milk service or as the only food or milk service maintained, the school uses the student-operated facilities as a means of increasing the availability of milk rather than to employ other labor for that purpose, (ii) the milk served through the student-operated facilities is purchased and sold for the account of nonprofit food or milk service, and (iii) any payments made by the school to the student-operated facility, for labor and other costs in connection with the service of milk to children, bear a direct relationship to the amount of services rendered.

(d) A child-care institution that is a summer camp, in which the only opportunity to make milk available, additional to milk regularly served with meals, is through canteens or trading posts operated for attending children, may be approved for participation in the Program, subject to the same conditions on the use of canteens or trading posts as are established by paragraph (c)(3) of this section for the use of student-operated facilities.

(e) A child-care institution which operates its food or milk service under a contractual arrangement with a concessionaire or food service management company or under a similar arrangement may be approved for participation in the Program, after CFPDO has approved the arrangement. To be approved by CFPDO the arrangement must provide for:

(1) A specific fee for the management service, with the child-care institution procuring the food or reimbursing the concessionaire, food service management company, or other person for food expenditures made on behalf of the child-care institution;

(2) The service of milk in accordance with the plan for increasing milk consumption outlined in the application executed by the child-care institution;

(3) The maintenance of milk-purchase and other records necessary to enable the child-care institution to claim Program reimbursement; and

(4) The retention of the records for a period of 3 years after the end of the fiscal year to which they pertain, for audit and review at a reasonable time and place by the State Agency, OIG, or C&MS.

(f) Any school or child-care institution approved for participation in the Program shall enter into a written agreement with the State Agency or, where CFPDO is responsible for Program administration, with the Department. The school or child-care institution shall agree to:

(1) Conduct nonprofit food and milk services or, in the event no food service is maintained, conduct a nonprofit milk service;

(2) Claim reimbursement only for milk as defined in this part and in accordance with the provisions of sections 215.8 and 215.10;

(3) Submit claims for reimbursement in accordance with procedure established by the State Agency, or CFPDO where applicable;

(4) Maintain full and accurate records of its milk program, and retain such records for a period of 3 years after the end of the fiscal year to which they pertain; and

(5) Upon request, make all records pertaining to its milk program available to the State Agency and to OIG or C&MS for audit and administrative review, at a reasonable time and place.

§ 215.8 Reimbursement payments.

(a) Reimbursement payments shall be made for milk purchased for service to children by participating schools and child-care institutions, except that reimbursement shall not be made for the first half pint of milk served as part of a Type A lunch by schools participating in the National School Lunch Program or the first half pint of milk served as part of a reimbursed breakfast under the School Breakfast Program.

(b) In pricing programs, the maximum rate of reimbursement shall be 4 cents per half pint in schools that serve Type A lunches under the National School Lunch Program and in schools that serve breakfasts under the School Breakfast Program. For other schools and for child-care institutions having pricing programs, the maximum rate of reimbursement shall be 3 cents per half pint. Schools and child-care institutions having pricing programs shall make maximum use of the reimbursement payments received under the Program to reduce the price of milk to children. The full amount of the payments shall be reflected in reduced prices to children, except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed 1 cent per half pint. Exceptions to this provision may be granted by the State Agency, or CFPDO where applicable, in instances where the situation in a school or child-care institution justifies distribution costs above 1 cent per half pint, but in no case shall distribution costs be allowed above 1½ cents per half pint. When milk is purchased at more than one price, the price to the child shall be based on the lowest cost milk.

(c) Less-than-maximum rates of reimbursement may be assigned to pricing programs, or rates assigned to such programs may be reduced on a monthly or annual basis where necessary to obtain a proper relation between rates of reimbursement and (1) the price of milk to children, (2) the cost of milk based on the lowest cost, and (3) the distribution costs approved by the State Agency, or CFPDO where applicable, pursuant to paragraph (b) of this section. In operations having centralized fiscal control, adjustments of rates of reimbursement may be made either on an individual attendance unit or on a schoolwide basis. In no event shall allowance for distribution costs exceed the approved distribution costs per half pint multiplied by the total number of half pints on which reimbursement is paid for the fiscal year.

(d) Schools and child-care institutions having nonpricing programs shall, at the time they apply for participation, submit for approval the specific service practices by which they plan to encourage increased milk consumption by children. Reimbursement payments to such schools and child-care institutions shall be made at the rate of 2 cents per half pint, provided the specific service practices for increasing milk consumption as

outlined in the approved application have been placed into effect and remain in effect.

(e) Notwithstanding any other provisions of this section, the State Agency, or CFPDO where applicable, may reimburse needy schools as defined in § 215.2 (o), for milk served without charge to needy children, at a rate equal to the lowest cost milk, to such schools, provided that such cost is within the range of the milk prices prevailing in the area.

§ 215.9 Effective date for reimbursement.

(a) A State Agency, or CFPDO where applicable, may grant written approval to begin operations under the Program prior to the receipt of the application from the school or child-care institution. Such written approval shall be attached to the subsequently filed application, and the agreement executed by the school or child-care institution shall be effective from the date upon which the school or child-care institution was authorized to begin operations: *Provided, however,* That such effective date shall not be earlier than the calendar month preceding the calendar month in which the agreement is executed by the State Agency or by the Department.

(b) Reimbursement payments pursuant to § 215.8 shall be made on milk purchased for service to children at any time during the effective period of an agreement between a school or child-care institution and the State Agency or the Department.

§ 215.10 Reimbursement procedure.

(a) Each State Agency, or CFPDO where applicable, shall require schools to submit a Claim for Reimbursement on a calendar month basis: *Provided, however,* That not more than 10 days of a beginning or ending month of Program operations in the fiscal year may be combined with the claim of the month immediately following the beginning month or preceding the ending month. Any Claim for Reimbursement combining the ending month of 1 fiscal year and the beginning month of the next fiscal year shall not be permitted. Any Claim for Reimbursement for any fiscal year, not received by the State Agency, or CFPDO where applicable, within 90 days after the closing date of the fiscal year, shall be disqualified from payment, except where the State Agency, or CFPDO where applicable, considers that a Claim for Reimbursement has been filed late because of circumstances beyond the control of the school or child-care institution.

(b) Each Claim for Reimbursement shall contain information on each of the items listed below, except that State Agencies may obtain the approval of SLD to secure some of the required information from applications for participation in the Program, or from other approved sources, without requiring the submission of information on each of the items on each claim: *Provided, however,* That in no way shall this exception relieve the State Agency from checking compliance in pricing programs pursuant to paragraphs (b) and (c) of § 215.8, nor shall this exception relieve any school or child-care institution from responsibility for conducting a pricing program in accordance with its agreement with the State Agency.

(1) The name, location, and mailing address of the school or child-care institution;

(2) The month and year for which claim is made;

(3) The total number of half pints of milk purchased for service to children;

(4) For any school that participates in the National School Lunch Program or the School Breakfast Program, or both, the number of half pints of milk not eligible for reimbursement because served to children as part of a Type A lunch or as a part of a reimbursed breakfast under the School Breakfast Program;

(5) The number of half pints of milk served to adult staff members and employees or adults enrolled for care and training as a beverage, as determined by the school or child-care institution pursuant to paragraph (d) of this section;

(6) The number of half pints of milk claimed for Program reimbursement;

(7) The rate of reimbursement per half pint, as assigned in the agreement between the school or child-care institution and the State Agency or the Department;

(8) The total amount of program reimbursement claimed;

(9) The net cost of milk per half pint paid by the school or child-care institution to the milk supplier;

(10) Where milk has been offered in a pricing program, the price per half pint at which such milk was made available to children; and

(11) In the case of needy schools, (i) number of half pints of milk served without charge to needy children, and (ii) average daily number of needy children to whom milk was served;

(12) Notwithstanding any other provision of this section, the State Agency, or CFPDO where applicable, need not include the information provided for under subparagraphs (7) and (8) of this paragraph if automatic data processing equipment is utilized for processing claims submitted under the Program.

(c) In submitting a Claim for Reimbursement, each school or child-care institution shall certify that the claim is true and correct; that records are available to support the claim; that the claim is in accordance with the existing agreement; and that payment therefor has not been received. Any school or child-care institution that does not offer children milk in a pricing program shall also certify that the specific service practices for encouraging increased milk consumption by children as described in its application for participation are in operation.

(d) Milk served as a beverage to adult staff members and employees and adults enrolled for care and training is not eligible for reimbursement. The number of half pints of milk served adults to be reported by a school or child-care institution in a Claim for Reimbursement shall be determined by actual daily count, or as a percentage of the total milk purchased. In the absence of a record of actual daily count:

(1) In making claims for reimbursement, schools with no adults enrolled for care and training shall report 3 percent of the total milk purchased as the quantity of milk served to adults;

(2) Schools with adults enrolled for care and training and child-care institutions other than camps shall report as the quantity of milk served to adult staff members and employees and adults enrolled for care and training, a number of half pints equal to the total milk purchased multiplied by a percentage adjustment factor assigned by the State Agency, or CFPDO where applicable, at the time the school or child-care institution enters the Program and annually thereafter on the basis of the ratio of the total number of adults to the total persons in average daily attendance, regularly having access to the milk service.

(3) Camps shall report as the quantity of milk served to adult staff members and employees and adults enrolled for care and training, a number of half pints, determined on a Claim for Reimbursement Work Sheet, equal to the total milk purchased multiplied by the percentage that the total number of adults was of total number of persons in attendance, regularly having access to the milk service, during the month for which Claim for Reimbursement is submitted to the State Agency, or CFPDO where applicable; or

(4) If no milk was served as a beverage to adult staff members and employees and adults enrolled for care and training, "zero" shall be reported as the quantity of milk served to adults.

(e) Any school or child-care institution having both pricing and nonpricing programs may claim reimbursement for: (1) The milk purchased for service in the pricing program, or (2) the milk purchased for service in the nonpricing program, or (3) the milk purchased for service in both types of program. When reimbursement is claimed for milk purchased for service in both types of program, the school or child-care institution shall be reimbursed at a rate of 2 cents per half pint, and to the extent feasible shall use the Program reimbursement to lower the price of the milk to children in the pricing program.

(f) Claims for Reimbursement covering milk purchased for service in pricing programs shall be reviewed by the State Agency, or CFPDO where applicable, to assure that the proper relationship exists between the cost of milk, the allowable distribution cost, the price of milk to children and the assigned rate of reimbursement. Adjustments shall be made in rates of reimbursement, where necessary, in accordance with the provisions of this part.

(g) Schools in the National School Lunch Program and in the School Breakfast Program may not be reimbursed at a rate in excess of 3 cents per half pint for milk purchased for service in a pricing program to children participating in summer activities operated

by the school after the expiration of the regular school term, unless (1) the summer program is regarded by the school authorities as a regular part of school activities, (2) the program sponsor who signed the agreement covering the regular school term will be responsible for the operation of the summer program, and (3) the children who attend and participate in such activities are under the care and jurisdiction of the school officials.

(h) Schools in the National School Lunch Program and in the School Breakfast Program experiencing late delivery of cafeteria equipment or fire or other situations beyond school control, forcing delay or suspension of the service of Type A lunches or approved breakfasts for more than 30 days during the course of the school year may not be reimbursed at a rate in excess of 3 cents per half pint for milk served to children in a pricing program during the period of delay or suspension, unless the reason for the delay is satisfactorily explained in writing to the State Agency, or CFPDO where applicable.

(i) Schools offering milk in a pricing program in more than one school attendance unit may be regarded by the State Agency, or CFPDO where applicable, as a single school or as individual schools for reimbursement purposes. If regarded as a single school, reimbursement shall not be made at a rate in excess of 3 cents per half pint for any unit unless all units participate in either the National School Lunch Program or the School Breakfast Program. If the units are regarded as individual schools, the State Agency, or CFPDO where applicable, may assign reimbursement at a rate not in excess of 4 cents per half pint to those units that are participating in the National School Lunch Program or in the School Breakfast Program, and distribution costs may be approved pursuant to paragraph (b) of § 215.8, (1) on an individual unit basis, or (2) on a schoolwide basis.

§ 215.11 Special responsibilities of State Agencies.

(a) *Program administration.* Each State Agency shall provide or cause to be provided, adequate personnel for Program administration.

(b) *State conducted audit programs.* A State Agency may submit for approval by OIG a plan whereby it will conduct audits in schools and child-care institutions in which it administers the Program. Any State Agency satisfactorily conducting such an audit program as of the effective date of this part may be deemed to have an approved plan or such State Agency may submit its plans for formal approval. Audits performed by or on behalf of State Agencies shall meet standards prescribed by OIG and shall be reviewed by OIG to the extent necessary to determine compliance therewith, such review to be made not less than once each year. OIG shall have the right to perform test audits of schools and child-care institutions, and to make audits on a statewide basis, if it determines that the State audit program is not functioning satisfactorily or if the State terminates its audit program.

(c) *Accounting for Program funds.* Each State Agency shall maintain a separate account of all Federal funds made available to it under the Program each fiscal year and shall maintain a current record of payments made to schools and child-care institutions and of any unexpended balance remaining on hand. All payments made from such funds shall be made only upon properly certified vouchers.

(d) *Records and reports.* Each State Agency shall maintain current records on Program operations in schools and child-care institutions, and submit monthly reports to CFPDO on such operations, on a form provided by SLD. Such records shall be maintained for a period of 3 years after the end of the fiscal year to which they pertain.

(e) *Investigations.* Each State Agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program and shall take appropriate action to correct any irregularities. State Agencies shall maintain on file evidence of such investigations and actions. OIG shall make investigations at the request of the State Agency or if SLD or CFPDO determines investigations by OIG are appropriate.

§ 215.12 Claims against schools or child-care institutions.

(a) If a State Agency receives information or has reason to believe that a claim or a portion of a claim for reimbursement submitted by a school or child-care institution is not properly payable under this part, it shall not pay the claim or such portion of the claim and shall advise the school or child-care institution of the reasons for nonpayment or disallowance. The school or child-care institution may submit to the State Agency evidence and information to justify the total amount claimed, or may submit a reclaim for the portion disallowed, with appropriate justification therefor. The State Agency may make reimbursement in the amount it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(b) If a State Agency receives information or has reason to believe that a payment already made to a school or child-care institution was not proper under this part, it shall advise the school or child-care institution of the amount and basis of the alleged overpayments and may request a refund or advise the school or child-care institution that the amount overpaid is being deducted from subsequent claims. The school or child-care institution shall have full opportunity to present evidence and information to the State Agency to justify the amount of reimbursement paid. If the State Agency determines that the evidence is not sufficient, the State Agency shall collect the amount of the overpayment from the school or child-care institution, by refund or by deduction from subsequent claims for reimbursement made by the school or child-care institution. If new evidence becomes available to the school or child-care institution, it may, within a reasonable time after the collection, make a reclaim for all or a portion of the amount so collected, and the State Agency may pay the amount of any reclaim it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(c) The State Agency may refer any matter in connection with this section to CFPDO and SLD for determination of the action to be taken.

(d) The State Agency shall retain for OIG audit and review all records for a period of 3 years after the end of the fiscal year to which they pertain. *Provided however,* That when notified by OIG or C&MS, State Agencies shall retain all records pertaining to action taken under this section for longer periods of time pending completion of an audit, investigation, or legal proceedings and until their disposition is authorized.

(e) If SLD does not concur with the State Agency action in paying a claim or a reclaim, or in failing to collect an overpayment CFPDO shall assert a claim against the State Agency for the amount of such claim, reclaim or overpayment. In all such cases, the State Agency shall have full opportunity to submit to SLD evidence or information concerning the action taken. If in the determination of SLD, the State Agency's action was unwarranted, the State Agency shall promptly pay to C&MS the amount of the claim, reclaim, or overpayment.

(f) The amounts recovered by the State Agency from schools and child-care institutions may be utilized, first, to make reimbursement payments for milk served during the fiscal year for which the funds were initially available, and second, to repay any State funds expended in the reimbursement of claims under the program and not otherwise repaid. Any amounts recovered which are not so utilized shall be returned to C&MS in accordance with the requirements of § 215.5(d).

(g) With respect to schools or child-care institutions in which CFPDO administers the Program, when CFPDO disallows a claim or a portion of a claim, or makes a demand for refund of an alleged overpayment, it shall notify the schools or child-care institutions of the reasons for such disallowance or demand and the schools or child-care institutions shall have full opportunity to submit evidence or to file reclaim for any amount disallowed or demanded in the same manner afforded in this section to schools or child-care institutions administered by State Agencies.

§ 215.13 Administrative analyses and audits.

Each State Agency shall provide C&MS with full opportunity to conduct administrative analyses (including visits to schools and child-care institutions), and OIG with full opportunity to conduct audits of all operations of the State Agency under the Program. Each State Agency shall make available its records, including records of the receipt and expenditure of funds under the Program,

upon a reasonable request by C&MS or OIG. OIG shall also have the right to make audits of the records and operations of any school or child-care institution. In making administrative analyses or audits for any fiscal year, the State Agency and OIG in connection with audits of operations under the jurisdiction of a State Agency, may disregard any overpayment which does not exceed $5 or does not exceed the amount which is established under State law, regulation or procedure as a minimum amount for which claim will be made for State losses generally: *Provided, however,* That no overpayment shall be disregarded where there are unpaid claims of the same fiscal year from which the overpayment can be deducted, or where there is evidence of violation of Federal or State statutes.

§ 215.14 Nondiscrimination.

The Department's regulation on nondiscrimination in federally assisted programs are set forth in Part 15 of this title. The Department's agreements with State Agencies, the State Agencies' agreements with schools and child-care institutions, and the CFPDO agreements with nonprofit private schools and child-care institutions shall contain the assurances required by the said regulations.

§ 215.15 Miscellaneous provisions.

(a) *Disqualification and noncompliance.* Any State Agency or any school or child-care institution may be disqualified from future participation if it fails to comply with the provisions of this part and its agreements with the Department or the State Agency. This does not preclude the possibility of other action being taken through other means available where necessary, including prosecution for fraud under applicable Federal statutes. If any part of the money received by the State Agency or by any nonprofit private school or child-care institution in which CFPDO administers the Program, by an improper or negligent action, is diminshed, lost, misapplied or diverted from the Program by the State Agency, or by the school or child-care institution to which such funds are disbursed, SLD may order such money to be replaced. Until the money is replaced, no subsequent payment shall be made to the State Agency or to the school or child-care institution causing the loss. The State Agency or the school or child-care institution shall have full opportunity to submit evidence, explanation or information concerning instances of noncompliance or diversion of funds before a final determination is made in such cases.

(b) *Saving clause.* Any or all of the provisions of this part may be withdrawn, or amended, at any time by the Department: *Provided, however,* That any withdrawal or amendment shall not be made without due prior notice in writing to the State Agencies or to nonprofit private schools or child-care institutions in which the Program is administered by CFPDO.

(c) *State requirements.* Nothing contained in this part shall prevent a State Agency from imposing additional requirements for participation in the Program which are not inconsistent with the provisions of this part.

§ 215.16 Program information.

Schools and child-care institutions desiring information concerning the Program should write to their State educational agency, or the appropriate Consumer Food Programs District Office of C&MS as indicated below:

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia:

Consumer Food Programs, Northeast District Office, C&MS, U.S. Department of Agriculture, 346 Broadway, New York, N.Y. 10013.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia:

Consumer Food Programs, Southeast District Office, C&MS, U.S. Department of Agriculture, 1795 Peachtree Street NE, Atlanta, Ga. 30309.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin:

Consumer Food Programs, Midwest District Office, C&MS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Ill. 60605.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas:

Consumer Food Programs, Southwest District Office, C&MS, U.S. Department of Agriculture, 500 Ervay Street, Dallas, Tex. 75201.

(e) In the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming:

Consumer Food Programs, Western District Office, C&MS, U.S. Department of Agriculture, 630 Sansome Street, San Francisco, Calif. 94111.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

These regulations shall be effective upon publication in the FEDERAL REGISTER.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

AUGUST 25, 1967.

[F.R. Doc. 67-10212; Filed, Aug. 30, 1967; 8:47 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 11]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Miscellaneous Amendments

Basis and purpose and statement of bases and considerations. The purpose of this amendment to Sugar Regulation 811 (31 F.R. 15581, 32 F.R. 2609, 3085, 4015, 6387, 7011, 7521, 7581, 8577, 9149, 9949) is to determine and to prorate deficits in quotas established pursuant to the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act."

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or the proration of a deficit. On the basis of evidence submitted by Panama and Nicaragua prior to August 1 these countries will be unable to supply more than 32,815 and 52,889 short tons, raw value, respectively. Accordingly, it is hereby found that Panama will fall short of filling its quota by 461 short tons, raw value, and that Panama and Nicaragua will be unable to fill deficit prorations previously made to them of 4,528 and 7,198 short tons, raw value, respectively. Pursuant to section 202(d)(4) it is hereby determined that the amount of the short fall in the quota for Panama is within a reasonable tolerance under the circumstances prevailing in 1967 and that the quota for future years will not be subject to reduction by reason of such shortfall. Pursuant to sections 202 and 204 of the Act, the quotas for Panama, and Nicaragua are herein established at 32,815 and 52,889 tons, raw value, respectively, representing the quantity of sugar each country has indicated it will be able to supply in 1967. Pursuant to section 204 of the Act, the deficit herein determined for Panama of 461 short tons, raw value, and the deficit prorations previously made to Panama and Nicaragua of 4,528 and 7,198 short tons, raw value, totaling 12,187 short tons, raw value, are herein prorated (on the basis of quotas in effect) to Western Hemisphere countries which are able to supply such additional sugar.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.52 and 811.53 as follows:

1. Section 811.52 is amended by adding paragraph (c) to read as follows:

§ 811.52 Prorations and allocation of deficits and quotas in effect.

* * * * *

(c) Pursuant to section 204(a) of the Act a deficit of 461 short tons, raw value, is herein determined in the quota established for Panama and such deficit together with the previous prorations of deficits to Panama and Nicaragua of 4,528 and 7,198 short tons, raw value, respectively, are herein prorated on the basis of quotas in effect to other Western Hemisphere countries listed in section 202(c)(3)(A) of the Act.

2. Section 811.53 is amended by amending paragraph (c) to read as follows:

§ 811.53 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1967, the prorations or allocations to individual foreign countries other than the Republic of the Philippines pursuant to section 202(c)(3) and (4), section 202(d), and section 204(a) of the Act are as follows:

Countries	Basic quotas	Temporary quotas and prorations pursuant to Sec. 202(d) [1]	Previous deficit prorations and allocation	New deficits and deficit prorations [2]	Total quotas and prorations
	(Short tons, raw value)				
Mexico	222,321	237,008	62,508	2,344	524,181
Dominican Republic	217,432	231,801	166,134	2,704	618,131
Brazil	217,432	231,793	61,134	2,292	512,651
Peru	173,428	184,884	48,761	1,828	408,901
British West Indies	86,858	73,460	22,502	821	183,641
Ecuador	31,637	33,725	8,895	334	74,591
French West Indies	27,323	23,108	7,078	258	57,767
Argentina	26,748	28,514	7,320	282	63,064
Costa Rica	25,597	27,292	7,198	270	60,357
Nicaragua	25,597	27,292	7,198	−7,198	52,889
Colombia	23,009	24,528	6,469	244	54,250
Guatemala	21,571	23,000	6,065	227	50,863
Panama	16,106	17,170	4,528	−4,989	[3] 32,815
El Salvador	15,819	16,867	4,448	167	37,301
Haiti	12,080	12,877	3,396	127	28,480
Venezuela	10,929	11,650	3,073	115	25,767
British Honduras	6,327	5,352	1,639	60	13,378
Bolivia	2,588	2,759	728	27	6,102
Honduras	2,588	2,744	726	27	6,085
Australia	103,539	87,000			190,539
Republic of China	43,141	36,250			79,391
India	41,416	34,800			76,216
South Africa	30,487	25,616			56,103
Fiji Islands	22,721	19,092			41,813
Thailand	9,491	7,975			17,466
Mauritius	9,491	7,975			17,466
Malagasy Republic	4,889	4,108			8,997
Swaziland	3,739	3,142			6,881
Ireland	5,351	0			5,351
Total	1,439,653	1,441,782	430,000	0	3,311,437

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.
[2] Reflects a short fall in the quota for Panama of 461 short tons, raw value, and previous deficits prorated to Panama and Nicaragua of 4,528 and 7,198 short tons, raw value, respectively, totaling 12,187 short tons, raw value, prorated to other Western Hemisphere countries on the basis of quotas previously in effect.
[3] Unadjusted quota for Panama is 33,276 short tons, raw value.

* * * * *

(Secs. 201, 202, 204, 403; Stat. 923, as amended, 924, as amended, 925, as amended, 7 U.S.C. 1111, 1112, 1114, 1153)

Effective date. This action establishes deficits of 12,187 short tons, raw value, and prorates such deficits to Western Hemisphere countries with sugar quotas in effect. To permit such countries for which larger quotas or prorations are hereby established to plan and to market in an orderly manner the larger quantity of sugar, it is essential at this time that all persons selling and purchasing sugar for consumption in the continental United States be promptly informed of the changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 28th day of August 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67-10262; Filed, Aug. 30, 1967; 8:51 a.m.]

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

[948.356]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments; Area No. 2

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Area No. 2 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation, hereinafter set forth, will tend to effectuate the declared policy of the act and thereby maintain orderly marketing conditions and tend to increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1967 crop potatoes grown in Area No. 2 will begin on or about the effective date specified herein; (2) to maximize benefits to producers, this regulation should apply to all such shipments; (3) the time intervening between the date of the Committee's recommendation and the date when this section must become effective in order to effectuate the policy of the act is insufficient; (4) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date; and (5) information regarding the Committee's recommendation of these regulations has been disseminated to producers and handlers in the production area.

§ 948.356 Limitation of shipments.

During the period September 1, 1967, through June 30, 1968, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section. The maturity requirements specified in paragraph (b) shall terminate October 15, 1967, at 11:59 p.m. m.d.t.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2⅛ inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1 or better grade, and if handled in accordance with the reporting requirements of paragraph (g) of this section.

(b) *Maturity (skinning) requirements*—(1) *Russet Burbank and Red McClure varieties.* Not more than "slightly skinned" for U.S. No. 1 grade, and not more than "moderately skinned" for U.S. No. 2 grade.

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Special purpose shipments*—(1) *Chipping Stock.* Potatoes may be handled for chipping if they meet the requirements of 1½ inches minimum diameter, and if U.S. No. 2, or better grade, except for (i) scab, and (ii) the maturity requirements of paragraph (b) of this section, if such potatoes are handled in accordance with paragraph (d) of this section.

(2) *Other special purposes.* (i) The quality and maturity requirements of paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for livestock feed, relief or charity.

(ii) The quality and maturity requirements of paragraphs (a) and (b) of this section shall not be applicable to the handling of potatoes for seed pursuant to § 948.6; but any lot of potatoes handled for seed shall be subject to assessments.

(d) *Safeguards.* Each handler of potatoes which do not meet the quality and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) of this section for any of the special purposes set forth therein shall,

(1) Prior to handling, apply for and obtain a certificate of privilege from the committee,

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(3) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to inspection and the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any portion of a shipment of over 1,000 pounds of potatoes.

(f) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period of not to exceed 5 days following the date of inspection as shown on the inspection certificate, except that inspection certificates issued on potatoes for use as potato chips handled pursuant to paragraph (c)(1) of this section shall be exempt from this 5-day requirement.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto.

(g) *Reports.* Pursuant to § 948.80, no handler may ship Size B potatoes from Area No. 2 unless he reports to the committee in a manner prescribed by it the quantities handled and the destinations of such potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "slightly skinned," "moderately skinned," and "scab" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(i) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1 of this chapter, red skinned round type potatoes, except certified seed potatoes, imported into the United States during the period September 5, 1967, through June 30, 1968, shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Dated, August 29, 1967, to become effective September 5, 1967.

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

[F.R. Doc. 67–10292; Filed, Aug. 30, 1967; 8:51 a.m.]

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

Order Amending the Order, as Amended, Regulating Handling

It is hereby ordered that on and after the effective date hereof all handling of domestic dates produced or packed in a designated area of California shall be in conformity to, and in compliance with, the Order Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California, as amended (Order No. 987, as amended; 7 CFR Part 987), and as further amended by the "Order Amending the Order, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California" which was annexed to and made a part of the decision of the Secretary of Agriculture, issued July 27, 1967 (F.R. Doc. 67–8943; 32 F.R. 11164), with respect to proposed amendment of the marketing agreement, as amended, and order, as amended, regulating the handling of such dates. All of the findings, determinations, terms, and conditions of the aforesaid amendatory order shall be, and the same hereby are, the findings, determinations, terms, and conditions of this order as if set forth in full herein. It is hereby further ordered that, for convenient reference, there be set forth hereinafter in amended form, as applicable, the various texts of the codified portion of said Order No. 987, as amended (7 CFR Part 987) and as further amended by the aforesaid amendatory order, together with the aforesaid findings and determinations as herein supplemented.

§ 987.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and previously issued amendments thereto; and all of said prior findings and determinations are hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 20 F.R. 5056; 23 F.R. 6904; 27 F.R. 6817; 29 F.R. 9706.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Indio, Calif., on April 12, 1967, on a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of domestic dates produced or packed in a designated area of California in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of domestic dates in the area of production covered by the order, as amended and as hereby further amended, which would require different terms applicable to different parts of such area; and

(5) All handling of domestic dates produced or packed in the area of production is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(c) *Additional findings.* It is further found that good cause exists for making the provisions of this amendatory order effective on the date hereinafter specified rather than postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). The amendatory order adds certain date repackers to those persons who are defined as handlers and makes the repackers subject to container regulation and, if the dates for repacking are machine pitted, to certain other regulations. Since the only issue of compliance with the container regulation involves filling a given container to a specific net weight, in lieu of a net weight of the repacker's choice, and other compliance involves inspection services and identification which can be readily arranged, no extended time of preparation to comply is needed. Moreover, since packaging of dates occurs in volume by mid-September, if these provisions are not effective soon, a substantial volume can escape regulation and so jeopardize price stability in the early part of the 1967 crop year.

(d) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of

Domestic Dates Produced or Packed in a Designated Area of California," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping domestic dates covered by the said order, as amended and as hereby further amended) who, during the period August 1, 1966, through May 31, 1967, handled not less than 50 percent of the volume of such dates covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1966, through May 31, 1967 (which has been determined to be a representative period), have been engaged in the production for market of Deglet Noor, Zahidi, Halawy, or Khadrawy varieties of domestic dates produced or packed in Riverside, Orange, and Los Angeles Counties, and that portion of San Bernardino County lying west of 116 degrees W. longitude, located within the State of California, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of domestic dates produced or packed in a designated area of California, shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as further amended as follows:

1. Section 987.8 *Handler* is revised to read:

§ 987.8 Handler.

"Handler" means any person handling dates which have not been inspected and certified for handling in the hands of a previous holder and any repacker: *Provided,* That for the purposes of §§ 987.22 and 987.24 a person shall qualify as a handler only if he has acquired the dates directly from producers.

2. A new section, § 987.8a *Repacker,* is added:

§ 987.8a Repacker.

"Repacker" means any wholesaler or jobber who receives packed dates certified for handling pursuant to § 987.41(a), repackages them in containers other than those in which received, and handles such repackaged dates.

3. Section 987.21 *Establishment of Date Administrative Committee* and § 987.22 *Membership representation* are revised to read:

§ 987.21 Establishment of Date Administrative Committee.

A Date Administrative Committee composed of seven members is hereby established to administer the terms and conditions of this part: *Provided,* That the number of members may be changed pursuant to § 987.22 (b) and (c). For each member there shall be an alternate member, and the provisions of this part applicable to the number, nomination, and selection of members shall also apply to the number, nomination, and selection of alternate members.

§ 987.22 Membership representation.

(a) Members shall be selected by the Secretary from the following groups:

(1) The group comprised of (i) handlers each of whom produced during the then current crop year through February at least 51 percent of all the dates handled by him during such period, and (ii) producers each of whom delivered to such handlers during such period at least 50 percent of his deliveries to all handlers during the period.

(2) The group comprised of cooperative marketing associations.

(3) The group comprised of all other handlers and producers.

(b) Each such group shall have, for each term of office, one member for each quantity of dates handled in the group that represents 14.28 percent of the tonnage handled by all groups: *Provided,* That each group shall have at least one member. For each term of office, the tonnages handled shall be those handled through February of the crop year in which the selection occurs. In computing the number of members for a group, the group may have, in addition to one member for each full 14.28 percent, one member for any remaining fractional part more than one-half of the basic 14.28 percent. To provide a member for any such fractional part and at least one member for each group, the Secretary may increase the total number of members of the Committee beyond seven. When a group specified in paragraph (a) (1) or (3) of this section is entitled to an even number of members, one-half of the members shall be handler members and one-half shall be producer members; and when such a group is entitled to an odd number of members other than one, there shall be one more handler member than producer members. At least one of the members for the group specified in paragraph (a)(2) of this section shall be an employee of a cooperative marketing association in such group and serve as a handler member, and the remainder of the members for the group shall be producer members of such associations.

(c) The members of the Committee serving on the effective date of this amended subpart shall, subject to the limitations in § 987.25, continue to serve during the remainder of the term of office ending May 14, 1968, and as provided in § 987.23. The number of members as provided in § 987.122 prior to such effective date for each of the various groups (i.e., one member for the group specified in paragraph (a)(1) of this section, five members for the group specified in paragraph (a)(2) of this section, and one member for the group specified in paragraph (a)(3) of this section) shall continue applicable so long as the number of members for each group meets the requirements prescribed in paragraph (b) of this section. Whenever it is determined pursuant to paragraph (b) of this section that a change of representation is required for the ensuing term of office, the Secretary shall, on the basis of information submitted by the Committee and other available information, revise the representation consistent with the provisions of said paragraph (b) of this section.

4. Section 987.24 *Nominations* is revised to read:

§ 987.24 Nomination and selection.

(a) Each group specified in § 987.22 (a) may nominate, at a nomination meeting or meetings held during each crop year on or before April 15, nominees for members to represent the group during the ensuing term of office. For any group specified in § 987.22(a) (1) or (3) entitled to more than one member, separate meetings of producers and of handlers shall be held. For any such group which is not entitled to more than one member, joint meetings of producers and handlers shall be held. Except as otherwise set forth in this section, in any of such meetings each producer and each handler shall be entitled to one vote for each position to be filled, and the individual receiving the highest number of votes for the position shall be the nominee. Whenever there is more than one cooperative marketing association in the group specified in § 987.22(a)(2), the associations shall jointly select their nominees. In case of lack of agreement among the associations, and in the voting by handlers separately from producers of the group specified in § 987.22 (a)(3), the vote for each position shall be weighted by the tonnage of dates each association or handler acquired from producers and had certified for handling or for further processing during the then current crop year through February.

(b) Immediately after the completion of the meetings covered by this section, the Committee shall report to the Secretary the nominees for each position together with a certificate of all necessary tonnage data and other information deemed by the Committee to be pertinent or which is required by the Secretary. The Secretary shall select, in his discretion, members from such nominees or from other qualified persons; but any such selection shall be from the groups, and on the basis, prescribed in § 987.22. However, the Secretary shall allow a reasonable time for nominations to be received before proceeding with any selection without regard to nominations.

5. The center heading "Research and Development," and § 987.33 *Research and development* are revised to read:

MARKET DEVELOPMENT

§ 987.33 Research and promotion.

(a) The Committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects, including marketing promotion and paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of dates. The

expenses of such projects shall be paid from funds collected pursuant to § 987.72. However, no program of paid advertising nor major program of marketing promotion shall be adopted unless favored by at least six Committee members when the total membership is seven, or seven members when the total is eight. Upon conclusion of each program, but at least annually, the Committee shall summarize and report on the program status and accomplishments, to its members and the Secretary. A similar report to the Committee shall be required of any contracting party on any paid advertising or major program. Also, for each advertising or major program the contracting party shall be required to maintain records of money received and expenditures and such shall be available to the Committee and the Secretary. The Committee shall, with the approval of the Secretary, establish criteria which will determine such major program.

6. Section 987.39 *The establishment of minimum standards* is revised to read:

§ 987.39 The establishment of minimum standards.

In order to effectuate the declared policy of the act all whole dates and pitted dates handled under this subpart shall meet the requirements of U.S. Grade C, or, if for further processing, U.S. Grade C (Dry), of the effective U.S. Standards for Grades of Dates: *Provided*, That the Secretary may, upon recommendation of the Committee, prescribe other minimum standards of quality for any variety of dates. To aid the Secretary in prescribing such other minimum standards, the Committee shall furnish to the Secretary the data upon which it acted in recommending such standards. The provisions hereof relating to minimum standards of quality and to inspection requirements, within the meaning of section 2(3) of the act, and any other provisions relating to the administration and enforcement thereof shall continue in effect irrespective of whether the season average price to producers for dates is or is not in excess of the parity level specified in section 2(1) of the act. Notice of the minimum standard regulation shall be sent by the Committee to all handlers of record. On and after the effective date of such regulations no handler shall handle dates except in accordance with such minimum standard.

7. Section 987.51 *Interhandler transfers* is revised to read:

§ 987.51 Interhandler transfers.

Transfers of dates may be made from one handler to another, and each handler who so transfers any such dates shall immediately upon the completion of the particular transfer notify the Committee of the transfer, specifying the date of the transfer, the quantity and variety of dates involved, and the name of the receiving handler. If such transfer is wholly within the area of production, the assessment and withholding obligations shall be placed on the handler agreeing to assume them: *Provided*, That in the absence of the Committee receiving notice of a specific agreement on such obligations, the buying handler shall be held accountable. If such transfer is from within the area of production to any point outside thereof, the assessment and withholding obligations shall be met by the handler within the area of production. Except for packed dates inspected and certified for handling prior to transfer and which are not repacked, any receiving handler (other than a repacker not otherwise a handler, who shall comply with § 987.53) shall comply with the requirements of § 987.41 on all dates, but this shall apply to repacked dates previously inspected and certified for handling only if the handler also packs dates received as field-run dates.

8. A new section, § 987.53 *Application of regulations to repackers*, is added:

§ 987.53 Application of regulations to repackers.

Repackers shall be exempt from those requirements of this part, including reporting requirements, with respect to packed dates which had been certified for handling, pursuant to § 987.41(a), prior to receipt, except that: (a) A repacker who processes such dates by machine pitting shall comply with the grade, size, inspection, certification, and identification requirements, and (b) a repacker who repackages such dates in containers other than those in which received, shall comply with the then effective container regulations established pursuant to § 987.48.

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

Dated August 25, 1967, to become effective September 8, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-10213; Filed, Aug. 30, 1967; 8:47 a.m.]

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

[Milk Order 2]

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New York-New Jersey marketing area (7 CFR Part 1002), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the period of September 1967 through April 1968:

In § 1002.40(a) the provision (plus 20 cents through April 1968) and the provisions of subparagraphs (3) through (10) of this paragraph.

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

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

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area. The current information with respect to the extent of the shift in Class I sales was not available until reports filed by handlers were compiled on or about August 15, and the petition requesting suspension action was not received until August 21, 1967.

(3) This suspension action will eliminate for the period through April 1968 any adjustment to the Class I–A milk price resulting from application of the utilization percentage (supply-demand) provisions of the Class I–A price formula. The action of the utilization percentage provisions is effecting a substantial price decline as a result of a substantial shift of Class I sales and milk receipts historically pooled under the New York-New Jersey order, to the Delaware Valley order beginning in June 1967 when the Delaware Valley marketwide pooling provision became effective. Such price decline is unwarranted in the face of the downward trend in producer receipts and the intent of the several amendments to the Class I–A pricing provisions of the order over the past year and a half to stem the downward trend in milk supplies.

(4) This suspension action is also necessary to restore and maintain orderly marketing by insuring the continuing interorder Class I price relationships among Federal order markets in the northeast through April 1968 concluded in the Assistant Secretary's decision issued April 25, 1967 (32 F.R. 6501) to be appropriate on the basis of a public hearing convened at Washington, D.C., on April 14, 1967. Pursuant to that decision temporary emergency amendments were made in the Class I price provisions of the Delaware Valley and Massachusetts-Rhode Island orders effective May 1, 1967 and the New York-New Jersey order effective June 1, 1967. Such amendments made effective through April 1968 were contemplated to provide Class I prices of $6.08, $6.35, and $6.65 for the New York-New Jersey, Massachusetts-Rhode Island and Delaware Valley orders, respectively. The mechanics of the amendments made to the Massachusetts-Rhode Island and Delaware Valley orders insure continuation of the existing price level through April 1968. Because of the shifting of Class I sales and associated milk from New York-New Jersey to Delaware Valley the New York-New Jersey Class I–A price has declined to $5.97 in August and in the absence of this suspension action would be $5.86 in September and still lower in subsequent months. The resulting Class I price disparity among these markets in which many handlers have extensive overlapping sales competition constitutes a serious threat to orderly marketing of milk in the marketing areas.

Suspension of the utilization percentage (supply-demand) provisions of the New York-New Jersey order will result in a Class I–A price of $6.11 and thereby

restore as closely as possible the inter-order Class I price relationships among these markets contemplated by the amendment effected on the basis of the April 1967 hearings.

(5) This emergency suspension action was requested by cooperative associations representing approximately 70 percent of the producers supplying the New York-New Jersey market and is supported by producer cooperatives in the Massachusetts-Rhode Island market. Such associations contend that such emergency action is necessary to maintain orderly marketing pending action on their petition to convene a hearing on proposals to provide a common Class I price formula for the New York-New Jersey, Massachusetts-Rhode Island and Connecticut orders. Pursuant to such petition the market administrators of the various orders have been requested to ask interested persons to submit additional proposals within 30 days.

Obviously, it will take additional time to hold a hearing and complete the necessary procedures on the cooperatives' hearing proposal to provide more appropriate price alignment between the New York-New Jersey and Massachusetts-Rhode Island markets on other than a temporary emergency basis. This suspension action will provide a Class I-A price under the New York-New Jersey order which is 24 cents below the Massachusetts-Rhode Island Class I price and will result in restoring approximately the same price spread between these markets which prevailed in 1964 (24 cents), 1965 (21 cents), and 1966 (31 cents) pending completion of the necessary procedures on their hearing proposal.

Therefore, good cause exists for making this order effective September 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period September 1967 through April 1968.

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

Effective date: September 1, 1967.

Signed at Washington, D.C., on August 25, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-10216; Filed, Aug. 30, 1967; 8:48 a.m.]

[Milk Order 62]

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the St. Louis, Mo., marketing area (7 CFR Part 1062), it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act for the months of September, October, and November 1967.

(1) In § 1062.51(a) the following words of the introductory text preceding subparagraph (1): "And plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph:"

(2) Subparagraph (1) of § 1062.51(a).

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

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

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

(3) This suspension order will continue for the months of September through November 1967 the effect of the prior suspension orders issued June 1 and July 25, 1967, which eliminated price adjustments due to the supply-demand adjustor for the periods of June 3–30 and the months of July and August 1967. Such prior suspension orders were issued at the request of cooperative associations whose members comprise a large majority of producers serving the St. Louis market and other markets affected by this supply-demand adjustor. Hearings have been held in St. Louis, Mo., January 24, 1967, pursuant to notice issued January 13, 1967 (32 F.R. 613) and February 28–March 3, 1967, pursuant to notice issued January 24, 1967 (32 F.R. 1042) at which proposals to revise the supply-demand adjustor were considered. The present suspension action is being taken to prevent supply-demand adjustments for this additional period while consideration is being given to revision of the supply-demand adjustor based upon the hearings which have been held.

(4) The previous suspensions were taken so that a decrease in the Class I price would not unduly reduce returns to producers in the St. Louis, Mo., Ozarks, Southern Illinois, and Paducah markets. Since the same conditions that prompted the previous suspension orders continue to prevail this order effective for the months of September through November 1967 is warranted.

Therefore, good cause exists for making this order effective September 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of September, October, and November 1967.

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

Effective date: September 1, 1967.

Signed at Washington, D.C., on August 25, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-10217; Filed, Aug. 30, 1967; 8:48 a.m.]

[Milk Order 67]

PART 1067—MILK IN OZARKS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Ozarks marketing area (7 CFR Part 1067), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the months of August and September: In § 1067.11(b) in the table and opposite the months of August and September the figures "25" and "35".

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

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

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

(3) This actior has been requested by three cooperative associations, representing more than 80 percent of the producers in this market. The cooperatives state that the suspension is necessary to maintain pool plant status for supply plants so as to facilitate the orderly disposition of the market's reserve supply of milk during the months of August and September. An unusual increase in milk supply for this time of year has resulted in greater deliveries from farms directly to fluid milk processing plants, and has reduced the need for such plants to receive milk from supply plants.

(4) This suspension action will make it unnecessary for the operators of supply plants to make unneeded and uneconomical shipments to processing plants in order to maintain pool status. This suspension will maintain producer status of many farmers regularly associated with the market and will promote orderly marketing conditions.

(5) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (32 F.R. 11887). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective August 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of August and September 1967.

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

Effective date: August 1, 1967.

Signed at Washington, D.C., on August 25, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-10214; Filed, Aug. 30, 1967; 8:48 a.m.]

[Milk Order 73]

PART 1073—MILK IN THE WICHITA, KANS., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Wichita, Kans., marketing area (7 CFR Part 1073), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the months of September, October, and November 1967:

In § 1073.51(a) that portion of the first sentence reading as follows: ", subject to a supply-demand adjustment computed pursuant to subparagraphs (1) through (3) of this paragraph"; and subparagraphs (1), (2), and (3) relating to the supply-demand adjustment to the Class I price.

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

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

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

(3) This suspension will eliminate certain erratic movements of the supply-demand adjustor for September through November 1967 and improve Class I price alignment in this market. A Class I sales account to an outside market is no longer available and approximately 1.6 million pounds of milk is now being pooled locally thereby causing abnormal fluctuation in the supply-demand adjustor in this order.

(4) This suspension action was requested by producers at a public hearing held June 15, 1967, at Wichita, Kans. At the hearing a witness testified that emergency action in the form of a suspension order is necessary to obtain orderly marketing conditions in the area pending the time when an amended order can be issued. There was no opposition to the request. Upon this basis suspension of these provisions for the months of July and August 1967 were issued June 28, and July 27, 1967. A recommended decision was issued on July 28, 1967. It is now evident amendment on the basis of the hearing cannot be completed by September 1, 1967.

Therefore, good cause exists for making this order effective September 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period September 1, 1967, through November 30, 1967.

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

Effective date: September 1, 1967.

Signed at Washington, D.C., on August 28, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67–10250; Filed, Aug. 30, 1967; 8:50 a.m.]

[Milk Orders 106, 126]

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Oklahoma Metropolitan and North Texas marketing areas (7 CFR Parts 1106 and 1126), it is hereby found and determined that:

(a) The following provisions of the orders no longer tend to effectuate the declared policy of the Act for the months of September through November 1967:

(1) In § 1106.51(a) of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area, the last sentence of the introductory text reading as follows: "To this price add or subtract a 'supply-demand adjustment' of not more than 50 cents, computed as follows:" and subparagraphs (1), (2), and (3).

(2) In § 1126.51(a) of the order regulating the handling of milk in the North Texas marketing area, that portion of the last sentence of the introductory text reading as follows: "and subject to a supply-demand adjustment of not more than 50 cents computed as follows:" and subparagraphs (1), (2), (3), (4), (5), and (6).

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

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

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

(3) This suspension will continue for the months of September through November 1967 the elimination of the effect of supply-demand adjustors in the Oklahoma Metropolitan and North Texas orders that was provided for August 1967 by suspension order issued July 27, 1967.

(4) This suspension action was requested by both producers and handlers at a public hearing held May 15, 1967, at Oklahoma City, Okla. At the hearing, witnesses testified that emergency action in the form of a suspension order is necessary to maintain orderly marketing conditions pending the time when an amended order can be issued. No testimony was offered in opposition to this request. It is now evident that amendatory action based upon this hearing will not be completed so that an amended order could be effective by September 1, 1967.

Therefore, in view of the foregoing reasons, good cause exists for making this order effective September 1, 1967.

It is therefore ordered, That the aforesaid provisions of the orders are hereby suspended for the period September 1 through November 30, 1967.

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

Effective date: September 1, 1967.

Signed at Washington, D.C., on August 25, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67–10215; Filed, Aug. 30, 1967; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Interagency Committee on Mexican American Affairs

A new § 213.3123 is added to show that all positions on the committee staff are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, § 213.3123 is added as set out below.

§ 213.3123 Interagency Committee on Mexican American Affairs.

(a) All positions on the committee staff.

(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. 67–10225; Filed, Aug. 30, 1967; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Section 213.3144 is amended to show that the seven positions of Regional Administrator, and the position of Director, Community Disposition Staff are no longer excepted under Schedule A. Effective upon publication in the FEDERAL REGISTER, subparagraphs (3) and (4) of paragraph (a) of § 213.3144 are revoked.

§ 213.3144 Housing and Home Finance Agency.

(a) *Office of the Administrator.*

* * * * *

(3) [Revoked]
(4) [Revoked]

* * * * *

(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. 67–10224; Filed, Aug. 30, 1967; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Packers and Stockyards Administration, Department of Agriculture

PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Vacation of Rate Orders

On June 15, 1967, a notice was published in the FEDERAL REGISTER (32 F.R. 8621) regarding the proposed issuance of a statement with respect to vacation of rate orders under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). Interested persons were given an opportunity to submit written data, views, or arguments concerning the proposed statement. After consideration of all relevant matters, the following statement has been formulated and adopted by the Packers and Stockyards Administration for the guidance of stockyard owners and market agencies and is issued as § 203.11 of Part 203, Chapter II, Title 9, Code of Federal Regulations to read as follows:

§ 203.11 Statement with respect to vacation of rate orders under the Packers and Stockyards Act.

(a) Under the Packers and Stockyards Act, formal rate orders prescribing reasonable rates and charges for the furnishing of stockyard services have been issued at various times. As of June 30, 1967, there were in effect 26 such orders, 14 relating to rates and charges for stockyard services furnished by stockyard operators and 12 concerning rates and charges for services furnished by market agencies. Most of the basic orders in these cases have been in effect for more than 20 years. From time to time the respondents have petitioned for modifications of such orders to reflect changed circumstances or conditions and when such petitions have been found to be justified they have been granted. In accordance with the administrative procedure provisions of Title 5 of the United States Code (5 U.S.C. 553), the Rules of Practice Governing Proceedings under the Packers and Stockyards Act (9 CFR 202.1 et seq.) require that notice of every petition for modification which involves an increase in rates and charges, or a rate or charge for services not theretofore covered by order, shall be published in the FEDERAL REGISTER and interested persons be given an opportunity to file with the Hearing Clerk a written request to be heard in the matter. The rules of practice also provide that an answer to such a petition shall be filed within 20 days from date of publication of such notice. Under section 313 of the Act, an order concerning rates and charges may not be made effective in less than 5 days after signature. With respect to a stockyard operator or market agency not subject to a formal rate order, changes may be made in its rates and charges upon 10 days' notice to the public and the Department: *Provided, however,* That any such change may be suspended for a total period of 60 days in any instance in which it appears the change would result in unjust, unreasonable, or discriminatory rates and charges and a hearing held with respect to the matter.

(b) During the period the basic rate orders have been in effect, an informal procedure has developed in connection with proposed modification of rates or charges of the stockyard owners and market agencies subject to such orders. The stockyard owners and market agencies have become familiar with the type of information necessary to substantiate changes in prescribed rates or charges and to show the reasonableness thereof. In most instances, those desiring to modify the rates or charges seek an advance indication of the attitude of the Packers and Stockyards Administration toward the changes to be proposed. In the event there is a question as to the data submitted or as to reasonableness of the changes, additional information is sought or conferences are held between representatives of the Administration and the parties concerned. This method has proved very satisfactory as a means of resolving doubts, adjusting differences and reaching an agreement concerning the proposed modification of the rates and charges. In practically all cases a tentative agreement is reached before a petition for modification of the rate order is filed with the Hearing Clerk. There have been very few instances in which an interested person has submitted any data, views, or comments or filed a request to be heard in connection with a petition pursuant to the notice published in the FEDERAL REGISTER.

(c) After a basic rate order has been in effect for a period of 10 years, there would not appear to be any useful purpose served, under normal conditions, in continuing such order in effect, thereby necessitating the continuation of the formal procedure for obtaining a modification of the rates and charges referred to in paragraph (a) of this section. It is the view of the Packers and Stockyards Administration, therefore, that when a basic rate order has been in effect for a period of 10 years, the Department should entertain a petition for dismissal or vacation of such rate order and unless economic conditions, or the marketing structure in the trade territory, or other circumstances require otherwise, such petition should be concurred in. This would place the stockyard owner or market agencies affected by the rate order in question on the same basis as those stockyard owners and market agencies which are not subject to formal rate orders. This procedure would not affect the basic protective rate provisions of the Packers and Stockyards Act should it become necessary to invoke them.

The foregoing statement shall become effective upon its publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of August 1967.

(Sec. 407(a), 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228(a); interprets or applies secs. 310, 313, 42 Stat. 161 et seq., as amended 7 U.S.C. 211, 214)

GLENN G. BIERMAN,
Acting Administrator.

[F.R. Doc. 67–10220; Filed, Aug. 30, 1967; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965_____)

Subpart E—Criteria for Determination of Reasonable Charges; Reimbursement for Services of Hospital Interns, Residents, and Supervising Physicians

On February 8, 1967, there was published in the FEDERAL REGISTER (32 F.R. 2688) a notice of proposed rule making relating to the principles for determining reasonable charges for services of physicians and other persons furnishing medical and other health services covered under the supplementary medical insurance program, and for determining whether reimbursement for the services of interns, residents, and supervising physicians rendered in connection with graduate medical education programs will be made under Part A or Part B of title XVIII of the Social Security Act. Interested parties were given the opportunity to submit written comments within 30 days after publication.

Written comments were received and considered; certain changes of a clarifying and editorial nature have been made.

Chapter III, Title 20 is amended by adding thereto Subpart E of Part 405, to read as set forth below. The addition of Subpart E of Part 405, Title 20, shall be effective upon publication in the FEDERAL REGISTER.

Dated: August 8, 1967.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved August 23, 1967.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

Sec.

AUTHORITY: The provisions of this Subpart E issued under sections 1102, 1814(b), 1833 (a), 1842(b), and 1871, 49 Stat. 647, as amended, 79 Stat. 296, 79 Stat. 302, 79 Stat. 310, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

§ 405.501 Determination of reasonable charges.

Payment for medical and other health services (see § 405.251) furnished by physicians or other persons (except for services furnished by group practice prepayment plans electing cost reimbursement and certain services furnished by, or under arrangements made by, a provider of services) is made on the basis of the "reasonable charge" for such service which is determined by the carriers selected by the Secretary to assist in the administration of the supplementary medical insurance program.

§ 405.502 Criteria for determining reasonable charges.

(a) *Criteria.* The law does not contemplate the establishment of a general fee schedule applicable to all physicians or other persons furnishing medical and other services but calls for individual determinations which take into account the facts as to existing practice with respect to charges of the particular physician or other person as well as others in the locality. The two criteria set out in the law which are considered in determining reasonable charges are:

(1) The customary charges for similar services generally made by the physician or other person furnishing such services; and

(2) The prevailing charges in the locality for similar services.

(b) *Comparable services limitation.* The law also specifies that the reasonable charge cannot be higher than the charge applicable for a comparable service under comparable circumstances to the carriers' own policyholders and subscribers.

(c) *Application of criteria.* In applying these criteria, the carriers are to exercise judgment based on factual data on the charges made by physicians to patients generally and by other persons to the public in general and on special factors that may exist in individual cases so that determinations of reasonable charge are realistic and equitable.

(d) *Responsibility of Administration and carriers.* Determinations by carriers of reasonable charge are not reviewed on a case-by-case basis by the Social Security Administration, although the general procedures and performance of functions by carriers are evaluated. In making determinations, carriers apply the provisions of the law under broad principles issued by the Social Security Administration. These principles are intended to assure overall consistency among carriers in their determinations of reasonable charge. The principles in §§ 405.503–405.507 establish the criteria for making such determinations in accordance with the statutory provisions.

§ 405.503 Determining customary charges.

(a) *Customary charge defined.* The term "customary charges" will refer to the uniform amount which the individual physician or other person charges in the majority of cases for a specific medical procedure or service. In determining such uniform amount, token charges for charity patients and substandard charges for welfare and other low income patients are to be excluded. The reasonable charge cannot, except as provided in § 405.506, be higher than the individual physician's or other person's customary charge. The customary charge for different physicians or other persons may, of course, vary. Payment for covered services would be based on the actual charge for the service when, in a given instance, that charge is less than the amount which the carrier would otherwise have found to be within the limits of acceptable charges for the particular service. Moreover, the income of the individual beneficiary is not to be taken into account by the carrier in determining the amount which is considered to be a reasonable charge for a service rendered to him. There is no provision in the law for a carrier to evaluate the reasonableness of charges in light of an individual beneficiary's economic status.

(b) *Variation of charges.* If the individual physician or other person varies his charges for a specific medical procedure or service, so that no one amount is charged in the majority of cases, it will be necessary for the carrier to exercise judgment in the establishment of a "customary charge" for such physician or other person. In making this judgment, an important guide, to be utilized when a sufficient volume of data on the physician's or other person's charges is available, would be the median or midpoint of his charges, excluding token and substandard charges as well as exceptional charges on the high side. A significant clustering of charges in the vicinity of the median amount might indicate that a point of such clustering should be taken as the physician's or other person's "customary" charge. Use of relative value scales will help in arriving at a decision in such instances.

(c) *Use of relative value scales.* If, for a particular medical procedure or service, the carrier is unable to determine the customary charge on the basis of reliable statistical data (for example, because the carrier does not yet have sufficient data or because the performance of the particular medical procedure or service by the physician or other person is infrequent), the carrier may use appropriate relative value scales to determine the customary charge for such procedure or service in relation to customary charges of the same physician or person for other medical procedures and services.

(d) *Revision of customary charge.* A physician's or other person's customary charge is not necessarily a static amount. Where a physician or other person alters his charges, a revised pattern of charges for his services may develop. Where on the basis of adequate evidence, the carrier finds that the physician or other person furnishing services has changed his charge for a service to the public in general, the customary charge resulting from the revised charge for the service should be recognized as the customary charge in making determinations of reasonable charges for such service when rendered thereafter to supplementary insurance beneficiaries. If the new customary charge is not above the top of the range of prevailing charges (see § 405.504 (a)), it should be deemed to be reasonable by the carrier, subject to the provisions of § 405.508.

§ 405.504 Determining prevailing charges.

(a) *Range of charges.* The term "prevailing charges" refers to those charges which fall within the range of charges most frequently and most widely used in a locality for particular medical procedures or services. The top of this range establishes, except as provided in § 405.506, an overall limitation on the charges which a carrier will accept as reasonable for a given medical procedure or service. Prevailing charges are derived from the overall pattern existing within a locality. For example, in a given locality the carrier may find that the charges most frequently and widely used by physicians for a particular medical procedure range from $150 to $175. If in another locality the carrier finds that the prevailing charges are different for the same procedure, then a different range of charges would be applied in making reasonable charge determinations for that locality. An acceptable method for the carrier to objectively determine the point at which such limitation is established would be the use of the mean (arithmetic average) of the customary charges of physicians or other persons in the locality for a given medical procedure or service, plus one standard deviation above the mean, rounded to the nearest dollar. However, the carrier will adopt an appropriate limit for each procedure or service with judgment being exercised to assure that with respect to each particular array of data the result reached is reasonable. If, for example,

there is a point just above the standard deviation which represents the amount charged by a substantial number of physicians in the locality, the limitation might, in such a situation, be established so as to include this point. On the other hand, the "trailing off" of an appreciable number of charges above the mean plus one standard deviation might not justify an upward adjustment. The "standard deviation" is a basic statistical measure widely used in dealing with variations from a central tendency or norm. Its advantage over the approach that the "prevailing charge" is to include a fixed percentage of all charges lies in the fact that the standard deviation is flexible rather than rigid. It takes into account and is responsive to differences in the spread that exists in the underlying data.

(b) *Variation in range of prevailing charges.* The range of prevailing charges in a locality may be different for physicians or other persons who engage in a specialty practice or service than for others. Existing differentials in the level of charges between different kinds of practice or service could, in some localities, lead to the development of more than one range of prevailing charges for application by the carrier in its determinations of reasonable charges. Carrier decisions in this respect should be responsive to the existing patterns of charges by physicians and other persons who render covered services, and should establish differentials in the levels of charges between different kinds of practice or service only where in accord with such patterns.

(c) *Re-evaluation and adjustment of prevailing charges.* Determinations of prevailing charges by the carrier are to be re-evaluated and adjusted from time to time on the basis of factual information about the charges made by physicians and other persons to the public in general. This information should be obtained from all possible sources including a carrier's experience with its own programs as well as with the supplementary medical insurance program.

§ 405.505 Determination of "locality."

"Locality" is the geographical area for which the carrier is to derive the prevailing charges for services. Usually, a locality will be a political or economic subdivision of a State. It should include a cross section of the population with respect to economic and other characteristics. Where people tend to gravitate toward certain population centers to obtain medical care or service, localities may be recognized on a basis constituting medical service areas (interstate or otherwise), comparable in concept to "trade areas." Localities may differ in population density, economic level, and other major factors affecting charges for services. Carriers therefore shall delineate "localities" on the basis of their knowledge of local conditions. However, distinctions between localities are not to be so finely made that a "locality" includes only a very limited geographic area whose population has distinctly similar income characteristics (e.g., a very rich or very poor neighborhood within a city).

§ 405.506 Charges higher than customary or prevailing charges.

A charge which exceeds either the customary charge of the physician or other person who rendered the medical or other health service, or the prevailing charge in the locality, or both, may be found to be reasonable, but only where there are unusual circumstances, or medical complications requiring additional time, effort or expense which support an additional charge, and only if it is acceptable medical or medical service practice in the locality to make an extra charge in such cases. On the other hand, the mere fact that the physician's or other person's customary charge is higher than prevailing would not justify a determination of reasonable charge higher than the prevailing charge.

§ 405.507 Illustrations of the application of the criteria for determining reasonable charges.

The following examples illustrate how the general criteria on customary charges and prevailing charges might be applied in determining reasonable charges under the supplementary medical insurance program. Basically, these examples demonstrate that, except where the actual charge is less, reasonable charges will reflect current customary charges of the particular physician or other person within the ranges of the current prevailing charges in the locality for that type and level of service:

The prevailing charge for a specific medical procedure ranges from $80 to $100 in a certain locality.

Doctor A's bill is for $75 although he customarily charges $80 for the procedure.

Doctor B's bill is his customary charge of $85.

Doctor C's bill is his customary charge of $125.

Doctor D's bill is for $100, although he customarily charges $80, and there are no special circumstances in the case.

The reasonable charge for Doctor A would be limited to $75 since under the law the reasonable charge cannot exceed the actual charge, even if it is lower than his customary charge and below the prevailing charges for the locality.

The reasonable charge for Doctor B would be $85, because it is his customary charge and it falls within the range of prevailing charges for that locality.

The reasonable charge for Doctor C could not be more than $100, the top of the range of prevailing charges.

The reasonable charge for Doctor D would be $80, because that is his customary charge. Even though his actual charge of $100 falls within the range of prevailing charges, the reasonable charge cannot exceed his customary charge in the absence of special circumstances.

§ 405.508 Determination of comparable circumstances; limitation.

(a) *Application of limitation.* The carrier may not in any case make a determination of reasonable charge which would be higher than the charge upon which it would base payment to its own policyholders for a comparable service in comparable circumstances. The charge upon which it would base payment, however, does not necessarily mean the amount the carrier would be obligated to pay. Under certain circumstances, some carriers pay amounts on behalf of individuals who are their policyholders, which are below the customary charges of physicians or other persons to other individuals. Payment under the supplementary medical insurance program would not be limited to these lower amounts.

(b) *When comparability exists.* "Comparable circumstances," as used in the Act and this subpart, refers to the circumstances under which services are rendered to individuals and the nature of the carrier's health insurance programs and the method it uses to determine the amounts of payments under these programs. Generally, comparability would exist where:

(1) The carrier bases payment under its program on the customary charges, as presently constituted, of physicians or other persons and on current prevailing charges in a locality, and

(2) The determination does not preclude recognition of factors such as specialty status and unusual circumstances which affect the amount charged for a service.

(c) *Responsibility for determining comparability.* Responsibility for determining whether or not a carrier's program has comparability will in the first instance fall upon the carrier in reporting pertinent information about its programs to the Social Security Administration. When the pertinent information has been reported, the Social Security Administration will advise the carrier whether any of its programs have comparability.

§ 405.520 Reimbursement for services of interns, residents and supervising physicians; general.

(a) Under the health insurance program, almost all the aged have protection against hospital expenses, and the great majority also have protection against medical expenses. This health insurance coverage is intended to provide a substantial measure of freedom to beneficiaries in selecting hospitals and physicians of their choice. Whatever the choice, beneficiaries, as insured patients, are to be accorded the same status as other insured and paying patients in regard to the hospital and medical care they are provided.

(b) Many beneficiaries will choose to receive the care they need from hospitals with approved graduate medical education programs and from other institutions where services of interns and residents are provided. Many will receive care in these hospitals as patients of physicians who, in turn, will involve interns and residents in the care of their patients. The basis for reimbursement for such services by interns and residents is different from that applicable to such physicians' services.

§ 405.521 Services of attending physicians supervising interns and residents.

(a) Attending physicians' services rendered to beneficiaries in a teaching setting are covered under the supplementary medical insurance program and the payment for such services is on the basis of reasonable charges (see paragraphs (b) and (c) of this section). The costs to a hospital for teaching services furnished by a physician in connection with an approved graduate medical education program are allowable in accordance with the principles of reimbursement for provider costs (see paragraph (d) of this section).

(b) Payment on the basis of reasonable charges is applicable to the professional services rendered to a beneficiary by his attending physician where the attending physician provides personal and identifiable direction to interns or residents who are participating in the care of his patient. In the case of major surgical procedures and other complex and dangerous procedures or situations, such personal and identifiable direction must include supervision in person by the attending physician. A charge should be recognized under Part B for the services of an attending physician who involves residents and interns in the care of his patient only if his services to the patient are of the same character, in terms of the responsibilities to the patient that are assumed and fulfilled, as the services he renders to his other paying patients. The carrying out by the physician of these responsibilities would be demonstrated by such actions as: Reviewing the patient's history and physical examination and personally examining the patient within a reasonable period after admission; confirming or revising diagnosis; determining the course of treatment to be followed; assuring that any supervision needed by the interns and residents was furnished; and by making frequent reviews of the patient's progress.

(c) Charges for such services of the attending physician may be billed either directly by him or by the hospital under arrangements between the physician and the hospital. In either case, the amount payable under the program for such services may be determined in accordance with the same criteria for the determination of reasonable charges as are applicable to the services which the physician renders to his other patients (see §§ 405.501–405.508 of this Subpart E).

(d) It is recognized that there will necessarily be situations where a patient will receive medical services in the teaching setting for which payment on the basis of reasonable charges will not be applicable. For example, there will be instances where it will neither be necessary from the standpoint of the medical needs of the patient nor appropriate from the standpoint of the continuing development of the residents' competence for there to be an attending physician who carries out the responsibilities referred to in paragraph (b) of this section. Whether or not a physician makes a charge recognized under the supplementary medical insurance program for services to patients which involve the participation of residents or interns, the hospital can receive reimbursement on a cost basis for an appropriate share of the compensation it pays its residents and interns. If the teaching program is an approved educational activity of the hospital, reimbursement will also be available on a cost basis to the hospital for an appropriate share of the compensation it pays to physicians for teaching services (as opposed to professional services which contribute to the diagnosis or treatment of the patient) and for other costs of educational programs conducted by the hospital. These costs are allowable in accordance with the principles of reimbursement for provider costs (see § 405.421 of Subpart D).

(e) Nothing in the foregoing restricts the disposition of payments for services received either from the health insurance program or from beneficiaries, in accordance with agreements between hospital and physicians.

§ 405.522 Interns' and residents' services in approved teaching programs.

(a) Title XVIII of the Act gives recognition to hospital teaching programs which are duly approved in their respective fields by the Council on Medical Education of the American Medical Association, the Committee on Hospitals of the Bureau of Professional Education of the American Osteopathic Association, or the Council on Dental Education of the American Dental Association.

(b) Services of interns and residents in such approved programs are explicitly excluded from the definition of "physicians' services" (see Subpart R) and are covered as hospital services. This exclusion applies whether or not the intern or resident may be authorized to practice as a physician under the laws of the State in which he performs his services. In accordance with the basis for payment under the health insurance program for services provided by participating hospitals, the cost of the services of interns and residents is reimbursable to the hospital, specifically as a component of allowable costs defined by the principles of reimbursement for provider costs set forth in Subpart D of Part 405. Under the principles discussed in Subpart D of this Part 405, an appropriate share of the provider's total allowable costs is reimbursable under the health insurance program. (For purposes of including services of interns and residents as an element of allowable cost in accordance with these principles, recording and reporting by the hospital of the specific services rendered to individual beneficiaries is not necessary.)

(c) Conversely, services of interns and residents are not reimbursable under the health insurance program on the basis which applies to physicians' services, i.e., reasonable charges (see §§ 405.501–405.508 of this Subpart E). This distinction with respect to the basis for the health insurance program reimbursement applies to services of interns and residents whether covered by the hospital insurance program or the supplementary medical insurance program. The cost of outpatient diagnostic services (see § 405.145) covered under the hospital insurance program (see Subpart A of Part 405) and other outpatient services (see § 405.231) covered under the supplementary medical insurance program (see Subpart B of Part 405) which are provided by a hospital, including intern and resident services where involved, is reimbursed to the hospital under the health insurance program to the extent of 80 percent of the cost of services rendered to the beneficiaries after recognition of the deductible amount (see § 405.142 and § 405.240(d)). The beneficiary will incur the expense of the deductible and coinsurance amounts as determined on the basis of the hospital's charges to the beneficiary. Hospital charges may include a charge for the services of interns or residents as a specific item, or these services may be included in the general charges to the beneficiary made by the hospital for the covered services it provides.

§ 405.523 Interns' and residents' services not in approved teaching programs.

(a) The services of a hospital resident or intern who is not under an approved teaching program in the hospital are reimbursable to the hospital on a cost basis under the supplementary medical insurance program. For purposes of this section, such services shall be deemed to include services of a physician employed by the hospital who is authorized to practice only in a hospital setting. Even where such services are rendered to inpatients, the cost of the services is not an allowable cost under the hospital insurance program but is allowable under the supplementary medical insurance program.

(b) In this connection reimbursement under the health insurance program for services discussed in paragraph (a) of this section will be to the hospital in an amount of 80 percent of the cost of services rendered to the beneficiaries after recognition of the deductible. The beneficiary will incur the expense of the deductible and coinsurance amounts as determined on the basis of the hospital's charges to the beneficiary for its services that are covered under the supplementary medical insurance program.

§ 405.524 Interns' and residents' services outside the hospital.

(a) Under the hospital insurance program, the allowable costs on which reimbursement to a participating extended care facility for covered services is based may include the cost of services of an intern or resident who is under an approved teaching program in a hospital with which the facility has a transfer agreement (see § 405.1133) which provides, in part, for the transfer of patients and the interchange of medical records. Likewise, a participating home health agency may be reimbursed under the hospital insurance program for the cost of the services of an intern or resident who is under an approved teaching program of a hospital with which the

home health agency is affiliated or under common control, where these services are furnished as part of the posthospital home health visits for a medicare beneficiary.

(b) Medical services of a resident or intern of a hospital which are furnished by a provider of services are reimbursed under the supplementary medical insurance program on an 80 percent of allowable cost basis if reimbursement is not provided under the hospital insurance program.

§ 405.525 Basis of reimbursement under the health insurance program for services of interns and residents.

Status of patient	Status of intern or resident [1]	Reimbursement provided under [2]	Basis of payment [3]
Hospital inpatient	Under approved program	Part A	Cost.
	Other	Part B	80 percent of cost.
Receiving outpatient hospital diagnostic services.	Under approved program	Part A	Do.
	Other	Part B	Do.
Receiving therapeutic outpatient hospital services.	Under approved program	do	Do.
	Other	do	Do.
Extended care facility inpatient.	Under approved program of a hospital with which facility has a transfer agreement.	Part A	Cost.
	Other	Part B	80 percent of cost.
Home health plan patient	Posthospital services furnished under approved programs of hospital with which the Home Health Agency is affiliated or under common control.	Part A	Cost.
	Other	Part B	80 percent of cost.

[1] An "approved program" means approval by the Council on Medical Education of the AMA, by the Committee on Hospitals of the Bureau of Professional Education of the AOA, or by the Council of Dental Education of the ADA. "Other" interns and residents include, in addition to interns and residents-in-training, a physician employed by the hospital who is authorized to practice only in the hospital setting.

[2] "Part A" refers to the hospital insurance program and "Part B" refers to the supplementary medical insurance program.

[3] The term "cost" refers to reimbursement on a cost basis in accordance with the principles in Subpart D of Part 405.

[F.R. Doc. 67-10240; Filed, Aug. 30, 1967; 8:50 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

Corn Endosperm Oil; Confirmation of Effective Date of Order Amending Regulation Listing for Food Use and Exempting From Certification

In the matter of establishing a regulation listing and exempting from certification the color additive corn endosperm oil for use in chicken feed:

An order in the above-identified matter was published in the FEDERAL REGISTER of March 30, 1967 (32 F.R. 5324), adding to Part 8 new § 8.322. A confirmation of effective date of said order was published in the FEDERAL REGISTER of July 11, 1967 (32 F.R. 10199), which confirmed the effective date as being May 29, 1967, and also amended § 8.322 (b) by changing the item reading "Isopropyl alcohol, not more than 50 parts per million" to read "Isopropyl alcohol, not more than 100 parts per million."

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(2), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c)(2), (d)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order of July 11, 1967, amending § 8.322(b) regarding isopropyl alcohol. Accordingly, that amendment will become effective September 9, 1967.

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

Dated: August 22, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10230; Filed, Aug. 30, 1967; 8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Artificially Sweetened Fruits, Certain Identity Standards; Order Listing Additional Optional Ingredients

In the matter of amending certain identity standards for artificially sweetened canned fruits to list cyclamic acid (cyclohexylsulfamic acid) as an optional nonnutritive sweetener and to list edible organic acids and salts as optional flavor-enhancing ingredients with suitable label declaration:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of April 19, 1967 (32 F.R. 6144), based on a petition filed by California Canners and Growers, 3100 Ferry Building, San Francisco, Calif. 94106.

The petition and other relevant information have been considered, and it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the proposed amendments. The artificial sweetener was proposed as "cyclohexylsulfamic acid"; however, it is being listed in this order by its common or usual name "cyclamic acid."

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That Part 27 be amended in the following respects:

1. By amending §§ 27.6 *Artificially sweetened canned peaches; identity; label statement of optional ingredients*, 27.14 *Artificially sweetened canned apricots* * * *, 27.24 *Artificially sweetened canned pears* * * *, 27.34 *Artificially sweetened canned cherries* * * *, 27.43 *Artificially sweetened canned fruit cocktail* * * *, and 27.73 *Artificially sweetened canned figs* * * *, as follows:

a. By adding "cyclamic acid" following "sodium cyclamate" in the list of artificial sweeteners in paragraph (a) of each section.

b. By revising the last sentence of paragraph (a) of each section to read "Such packing medium may be thickened with pectin and may contain any mixture of any edible organic salt or salts and any edible organic acid or acids as a flavor-enhancing agent, in a quantity not more than is reasonably required for that purpose."

c. By adding to paragraph (b)(2) of each section a new sentence reading "When any organic salt or acid or any mixture of two or more of these is added, the label shall bear the common or usual name of each such ingredient."

2. By adding to § 27.1 *Definitions* a new paragraph, as follows:

(g) The terms "edible organic acid" and "edible organic salt" refer to any edible organic acid and any edible organic salt added for the purpose of flavor enhancement that either is not a food additive as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act or, if it is a food additive as so defined, is used in conformity with regulations established pursuant to section 409 of the act.

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. 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, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, ex-

cept as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 22, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10236; Filed, Aug. 30, 1967; 8:49 a.m.]

PART 42—EGGS AND EGG PRODUCTS

Dried Eggs and Dried Yolks, Identity Standards; Silicon Dioxide as Optional Ingredient

In the matter of amending the standards of identity for dried eggs (21 CFR 42.30) and dried yolks (21 CFR 42.60) by listing silicon dioxide as an optional anticaking ingredient:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of May 4, 1967 (32 F.R. 6844), based on a petition filed by W. R. Grace & Co., Davison Chemical Division, 101 North Charles Street, Baltimore, Md. 21203.

The petition and other relevant information have been considered, and it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments as proposed. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That §§ 42.30 and 42.60 be amended as set forth below.

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. 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, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 22, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

Sections 42.30 (a) and (d)(1) and 42.60 (a) and (d)(1) are amended to read as follows:

§ 42.30 Dried eggs, dried whole eggs; identity; label statement of optional ingredients.

(a) Dried eggs, dried whole eggs are prepared by drying liquid eggs that conform to § 42.10, with such precautions that the finished food is free of viable *Salmonella* micro-organisms. They may be powdered. Before drying, the glucose content of the liquid eggs may be reduced by one of the optional procedures set forth in paragraph (b) of this section. Either silicon dioxide complying with the provisions of § 121.1058 of this chapter or sodium silicoaluminate may be added as an optional anticaking ingredient, but the amount of silicon dioxide used is not more than 1 percent and the amount of sodium silicoaluminate used is less than 2 percent by weight of the finished food. The moisture content of the finished food, if an optional anticaking ingredient is used, does not exceed 5 percent by weight; however, if an optional anticaking ingredient is not used, the moisture content may exceed 5 percent, but it does not exceed 8 percent. The moisture content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965, p. 257, sections 16.002 and 16.003, under "Total Solids."

* * * * *

(d) (1) When either of the optional anticaking ingredients specified in paragraph (a) of this section is used, the label shall bear the statement "Not more than 1 percent silicon dioxide added as an anticaking agent" or "Less than 2 percent sodium silicoaluminate added as an anticaking agent," whichever is applicable.

* * * * *

§ 42.60 Dried egg yolks, dried yolks; identity; label statement of optional ingredients.

(a) Dried egg yolks, dried yolks is the food prepared by drying egg yolks that conform to § 42.40, with such precautions that the finished food is free of viable *salmonella* micro-organisms. Before drying, the glucose content of the liquid egg yolks may be reduced by one of the optional procedures set forth in paragraph (b) of this section. Either silicon dioxide complying with the provisions of § 121.1058 of this chapter or sodium silicoaluminate may be added as an optional anticaking ingredient, but the amount of silicon dioxide used is not more than 1 percent and the amount of sodium silicoaluminate used is less than 2 percent by weight of the finished food. The moisture content of the finished food, if an optional anticaking ingredient is used, does not exceed 3 percent by weight; however, if an optional anticaking ingredient is not used, the moisture content may exceed 3 percent but does not exceed 5 percent. The moisture content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965, p. 257, sections 16.002 and 16.003, under "Total Solids."

* * * * *

(d) (1) When either of the optional anticaking ingredients specified in paragraph (a) of this section is used, the label shall bear the statement "Not more than 1 percent silicon dioxide added as an anticaking agent" or "Less than 2 percent sodium silicoaluminate added as an anticaking agent," whichever is applicable.

* * * * *

[F.R. Doc. 67-10237; Filed, Aug. 30, 1967; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O-Ethyl S-Phenyl Ethylphosphonodithioate

A petition (PP 7F0548) was filed with the Food and Drug Administration by the Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of tolerances for residues of the insecticide *O*-ethyl *S*-phenyl ethylphosphonodithioate in or on the raw agricultural commodities asparagus, corn fodder or forage (including sweet corn, field corn, and popcorn), corn grain (including sweet corn, field corn, and popcorn), corn with kernels plus cob with husks present (including sweet corn, field corn, and popcorn), peanut hay, peanuts, potatoes, sugar beets (tops and roots), and sweet potatoes at 0.07 part per million.

Subsequently, the petitioner modified the petition by changing the proposed tolerance from 0.07 part per million to 0.1 part per million and by revising the corn crop items to read as follows: Fresh corn including sweet corn (kernels plus cob with husks removed), corn grain (includes popcorn), corn forage or fodder (including sweet corn, field corn, and popcorn).

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established in this order will 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(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(5) is amended by alphabetically inserting in the list of cholinesterase-inhibiting pesticides two new items, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

O-Ethyl *S*-phenyl ethylphosphonodithioate.
O-Ethyl *S*-phenyl ethylophosphonothiolate.

* * * * *

2. A new section is added to Subpart C as follows:

§ 120.221 *O*-Ethyl *S*-phenyl ethylphosphonodithioate; tolerances for residues.

Tolerances are established for negligible residue of the insectcide *O*-ethyl *S*-phenyl ethylphosphonodithioate including its oxygen analog (*O*-ethyl *S*-phenyl ethylphosphonothiolate) in or on asparagus, fresh corn including sweet corn (kernels plus cob with husk removed), corn grain (includes popcorn), corn forage or fodder (including sweet corn, field corn, and popcorn), peanuts, peanut hay, potatoes, sugar beets (tops and roots), and sweet potatoes at 0.1 part per million.

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. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10238; Filed, Aug. 30, 1967; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Atrazine

A petition (PP 7F0525) was filed with the Food and Drug Administration by Geigy Chemical Co., Ardsley, N.Y. 10702, proposing the establishment of tolerances for residues of the herbicide atrazine (2-chloro-4-ethylamino-6-isopropylamino-*s*-triazine) in or on corn and sorghum forage at 30 parts per million and in or on corn and sorghum grains at 1 part per million. Subsequently, the petitioner revised the proposal to request tolerances for residues of atrazine in or on fresh corn including sweet corn (kernels plus cobs with husks removed), corn grain (includes popcorn), and sorghum grain at 0.25 part per million; in or on corn forage or fodder (including field corn, sweet corn, and popcorn) and sorghum fodder and forage at 15 parts per million.

The Secretary of Agriculture has certified that this herbicide is useful for the purposes of which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will 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(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended by adding the following new section to Subpart C:

§ 120.220 Atrazine; tolerances for residues.

Tolerances for residues of the herbicide atrazine (2-chloro-4-ethylamino-6-isopropylamino-*s*-triazine) in or on raw agricultural commodities are established as follows:

15 parts per million in or on corn forage or fodder (including field corn, sweet corn, and popcorn) and sorghum fodder and forage.

0.25 part per million in or on fresh corn including sweet corn (kernels plus cobs with husks removed), corn grain (includes popcorn), and sorghum grain.

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. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 22, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10235; Filed, Aug. 30, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

METHYLENE CHLORIDE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7A2061) filed by the Coca-Cola Co., Post Office Drawer 1734, Atlanta, Ga. 30301, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of methylene chloride as a solvent in extracting caffeine from green coffee beans. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1039 is amended by adding a new paragraph, as follows:

§ 121.1039 Methylene chloride.

* * * * *

(c) In coffee as a residue from its use as a solvent in the extraction of caffeine from green coffee beans, at a level not to exceed 10 parts per million (0.001 percent) in decaffeinated roasted coffee and in decaffeinated soluble coffee extract (instant coffee).

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: August 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10233; Filed, Aug. 30, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SILICON DIOXIDE; CALCIUM SILICATE

No comments were received in response to the notice published in the FEDERAL REGISTER of May 4, 1967 (32 F.R. 6844), proposing amendments to the food additive regulations to permit use of silicon dioxide as an anticaking agent in infant foods and calcium silicate as an anticaking agent in infant foods and foods for special dietary uses, within certain conditions. The Commissioner of Food and Drugs concludes that the amendments should be adopted as proposed.

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 by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended as follows:

§ 121.1058 [Amended]

1. Section 121.1058 *Silicon dioxide* is amended by deleting subparagraph (3) of paragraph (b).

2. Section 121.1135 is revised to read as follows:

§ 121.1135 **Calcium silicate.**

Calcium silicate, including synthetic calcium silicate, may be safely used in food in accordance with the following prescribed conditions:

(a) It is used as an anticaking agent in food in an amount not in excess of that reasonably required to produce its intended effect.

(b) It will not exceed 2 percent by weight of the food, except that it may be present up to 5 percent by weight of baking powder.

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(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: August 22, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10234; Filed, Aug. 30, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DEFOAMING AGENTS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7A2133) filed by General Foods Corp., White Plains, N.Y. 10602, and other relevant information, has concluded that the food additive regulations should be amended to provide for the safe use of dimethylpolysiloxane as a defoaming agent in gelatin dessert mixes. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1099(a)(2) is amended by changing the item "Dimethylpolysiloxane * * *" in the table to read as follows:

§ 121.1099 **Defoaming agents.**

* * * * * *

(a) * * *

(2) * * *

Substances	*Limitations*
* * *	* * *
Dimethylpolysiloxane (substantially free from hydrolyzable chloride and alkoxy groups; no more than 18 percent loss in weight after heating 4 hours at 200° C.; viscosity 300–600 centistokes at 25° C.; refractive index 1.400–1.404 at 25° C.).	10 parts per million in food, except zero in milk; 110 parts per million in dry gelatin dessert mixes labeled for use whereby no more than 16 parts per million is present in the ready to serve dessert; 250 parts per million in salt labeled for cooking purposes, whereby no more than 10 parts per million is present in the cooked food.
* * *	* * *

* * * * * * *

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: August 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10231; Filed, Aug. 30, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FERMENTATION-DERIVED, MILK-CLOTTING ENZYME

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7J2103) filed by Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Ind. 46514, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use in the production of certain cheeses of a milk-clotting enzyme derived from *Bacillus cereus* by a pure-culture fermentation process. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1199 is revised to read as follows:

§ 121.1199 **Fermentation-derived, milk-clotting enzyme.**

Milk-clotting enzyme produced by pure-culture fermentation process may be safely used in the production of cheese in accordance with the following prescribed conditions:

(a) Milk-clotting enzyme is derived from one of the following organisms by a pure-culture fermentation process:

(1) *Endothia parasitica* classified as follows: Class, *Ascomycetes; order, Sphaeriales;* family, *Diaporthacesae;* genus, *Endothia;* species, *parasitica.*

(2) *Bacillus cereus* classified as follows: Class, *Schizomycetes;* order, *Eubacteriales;* family, *Bacillaceae;* genus, *Bacillus;* species, *cereus* (Frankland and Frankland).

(b) The strains of organisms identified in paragraph (a) of this section are nonpathogenic and nontoxic in man or other animals.

(c) The additive is procduce by a process that completely removes the generating organism from the milk-clotting enzyme product.

(d) The additive is used in an amount not in excess of the minimum required to produce its intended effect in the production of those cheeses for which it is permitted by standards of identity established pursuant to section 401 of the act, except that the enzyme derived from *Bacillus cereus* is not suitable for use in the production of the standardized cheeses identified by §§ 19.540 and 19.542 of this chapter.

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: August 22, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10232; Filed, Aug. 30, 1967; 8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108-567]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Immigration Pool for Fiscal Year 1968

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is being amended to show the amount of quota numbers which are available in the immigration pool established by section 201(d) of the Act for the fiscal year ending June 30, 1968.

Section 42.60(b) is amended to read as follows:

§ 42.60 Allocation of numbers during the transition period.

* * * * *

(b) The amount of quota numbers which remained unused on June 30, 1967, and which are available for distribution pursuant to section 201(d) of the Act prior to July 1, 1968, is 88,399.

* * * * *

Effective date. The amendment to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are not applicable to this order because the regulation contained herein involves foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

BARBARA M. WATSON,
Acting Administrator, Bureau of Security and Consular Affairs.

AUGUST 25, 1967.

[F.R. Doc. 67-10249; Filed, Aug. 30, 1967; 8:50 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

SUBCHAPTER B—WELFARE-PENSION REPORTS

PART 463—REPORTING REQUIREMENTS FOR PLANS COVERING LESS THAN 100 PARTICIPANTS

Miscellaneous Amendments

On February 9, 1967, notice was published in the FEDERAL REGISTER (32 F.R. 2709) of a proposal to amend Form D-3. Form D-3 [1] serves to identify employee welfare or pension benefit plans covering fewer than 100 participants, which are otherwise exempt from the reporting requirements of section 7 of the Welfare and Pension Plans Disclosure Act. The proposed amendments to the form would require further entries reflecting any changes in identification or address of plans so reporting, whether the reporting plan has been amended during the reporting year, whether the plan is protected by a bond as required by the Act, and whether any losses have been incurred by the reporting plan during the year through the fraud or dishonesty of its administrators, officers or employees.

The notice also proposed parallel changes in 29 CFR Part 463 to change the Title of the part, to delete a reference to material required in the old Form D-3, to indicate that one copy (rather than two) of the new form will be required, and to insert the word "revised" after a reference to the Form D-3.

Interested persons were offered 30 days from the date of publication to offer comments concerning the proposed revision of the form and regulation. No comments were received.

Accordingly, the revised Form D-3, and the amendments to 29 CFR Part 463 are adopted as proposed. Therefore, under the authority of sections 5 and 7 of the Welfare and Pension Plans Disclosure Act (72 Stat. 999, 1000; 76 Stat. 36, 37; 29 U.S.C. 304, 306), Secretary's Order No. 24-63 (28 F.R. 9172), and Secretary's Order No. 25-63 (28 F.R. 9173), Part 463 of Title 29 CFR is hereby amended as follows:

1. The title to Part 463 is hereby amended to read as set forth above.

2. Section 463.3 of Part 463 is hereby amended to read as follows:

§ 463.3 Identification of plans covering less than 100 participants.

The administrator of any covered employee welfare or pension benefit plan covering less than 100 participants is not required to publish (as otherwise required by sections 8 (a) and (b) of the Act) the annual financial report specified in section 7 of the Act: *Provided, however,* That the administrator of such a plan shall submit one copy of U.S. Department of Labor Form D-3 (Revised) completed and executed in accordance with instructions contained thereon. Such form shall be submitted within 150 days after the end of each calendar, policy, or other fiscal year during which the plan covers less than 100 participants, as provided in § 463.4. Copies of the Form may be obtained by request directed to the Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, D.C. 20210.

This amendment shall take effect on September 1, 1967.

Signed at Washington, D.C., this 24th day of August 1967.

THOMAS R. DONAHUE,
Labor-Management Services Administrator.

[F.R. Doc. 67-10206; Filed, Aug. 30, 1967; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACTING

PART 169—COMMERCIAL OR INDUSTRIAL ACTIVITIES

The Deputy Secretary of Defense approved the following:

Sec.
169.1 Purpose.
169.2 Definitions.
169.3 Background.
169.4 Policy.

[1] Filed as part of the original document.

Sec.
169.5 Responsibility and delegations.
169.6 Implementation.

AUTHORITY: The provisions of this Part 169 issued under Title 5 U.S.C. 301, and Title 5 U.S.C. 552.

§ 169.1 Purpose.

This part implements Bureau of the Budget Circular No. A–76[1] and prescribes Department of Defense policy governing the establishment and operation of DoD commercial or industrial activities by the Military Departments and Defense Agencies (hereinafter referred to collectively as "DoD Components").

§ 169.2 Definitions.

(a) *DoD Commercial or Industrial Activities.* Activities operated and managed by DoD Components to provide for Government use products or services obtainable from private commercial sources.

(b) *Private commercial sources.* Private business concerns which provide products or services available to Government Agencies, and which are located in the United States, its territories and possessions, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) *New start.* A newly established DoD commercial or industrial activity or a reactivation, expansion, modernization or replacement of such an activity involving additional capital investment of $25,000 or more or additional annual costs of production of $50,000 or more. Consolidation of two or more activities without increasing the overall total amount of products or services provided is not a new start.

(d) *Contract support services.* Services procured from private commercial sources in support of DoD functions.

§ 169.3 Background.

Bureau of the Budget Circular No. A–76 outlines the principle that: (a) Government Departments and Agencies will rely on the private enterprise system for the provision of required products or services to the maximum extent consistent with effective and efficient accomplishment of their programs; and (b) in some circumstances, it is in the national interest for the Government to provide directly the products and services it uses, and that only under those circumstances will a Department or Agency continue the operation of a Government commercial or industrial activity, or initiate a new start. In conformance with this principle, the Department of Defense depends upon both private and Government commercial or industrial sources for the provision of products and services, with the objective of meeting its military readiness requirements with maximum cost effectiveness.

§ 169.4 Policy.

(a) DoD commercial or industrial activities may be continued in operation or initiated as new starts only when a clear determination is made that one or more of the following circumstances exist:

(1) Procurement of a product or service from a commercial source would disrupt or materially delay an agency's program.

(2) It is necessary for the Government to conduct a commercial or industrial activity for purposes of combat support or for individual and unit retraining of military personnel or to maintain or strengthen mobilization readiness.

(3) A satisfactory commercial source is not available and cannot be developed in time to provide a product or service when it is needed.

(4) The product or service is not available from another Federal agency nor from commercial sources.

(5) Procurement of the product or service from a commercial source will result in higher total cost to the Government.

(b) Within the limitations prescribed in paragraph (a) of this section, DoD Components will be equipped and staffed to carry out effectively and economically those commercial or industrial activities which must be performed internally in order to meet military readiness requirements. All other required products or services will be obtained in the manner least costly to the Government (by contract, by procurement from other Government Agencies, or from DoD commercial or industrial activities).

(c) Although DoD Components will rely primarily upon private commercial sources for required products and services, this policy will not be used as authority for methods of contract personnel procurement not authorized by law, nor as a means of avoiding Government personnel or salary limitations.

(d) DoD Components will continue to perform for themselves those basic functions of management necessary to retain essential control over the conduct of their programs. These include selection, training and direction of Government personnel, assignment of organizational responsibilities, planning of programs, establishment of performance goals and priorities, and evaluation of performance. Where required, commercial contract sources may be used to provide professional staff advisory and other support services related to these internal functions, provided that the Government's fundamental responsibility for controlling and managing its programs is not compromised or weakened.

§ 169.5 Responsibilities and delegations.

(a) *Assistant Secretary of Defense (Installations and Logistics).* The ASD (I&L) will:

(1) Provide the instructions necessary to implement the requirements of this part;

(2) Approve or disapprove all requests for new starts of DoD commercial or industrial activities;

(3) Exempt selected DoD commercial or industrial activities from review, as provided in section 7c(1) of Bureau of Budget Circular No. A–76;

(4) Maintain an inventory of DoD commercial or industrial activities and contract support service functions; and

(5) Conduct, in collaboration with the Assistant Secretaries of Defense (Comptroller) and (Manpower), a continuing program for improving management and cost effectiveness in the performance of DoD commercial or industrial activities and contract support service functions.

(b) *DoD components.* The Secretaries of the Military Departments and the Directors of Defense Agencies:

(1) Will carry out the requirements of this part in accordance with the instructions issued by the Assistant Secretary of Defense (I&L) under paragraph (a)(1) of this section; and

(2) Are authorized to act for the Secretary of Defense, except for new starts, in making decisions to continue, discontinue, or curtail commercial or industrial activities operated by their respective Departments or Agencies. Within the Military Departments, this authority may be redelegated to an Assistant Secretary, and in Defense Agencies, to a Deputy Director, or an official of equivalent rank.

§ 169.6 Implementation.

It is intended that the continued implementation of this policy will:

(1) Result in the maximum practicable reduction in DoD commercial or industrial activities, consistent with § 169.4 above; and

(2) Provide economies in DoD procurement of products and services.

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

[F.R. Doc. 67–10186; Filed, Aug. 30, 1967; 8:45 a.m.]

SUBCHAPTER M—MISCELLANEOUS

PART 267—ENGINEERING DATA FILES

Concept

The following new paragraph has been added to § 267.4:

§ 267.4 Concept.

* * * * *

(c) DoD standard data elements and codes established in accordance with the provisions of DoD Directive 5000.11, "Data Elements and Data Codes Standardization Program," dated December 7, 1964,[1] and DoD Instruction 5000.12, "Data Elements and Data Codes Standardization Procedures," dated April 27, 1965,[1] will be used in the management of engineering data where available. Other data elements and codes used therefor are interim and subject to change after being standardized under the provisions

[1] Copies available at Bureau of the Budget Publication Counter Executive Office Building, 17th and Pennsylvania Avenue NW., Washington, D.C. 20503.

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

of DoD Directive 5000.11 and DoD Instruction 5000.12.

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

AUGUST 24, 1967.

[F.R. Doc. 67-10187; Filed, Aug. 30, 1967; 8:45 a.m.]

Chapter VII—Department of the Air Force

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

SUBCHAPTER A—ADMINISTRATION

PART 807—ISSUING AIR FORCE PUBLICATIONS AND FORMS OUTSIDE THE AIR FORCE

A new Part 807 is added as follows:

Sec.
807.1 Issue of publications and forms to the public.
807.2 Issues to commercial activities and other Government agencies.

AUTHORITY: The provisions of this Part 807 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: Chapter 7, AFM 7-1, July 10, 1967.

§ 807.1 Issue of publications and forms to the public.

(a) Up to 50 copies of an unclassified Air Force publication, form, chart, directory, etc. may be issued free to a private U.S. citizen or organization unless:

(1) Such issue is contrary to Air Force interests.

(2) Existing stocks are in short supply.

(3) The requested item is on sale at the U.S. Government Printing Office (GPO). The numerical indexes of publications usually show which publications are on sale there. Requesters of such documents are referred to the Superintendent of Documents, GPO, Washington, D.C. 20402.

(b) More than 50 copies of unclassified publications may be issued free to the public in the following instances:

(1) When the total cost of the items to be released is less than $50.

(2) Otherwise, when the Congressional Joint Committee on Printing specifically approves the issue. (Send letters requesting approval to Hq USAF (AFDASD)—identify the individual or organization making the request; show the title of the publication and the number of copies requested; and justify the issue.)

(3) When obsolete unclassified OJT Package Programs are to be salvaged, any quantity may be offered free to local nonprofit organizations, such as local Boy Scout troops, boys' clubs, YMCA's, YWCA's.

§ 807.2 Issues to commercial activities and other Government agencies.

The following table shows when Air Force publications and forms may be issued outside Air Force channels without charge.

ISSUANCE OF AIR FORCE PUBLICATIONS AND FORMS OUTSIDE AIR FORCE CHANNELS

When AF publication or form requested—	And issue is—	Then it is available—	And may be obtained from—
Concerns invitation for bid.		For review by prospective bidders.	The AF procurement authority concerned.
Is needed in connection with contract performance.	One-time issue to contractor.	Free.	The Air Force or Defense Supply Agency (DSA) official responsible for administering the contract.
	Follow-up or recurring issue to contractor of Federal Supply Catalog handbooks and manual chapters.	Free when guaranteed by contract (otherwise contractor must purchase from Superintendent of Documents, GPO).	
	Follow-up or recurring issue to contractor of AF publication or form.	Free when the AF contract administering official determines issue to be necessary to contract performance.	
Is desired in small quantities (see note).	One-time issue to another Government agency (including Defense agencies such as DSA, DIA, DCA) except Army and Navy.	Free, subject only to security regulations.	PDO or other issuing activity.

NOTE: Recurring requests and requests for large quantities are referred to the procuring headquarters for determination of whether reimbursement is required.

SUBCHAPTER C—PUBLIC RELATIONS

PART 839—THE SCIENTIFIC AND TECHNICAL INFORMATION (STINFO) PROGRAM

A new Part 839 is added as follows:

Sec.
839.1 Purpose.
839.2 Objective.
839.3 Definitions.
839.4 Furnishing direct or indirect support of nonprofit (nongovernmental) scientific and technical publications.
839.5 Services of the Defense Documentation Center (DDC).
839.6 DoD policy on disseminating scientific and technical information.
839.7 Disposing of classified DDC documents.

AUTHORITY: The provisions of this Part 839 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 80-29, May 18, 1964; AFR 80-29A, Jan. 1, 1966.

§ 839.1 Purpose.

This part explains the Air Force's responsibilities for the transfer of information under the Scientific and Technical Information (STINFO) Program established by the Department of Defense (DoD). It outlines the procedures for using the centralized documentation service provided by the Defense Documentation Center (DDC) under the STINFO Program.

§ 839.2 Objective.

This program is a basic and integral part of the research, development, test, and evaluation (RDT&E) function of the DoD. The objective of the STINFO program is:

(a) To insure that scientific and technical information generated by RDT&E programs is used to provide the maximum contribution to the advancement of science and technology; and

(b) To improve the RDT&E processes by upgrading the efficiency of management activities at all levels, from policy and staff elements to field activities.

§ 839.3 Definitions.

As used in this part, the following terms apply:

(a) *Contractor.* Any industrial, educational, commercial, or other entity that has executed a contract, or a DoD security agreement (DD Form 441), with a DoD agency or activity.

(b) *Potential contractor.* An organization outside the DoD that a sponsoring DoD activity has declared eligible for document services on the basis of participation in certain Army and Navy programs or in the Department of the Air Force Technical Objectives Document Release Program.

(c) *Grantee.* An organization outside DoD that has been awarded a grant of funds (in lieu of contract funding) by a sponsoring DoD activity.

(d) *Sponsoring DoD activity.* The DoD activity or office (e.g., project office or system program office) that is directly responsible for initiating or supervising a program established by a contract, grant, or study agreement. (In the Air Force, a "sponsoring RDT&E activity.")

(e) *Abstract.* A brief and factual summary of a document. An indicative abstract tells what the author wrote about; it refers to the purpose, the method, the results, and the conclusions. For greatest usefulness in this program, the abstract of a classified report should be unclassified, or should include only descriptive statements with the lowest possible security classification.

(f) *Document.* A formal record of scientific and technical information that results from a RDT&E effort of the DoD. (Note that in this program, "information" refers to the meaning or content of a technical article and is not a synonym for the word "document.")

(g) *Technical report.* A document; a permanent written record to document the results of, and recommendations on,

scientific and technical activities relating to a single project, task, or contract, or relating to a small group of closely connected efforts within the DoD R&D program.

(h) *Documentation center.* The Defense Documentation Center (DDC) which provides the DoD-wide service for the acquisition, storage, announcement, retrieval, and secondary distribution of technical documents.

(i) *Secondary distribution.* The distribution of documents in response to requests received after the primary distribution has been completed.

(j) *Primary distribution.* The publication and initial distribution of the original manuscript of a scientific or technical report.

(k) *Scientific and technical information.* Includes documentary, information, and reference products or services in the form of technical information either generated by or gathered for the research, development, test, and evaluation programs of the DoD. The related bibliographies, indexes, announcements and state-of-the-art studies are also included. The words "technical information" in this part shall refer to scientific and technical information.

(l) *Dissemination activity.* A DoD activity or DoD-sponsored activity, such as the Defense Documentation Center for Scientific and Technical Information, an information analysis center, a major technical library, or any secondary distribution or release activity which provides technical information to eligible users beyond the local unit.

(m) *Eligible user.* Any U.S. Government office, U.S. Government contractor, U.S. Government subcontractor, U.S. Government grantee, DoD potential contractor or other U.S. entity whose eligibility and need to receive DoD technical information has been certified.

(n) *Controlled information.* A generic term which includes all information which is subject to some official restriction on its unlimited dissemination. This includes information subject to protection (1) By security regulations, (2) for proprietary, ethical, privileged or certain administrative reasons, (3) against unauthorized disclosure of certain official information, and (4) for reasons requiring special access controls as may be provided by other existing DoD directives or instructions.

§ 839.4 Furnishing direct or indirect support of nonprofit (nongovernmental) scientific and technical publications.

As part of its effort to make known research results to other Government activities, contractors, and to the general scientific community, the RDT&E activity may use its research and development funds to support certain nonprofit scientific and technical publications (i.e., journals, monographs, proceedings of meetings, abstracting and indexing publications and services, bibliographies, reviews, etc.). These publications may receive either direct or indirect support as follows:

(a) A nonprofit publication may receive direct support when it meets all of these conditions:

(1) The information it publishes is unclassified and has been officially released for publication.

(2) The publication requests Air Force support. If it is an existing publication in financial difficulty, it must show promise of reverting to a self-supporting basis as soon as the emergency is over; if it is a proposed new publication, it must show promise of financial self-sufficiency within a 3-year period. No publication may receive long-term support.

(3) The publication must relate to, and promise a contribution in, the scientific and technological area of primary concern to the sponsoring RDT&E activity that is significant enough to merit the expenditure of the funds requested.

(4) The publication must devote at least 50 percent of its pages (in each volume) to the first nongovernmental reporting of original research or development.

(5) The publication must levy page charges, or must present an acceptable alternative plan for obtaining an equitable portion of its fixed publication costs from the funds that support the work it reports (e.g., sale of reprints).

(6) The sales price of the publication must compare with that of similar publications issued without direct subsidy, and must be equal to (or greater than) the unit production cost.

(b) A nonprofit publication may receive indirect support (that is, through the Air Force payment of page charges or purchase of reprints) when the publication meets all of these conditions:

(1) The information must be unclassified and officially released for publication.

(2) The publication of the information must facilitate an Air Force program or mission, and must be consistent with the actual need to disseminate the information.

(3) The page charges must be consistent with those charged to nongovernment authors.

(4) The publisher must grant the supporting Air Force agency the right to reproduce the articles for U.S. Government use.

(c) The approving authority for indirect or direct support of nonprofit publications is as follows:

(1) For the publication of in-house research, the project supervisor at a higher level than the author.

(2) For the publication of contractual research, the contracting officer.

§ 839.5 Services of the Defense Documentation Center (DDC).

This Center is under the management control of the Director of Defense Research and Engineering (DDR&E), and under the operational control of the Defense Supply Agency; the DDC provides these centralized services for the DoD:

(a) Provides centralized documentation services, as follows:

(1) Acquires, stores, announces, retrieves, and provides secondary distribution of STINFO documents to all DoD components and other Government agencies; to their contractors, grantees, and potential contractors; and to other qualified users under the rules and procedures outlined in this part.

(2) Transmits all unclassified documents that have been approved for public release, to the Federal agency (such as the Department of Commerce) responsible for their dissemination to the general public.

(3) Maintains and improves a working vocabulary of terms for use in handling scientific and technical information throughout the DoD RDT&E effort.

(4) Tests, evaluates, and applies techniques and equipment that have direct application to the improved distribution of scientific and technical documents.

(5) Upon request, prepares special document and abstract listings.

(6) Upon request, provides special services for the dissemination of its holdings and acquisitions, or for the dissemination of related bibliographic data, abstracts, and index terms.

(b) Provides DoD clearinghouse and referral service, as follows:

(1) Maintains a clearinghouse (in the form of an index) of current RDT&E programs.

(2) Establishes a centralized directory and provides referral service on scientific and technical information activities generated within DoD.

(c) Issues Technical Abstract Bulletins, as follows:

(1) Issues well-indexed announcements promptly concerning newly acquired scientific and technical documents.

(2) Notifies each information center quickly of the availability of scientific and technical documents.

§ 839.6 DoD policy on disseminating scientific and technical information.

The DoD disseminates technical information in support of its RDT&E programs and in support of similar programs in other U.S. Government agencies. This information is disseminated only to organizations whose official U.S. Government connections are certified and whose requests are within the scope of their certified field-of-interest requirements and facility clearances.

(a) A uniform certification procedure will be used for the effective control of the flow of technical information.

(b) Certification shall be according to subject fields and groups of interest and recorded on DD Form 1540, "Registration for Scientific and Technical Information Services." This certification is a warranty that the user's official responsibilities require his access to technical information that can be described by one or more of the prescribed fields or groups shown on the back of this form.

§ 839.7 **Disposing of classified DDC documents.**

When these documents have served their purpose, the user will not return them to the DDC, but will destroy them as explained in this section; no notice of their disposition is required by DDC.

(a) If the user obtained them under a DoD contract, study, or agreement, he may retain them or destroy them, whichever he is authorized to do under paragraph 14 of the Industrial Security Manual for Safeguarding Classified Information.

(b) If the user obtained them under an agreement with another agency in the Executive Branch of the U.S. Government, he must dispose of them as instructed by that agency.

SUBCHAPTER H—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

PART 874—AIR FORCE SUBSISTENCE ALLOWANCE AND RATES OF COMMUTATION IN LIEU OF UNIFORMS

A new Part 874 is added as follows:

Sec.
- 874.1 Purpose.
- 874.2 Pay and allowance entitlement.
- 874.3 Definitions.
- 874.4 Classification of senior AFROTC units.
- 874.5 Subsistence allowances.
- 874.6 Commutation rates.
- 874.7 Commutation rates for Air Force ROTC cadet uniforms.
- 874.8 Qualifying for special rate of commutation.
- 874.9 Restrictions on use of commutation of uniform funds.
- 874.10 Disposition of unexpended commutation of uniform funds.

AUTHORITY: The provisions of this Part 874 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 45-25, July 12, 1967.

§ 874.1 **Purpose.**

This part prescribes the uniform rates of subsistence allowance and commutation in lieu of uniforms for members of the Senior Air Force Reserve Officers' Training Corps (AFROTC). It establishes criteria for classifying senior AFROTC units at educational institutions.

§ 874.2 **Pay and allowance entitlement.**

The entitlement portions of this part have been approved by the Department of Defense, Military Pay and Allowance Committee, under procedures prescribed by the Secretary of Defense in accordance with 37 U.S.C. 1001.

§ 874.3 **Definitions.**

In this part the following terms apply:

(a) *Aerospace Studies (AS).* The official designation of the AFROTC program of instruction.

(b) *Field training.* (1) A 4-week field training program (AS 350) for POC (paragraph (d) of this section) cadets who are members of the 4-year program.

(2) A 6-week field training program (AS 250) for POC candidates which is a prerequisite for membership in the 2-year program.

The 4- and 6-week field training programs are both conducted at Air Force installations. They are considered to be the equivalent of summer camp or practice cruise training.

(c) *General Military Course (GMC).* The first and second year of the 4-year program consisting of Aerospace Studies 100 and 200. This is the basic course of the AFROTC.

(d) *Professional Officer Course (POC).* The third and fourth year of the 4-year program of aerospace studies, and the first and second year respectively of the 2-year program (AS 300 and 400). This is the advanced course of the AFROTC.

(e) *Financial Assistance Program (FAP).* A program in which selected cadets of the 4-year program receive educational financial assistance, including tuition fees, laboratory fees, books, and a monthly subsistence allowance (see § 874.5(b)).

§ 874.4 **Classification of senior AFROTC units.**

Senior AFROTC units are classified according to the type of institutions at which established.

(a) *Class MC (military college).* Units established in essentially military colleges or universities (Class MC) which, to qualify as a military college under Section 6(a), Universal Military Training and Service Act (50 U.S.C. App. 456(a)):

(1) Confer baccalaureate or graduate degrees upon students whose average age at the time of graduation is at least 21 years.

(2) Require a course in military training throughout the undergraduate course for all qualified undergraduate students.

NOTE: This includes all physically fit male students, except persons who are not liable for induction because they have honorably completed active training and service; students who are pursuing special undergraduate courses over 4 years after completing the required military training; certain categories of students who are specifically excused by (Board of Trustees) administrative decisions and approved by the AFROTC unit commander; and foreign nationals.

(3) Organize their military students as a Corps of Cadets under constantly maintained military discipline.

(4) Require all members of the Corps, including those enrolled in the AFROTC, to be habitually in uniform when on campus.

(5) Have as their objectives the development of military students' characters by military training and the regulation of conduct according to principles of military discipline; and,

(6) Generally, meet military standards similar to those maintained at the service academies.

(b) *Class CC (civilian college).* Units established at civilian colleges and universities which:

(1) Are not operated on an essentially military basis.

(2) Confer baccalaureate or graduate degrees.

(3) Graduate students at an average age of at least 21 years.

(c) *Class MJC (military junior college).* Units established at essentially military schools which:

(1) Provide high school and junior college instruction.

(2) Do not confer baccalaureate degrees.

These units meet all other requirements of Class MC, and accept and maintain the specially designated program of instruction prescribed by the Service Secretary for this class of institution.

§ 874.5 **Subsistence allowances.**

Except when on field training, the subsistence allowance for each member of the POC or FAP is established as follows:

(a) *POC Cadets.* $50 per month, effective July 1, 1967, not to exceed 20 months.

(b) *FAP Cadets.* $50 per month, not to exceed 4 years, for cadets appointed under the provisions of Section 2107, 10 U.S.C.

§ 874.6 **Commutation rates.**

Educational institutions maintaining AFROTC units, which elect to receive commutation in lieu of the issue-in-kind Government uniforms, will receive monetary allowances as stated in § 874.7. Rates are based on climatic zones and the level of AFROTC instruction given.

(a) Standard rates for the GMC are payable annually in the indicated amount for not over 2 years at Class CC institutions. Special rates for the GMC, at Class MC or CC institutions fulfilling the requirements of § 874.8 are double the standard rates.

(b) Standard rates indicated for the POC cover the 2-year period of enrollment at Class CC institutions. The commutation of field training uniforms, if paid, is in addition to payments for the POC. Special rates for the POC, at Class MC or CC institutions fulfilling requirements of § 874.8, are double the standard rates except for the commutation of field training uniforms.

§ 874.7 **Commutation rates for Air Force ROTC cadet uniforms.**

The following commutation clothing rates are prescribed effective July 1, 1966:

	Standard rate		Special rate	
	Zone I	Zone II	Zone I	Zone II
General Military Course (GMC) (per year)	$31.00	$39.00	$62.00	$78.00
Professional Officer Course (POC)	99.00	134.00	198.00	268.00
Field Training	22.00	29.00	22.00	29.00

ZONE I

Alabama.
Arizona.
Arkansas.
California.
Delaware.
District of Columbia.
Florida.
Georgia.
Hawaii.
Kentucky.
Louisiana.
Maryland.
Mississippi.
New Mexico.
North Carolina.
Oklahoma.
Puerto Rico.
South Carolina.
Tennessee.
Texas.
Virginia.

ZONE II

Alaska.	New Hampshire.
Colorado.	New Jersey.
Connecticut.	New York.
Idaho.	North Dakota.
Illinois.	Ohio.
Indiana.	Oregon.
Iowa.	Pennsylvania.
Kansas.	Rhode Island.
Maine.	South Dakota.
Massachusetts.	Utah.
Michigan.	Vermont.
Minnesota.	Washington.
Missouri.	West Virginia.
Montana.	Wisconsin.
Nebraska.	Wyoming.
Nevada.	

§ 874.8 Qualifying for special rate of commutation.

Institutions designated as military colleges may enroll in the AFROTC students who, for various reasons, are not required to be members of the Corps of Cadets. These institutions will receive, for such students, only the standard commutation rate. Only members of the Corps who meet the requirements in paragraphs (a) through (e) of this section are enrolled in the AFROTC will be entitled to the special rate of commutation. To qualify for the special rate of commutation in lieu of uniforms, a Class MC or Class CC institution must:

(a) Organize and maintain within its undergraduate student bodies a self-contained Corps in which at least 300 male students are enrolled as AFROTC members at all times throughout the academic year.

(b) Require all Corps members to be in appropriate uniform at all times while on campus.

(c) House all Corps members in barracks separate from nonmembers.

(d) Require all Corps members to be under maintained military discipline 24 hours per day, 7 days a week.

(e) Require all physically qualified Corps members to be enrolled in the GMC, except:

(1) Foreign nationals.

(2) Persons who are not liable for induction, because they have honorably completed active training and service.

(3) Certain categories of students who are specifically excused by (Board of Trustees) administrative decisions.

(4) Other persons whose cnrollment is precluded by provisions of appropriate Air Force directives.

(f) Require members in paragraph (e) (1) through (4) of this section who complete the basic course to apply for and, if qualified and selected, to be enrolled in the POC.

§ 874.9 Restrictions on use of commutation of uniform funds.

The commutation of uniform funds may be expended to support only the:

(a) Procurement and related expenses for:

(1) Standard uniform items in quantities, as prescribed by the Secretary of the Air Force; or,

(2) Distinctive uniforms and insignia, as prescribed by institutions which meet the requirements of § 874.8.

(b) Procurement of distinctive uniform items authorized for wear with the regulation student uniform.

(c) Purchase of hazard insurance to protect the uniform inventory against loss.

(d) Maintenance of the uniform—that is, laundry, dry cleaning, renovation, alterations, sizing, and custodial fees. (Custodial fees will not exceed 20 percent of the commutation funds drawn against actual enrollments for the preceding year.)

§ 874.10 Disposition of unexpended commutation of uniform funds.

(a) Unexpended commutation funds will be disposed of as follows:

(1) The amount of unexpended uniform commutation funds which may be retained, from one fiscal year to the next for continued financing of the uniform program, will be computed as of July 1 each year.

(2) Institutions which have:

(i) Accumulated $10,000 or less may retain their entire accumulation.

(ii) Accumulated more than $10,000 may retain an amount equal to 30 percent of prior-year receipts or $10,000, whichever is larger. Accumulated funds which exceed these limitations will be refunded to the Government.

(b) The unexpended balance is the amount of funds remaining after all commitments and/or obligations of the immediate past fiscal year have been deducted. Commitments and/or obligations for new year procurement, maintenance, and other allowable expenses may not be charged against the unexpended balance.

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67-10189; Filed, Aug. 30, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17495; FCC 67-983]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations; Martinsville, Ind., etc.

First report and order. In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations (Martinsville, Ind., Shelbyville, Ill., South Williamsport, Pa., Aurora, Ind., Groton, Conn., Danville, Pa., Henderson, Ky., Poteau and Pryor, Okla., Canton and Cape May, N.J., Middlesboro, Ky., Thompkinsville, Ky., Colby, Kans., Willcox, Ariz., and New London-Groton, Conn.); Docket No. 17495, RM-1111, RM-1112, RM-1117, RM-1123, RM-1126, RM-1136, RM-1114, RM-1119, RM-1120, RM-1128, RM-1127, RM-1130, RM-1147, RM-1157.

1. The Commission has before it for consideration its notice of proposed rule making, FCC 67-666, issued in this proceeding on June 9, 1967, and published in the FEDERAL REGISTER on June 14, 1967 (32 F.R. 8530), proposing a number of changes in the FM Table of Assignments advanced by various interested parties and on the Commission's own motion. A number of comments were filed and all were considered in making the following determinations. Except as noted, the proposals were unopposed and all population figures are taken from the 1960 U.S. Census. This decision disposes of all the petitions for rule making except for RM-1120, Canton and Cape May, N.J.

2. *RM-1111, Martinsville, Ind.* (*Morgan County Broadcasters, Inc.*); *RM-1112, Shelbyville, Ill.* (*Shelbyville Broadcasting Co.*); *RM-1117, South Williamsport, Pa.* (*Will-Mont Broadcasting Co.*); *RM-1123, Aurora, Ind.* (*Howell B. Phillips*); *RM-1136, Danville, Pa.* (*Montrose Broadcasting Corp.*). In these five cases, interested parties seek 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 a population of 4,119 to 7,525 persons. One has a Class IV AM station (South Williamsport, Pa.), two have daytime-only stations (Martinsville, Ind., and Danville, Pa.), and two have no AM stations (Shelbyville, Ill., and Aurora, Ind.). We are of the view therefore that the proposed assignments are merited and would serve the public interest. In view of this we are making the following additions to the table:

City	Channel No.
Shelbyville, Ill	285A
Aurora, Ind	[1] 257A
Martinsville, Ind	272A
Danville, Pa	[1] 244A
South Williamsport, Pa	257A

[1] On these assignments a site about 5 miles southwest of Aurora and about 1 mile north of Danville will have to be selected in order to conform to the required minimum spacings.

3. *RM-1126 and RM-1157; New London and Groton, Conn.* In a petition filed on March 24, 1967, RM-1126, Lawrence A. Reilly and James L. Spates (R and S) requested the assignment of Channel 265A for a first FM outlet in the community of Groton, Conn. Comments were invited on this proposal in our notice. In comments filed in this proceeding The Thames Broadcasting Corp. (Thames), licensee of radio Station WNLC, New London, Conn., proposes a counterproposal to the R and S request asking that Channel 265A be assigned to New London and that Channel 288A be assigned to Groton. In a separate petition for rule making (RM-1157) Thames had requested the assignment of Channels 265A and 288A to New London-Groton in combination. This petition will be considered herein with due notice of the amendment of its request as outlined in the comments submitted in this proceeding. We do not agree with R and S that it is not

appropriate to consider the Thames proposal in this proceeding since it was advanced herein as a comment and counterproposal as well as in a separate petition for rule making. Putting off action on the Thames request would not serve any useful purpose.

4. Groton Borough has a population of 10,111 and the town in which it is located has a population of 29,937. It has a daytime-only AM station licensed to petitioners. New London has a population of 34,182 and its county (which also includes Groton) has a population of 185,745. Both parties submit numerous statistics concerning the population growth, retail sales, income growth, payrolls, and industry of the area and the two communities to justify the assignment of a Class A channel to each community. They urge that there is a present need for local FM service in the area. They show that New London and Groton are by far the largest communities in which either Channel 265A or 288A can be assigned in conformance with the separation rules and state that the proposed assignments are in line with the recently announced policy with reference to additional FM assignments. As to the selection of channels to be assigned, Thames points out that either Channel 265A or 288A may be assigned to Groton with adequate flexibility in selecting a site but that at New London Channel 265A offers the greatest promise of flexibility. It therefore urges that Channel 265A be assigned to New London and 288A to Groton. R and S point out that Channel 265A could be used in New London at the WNLC site only in the event one of two pending applications for Channel 263 at New Britain, Conn., is denied. They also urge the adoption of 265A at Groton on the grounds that the tuning frequencies for both WSUB (980 kc/s) and on an FM station on Channel 265A (100.9 Mc/s) are located in the middle of the dial on AM–FM receivers.

5. We are of the view that the assignment of a Class A channel to both Groton and New London is merited and would serve the public interest. Each appears to be large and important enough to warrant the assignment. We further agree that the assignments as requested by Thames would provide each community with the most effective assignment and that the proposal would not preclude future needed assignments in other communities. Providing as much flexibility as possible in locating transmitter sites, in our view, is more important than the convenience of tuning receivers. We are therefore assigning Channel 265A to New London, and 288A to Groton, Conn.

6. *RM–1114; Henderson, Ky.* On February 17, 1967, Dr. Frank R. Fults, prospective applicant for a new FM station at Henderson, Ky., filed a petition for rule making to add the assignment of Channel 276A to Henderson, as follows:

City	Channel No.	
	Present	Proposed
Henderson, Ky.	288	288, 276A

Henderson is located about 10 miles south of Evansville, Ind., and has a population of 16,892 persons. It is the county seat and largest community in Henderson County, which has a population of 33,519 persons. It has a daytime-only AM station and a Class C FM station, licensed to the same party.

7. Petitioner states that Henderson is the focus of business activity in the county, has 340 retail establishments, and total retail sales of over $36 million. Thus, he urges that Henderson needs and warrants a second FM channel and second full-time broadcast service. Finally, petitioner submits that sites are available (about 3 miles south of Henderson) from which the required minimum spacings can be met and the required signal placed over the entire city.

8. We stated in the notice that comments should be invited on the petitioner's proposal in order that all interested parties may submit their views but in light of the recently announced policy concerning the making of new FM assignments (Public Notice, Policy to Govern Requests for Additional Assignments, issued May 12, 1967), comments should include a showing as to the area in which this proposed assignment, if made, would preclude the use of this channel and the six adjacent channels. The petitioner's showing in this regard indicates that on two adjacent channels (274 and 275) there are two very small areas which would be precluded but which contain no communities of significant size. With respect to Channel 276A, there is a larger area to the southwest of Henderson in which this assignment would be precluded, with all the communities therein very small with the exception of Morganfield (population 3,714), which already has an FM assignment.

9. Since Channel 276A would provide a second FM service to the community of Henderson without any adverse effect on the future needs of other communities, we are of the view that it would serve the public interest and should be adopted. We are therefore assigning this channel to Henderson with a requirement that the site selected be located about 3 miles south of the community in order to meet the required minimum spacings. In view of the fact that the proposal would provide a second competitive FM service in a fairly large community, we are also of the view that the mixture of Class A and C channels is warranted under the circumstances presented in this case.

10. *RM–1109 and 1147; Poteau and Pryor, Okla.* In response to two conflicting petitions requesting a Class C assignment in Poteau, Okla., and a similar assignment in Pryor, Okla., filed respectively by V. F. Nowlin, prospective applicant for a new FM station at Poteau, and by L. L. Gaffaney, principal owner of Station KOLS(AM), Pryor, Okla., we invited comments on the following proposed additions to the two communities:

City	Channel No.	
	Present	Proposed
Poteau, Okla.	252A	252A and 282 or 297 or 298.
Pryor, Okla.		283.

The two original requests are mutually exclusive since Channel 282 cannot be assigned to Poteau and 283 to Pryor in view of the fact that the two communities are less than the required adjacent channel spacing. However, either Channel 297 or 298 can be assigned to Poteau instead, thus removing the conflict.

11. Poteau is a community of 4,428 persons and is located about 25 miles southwest of Fort Smith, Ark. It is the county seat and largest community in Le Flore County, which has a population of 29,106 persons. An application has been recently granted for the present Class A assignment (BPH–5776) and the community also has a daytime-only AM station. Pryor is a community of 6,476 persons. It is the county seat and largest community in Mayes County (population 20,073). KOLS, a daytime-only station, is the only radio outlet in the community. Normally, Class A channels are assigned to communities the size of Poteau or Pryor. In the case of Poteau, there is also the question of whether this relatively small community warrants a second assignment.[2] However, in view of the claims made by the petitioners that large "white areas" would be served by the proposed stations, and in the case of Poteau, the unusually efficient use proposed for the channel, we invited comments and data on the proposals.

12. Mr. Nowlin states that there is a large mountainous area to the south of Poteau (about 19 miles southwest) within which all the required spacings can be met and in which a station with maximum antenna height could be built at relatively low cost. He urges that such a wide-coverage station would provide service to a large area which cannot be reached by any other FM station and states that he will file an application for such a station in the event the proposal is adopted. He estimates the "white area" to be about 6,000 square miles of Oklahoma and Arkansas and notes further that a large portion of the area is also without primary AM service at night. With respect to the possible preclusion of future needed assignments in other communities he concludes that the assignment of Channel 282, 297, or 298 would have little effect on the availability of assignments in other communities due to the other stations and assignments in the general area.

13. In support of the request for Channel 283 to Pryor, Mr. Gaffaney submits

[2] The channel, if assigned to Poteau, would, of course, be available for use at other communities in the area, under the "25 mile rule". The Commission has received a letter from the mayor of Heavener, Okla., some 12 miles from Poteau, supporting the proposed assignment as well as a number of other such letters from several other communities in the area.

that Pryor is an important trade, population, and recreational center for the general area. He points out that the nearby Grand Lake development, with its abundant water supply and available power, attracts large industry and people seeking recreation. In support of a Class C assignment, rather than a Class A channel, Mr. Gaffaney urges that Pryor is far removed from population centers, located about 42 miles from Tulsa, that such an assignment is needed to serve the entire Grand Lake region, and that a station with assumed facilities of 50 kw and 400 feet antenna height AAT would provide a first FM service to an area of 2,827 square miles. Finally, he asserts that the Tulsa stations do not serve Pryor and the Grand Lake area with strong signals or programs of local interest.

14. After careful consideration of the comments and data submitted in the proceeding the Commission believes that the assignment of the wide-coverage channel in Poteau and Pryor would serve the public interest even though the communities are normally the type which would merit Class A assignments. We are led to this conclusion by the showings made as to the large "white areas" to be served by the respective proposals and the fact that each may be made without deleting any other assignments and without adverse effect on the possible future needs of other communities. In the case of Poteau we would not assign two channels; however, the Class C assignment will be used at some distance from the community in order to make the greater antenna height proposed feasible (due to the available mountain sites southwest of Poteau) and will serve additional areas which will not be served by the present Class A assignment and therefore we believe the proposal should be adopted in this case. In view of the above we are assigning Channel 283 to Pryor, and 297 to Poteau, Okla. We expect the petitioners or any other party who files an application for the assigned channels to use the facilities discussed in their pleadings in computing the claimed "white areas". Channel 283 will have to be located about 10 miles north of Pryor.

15. *RM–1128; Middlesboro, Ky.* In a petition filed on March 27, 1967, Cumberland Gap Broadcasting Co., licensee of Station WMIK(AM), Middlesboro, Ky., requests the Commission to substitute Channel 224A for 261A at Middlesboro, Ky., as follows:

City	Channel No.	
	Present	Proposed
Middlesboro, Ky	261A	224A

Petitioner points out that in order to meet the required separations, a station on Channel 261A would have to be located about 7 miles outside the community and that due to the rough terrain in the area, it may be difficult, if not impossible, to provide the required signal over all of Middlesboro. It states that it will file an application for the proposed channel promptly upon its assignment. Finally, petitioner submits that the deletion of Channel 261A from Middlesboro and the assignment of Channel 224A therein, does not preclude the assignment of the former at any location meeting the required spacings. Middlesboro has a population of 12,607 persons and is the largest city in southeast Kentucky. Petitioner submits that it is a center for trade, mining, and industry. It states that the community is the gateway to America's largest federal historic park, the 20,000 Cumberland Gap Historical Park. The only radio station in Middlesboro is WMIK, a daytime-only station, licensed to petitioner.

16. South C. Bevins, trading as Ken-Te-Va Broadcasting Co., licensee of Station WANO, Pineville, Ky., opposes that portion of the Cumberland proposal which would delete Channel 261A from Middlesboro. Bevins submits that Middlesboro is large enough to warrant a second assignment and that such an assignment would offer an additional program source in the future. He urges therefore that the channel be retained in the Middlesboro area (presumably so that it would be available to Pineville under the "25-mile rule") and states that "he may apply for the use of Channel 261A in Middlesboro or area". In reply Cumberland Gap submits that little purpose would be served by retaining 261A in Middlesboro since its use there is not practicable. It suggests instead that the channel be assigned to Pineville, which has a population of 3,181 and where it can be utilized as a first local FM service. Pineville, located in Bell County, is its county seat. Middlesboro is also in Bell County.

17. Upon review of the comments and data submitted in this case we are of the view that the removal of Channel 261A from Middlesboro, where its use appears to be technically infeasible, and its assignment to Pineville, where there appears to be a potential need and demand for a local FM service, and the assignment of Channel 224A to Middlesboro would serve the public interest and should be done. We are therefore assigning Channel 224A to Middlesboro in lieu of Channel 261A and assigning the latter to Pineville, Ky.

18. *RM–1127; Tompkinsville, Ky.* On March 24, 1967, WMCV, Inc., licensee of Station WTKY(AM), Tompkinsville, Ky., filed a petition for rule making requesting the assignment of Channel 221A as the first FM channel for this community. Tompkinsville, located in south central Kentucky, has a population of 2,091 persons. It is the county seat of Monroe County, which has a population of 11,799 persons. The sole radio station in the community, licensed to petitioner, is a daytime-only station. WMCV states that the area is largely rural and that it is without any local FM station and no local nighttime radio service. It urges, therefore, that there is a need for such an assignment and that it would serve the public interest.

19. There is presently pending a rule making proceeding in Docket No. 14185 (Notice of Inquiry issued on Nov. 14, 1966) looking toward the establishment of a nationwide table of assignments for the educational FM band (Channels 201–220), similar to that for the commercial channels. Since there are a large number of assignments and stations on Channels 221A, 222, and 223, the three commercial channels nearest the educational band, all petitions for such channels have to be carefully examined for possible impact on potential educational assignments on the top three educational channels (218, 219, 220). The Commission invited comments on the petitioner's proposal for the assignment of Channel 221A to Tompkinsville, but also requested information on the areas and communities in which assignments on Channels 218, 219, and 220 might be precluded as a result of the proposed assignment. In response to this request, WMCV includes a showing to the effect that the assignment of Channel 221A to Tompkinsville would not preclude any future assignments on Channels 218, 219, and 220 due to the existing educational stations in the general area.

20. In view of the lack of impact on the availability of educational assignments on the top three educational FM channels and the facts that the proposal would provide the first FM assignment to Tompkinsville and a first nighttime aural service to the community, we are of the view that the assignment of 221A as requested would serve the public interest and are adopting it at this time.

21. *RM–1130; Colby, Kans.* On March 31, 1967, James J. Evans, prospective applicant for a new FM station in Colby, Kans., filed a petition looking toward the assignment of Channel 262 to Colby, Kans., as follows:

City	Channel No.	
	Present	Proposed
Colby, Kans.	228A	228A, 262

Petitioner also suggests that Channel 228A may be deleted from the community in the event 262 is assigned.

22. Colby is a community of 4,210 persons. It is located in the northwestern portion of the State. It is the county seat and largest community in Thomas County, which has a population of 7,358.[1] Mr. Evans submits that Colby is in the heart of the wheat belt and is the distributing center for various farm products, as well as an important manufacturing and trade center. He points out that the nearest Class C station is at Scott City, Kans., about 60 miles south of Colby, that it does not receive any primary nighttime radio service, and that the area is thinly populated, the population density of the county being only 6.9 persons per square mile and that in the surrounding counties even less than this figure. Petitioner urges the assignment of a wide-coverage channel in view of the sparsity of the

[1] Colby has a daytime-only AM station in operation.

population, the lack of service in the trading area, and the distance from other FM stations.

23. Normally, a community the size of Colby would be assigned a Class A channel. However, in view of the large rural area surrounding the community, and its great distance from any large population centers, we believe it warrants the assignment of a class C channel. The nearest city of more than 10,000 population (Hays) is 95 miles away. In this sparsely populated part of the West potential assignments are believed ample for foreseeable future needs. In view of Colby's small size, we see no need for retaining the Class A channel. We are, therefore, substituting Channel 262 for Channel 228A at Colby, Kans.

24. *Willcox, Ariz.* In addition to the changes proposed above by interested parties, the Commission proposed to make an additional change on its own motion. On April 12, 1967, the Commission granted a request from KCEE–FM, Channel 241, Tucson, Ariz., to change its site. The new location would unduly restrict the location of sites for Channel 244A at Willcox, Ariz., to areas east of the community. We are therefore substituting Channel 252A for 244A at Willcox, Ariz.

25. 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.

26. In accordance with the foregoing determinations: *It is ordered*, That effective October 2, 1967, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	Channel No.
Arizona:	
Willcox	252A
Connecticut:	
Groton	288A
New London	265A
Illinois:	
Shelbyville	285A
Indiana:	
Aurora	257A
Martinsville	272A
Kansas:	
Colby	262
Kentucky:	
Henderson	258, 276A
Middlesboro	224A
Pineville	261A
Tompkinsville	221A
Oklahoma:	
Poteau	252A, 297
Pryor	283
Pennsylvania:	
Danville	244A
South Williamsport	257A

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: August 24, 1967.

Released: August 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[4]

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

[F.R. Doc. 67–10255; Filed, Aug. 30, 1967; 8:51 a.m.]

[4] Commissioner Cox absent.

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Necedah National Wildlife Refuge, Wis.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Public recreational activities are permitted on the Necedah National Wildlife Refuge subject to the following special conditions:

(1) Public recreational activities are limited to sightseeing, nature observation, and photography.

(2) General public recreational use is permitted as follows:

Area 1—September 22 through December 31, 1967.

Area 2—November 17 through December 31, 1967.

Area 3—December 2 through December 31, 1967.

These open areas, comprising approximately 39,500 acres are delineated on a map available at the refuge headquarters, Necedah, Wis. 54646, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on Wildlife Refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1967.

EDWARD J. COLLINS,
Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wis.

AUGUST 25, 1967.

[F.R. Doc. 67–10203; Filed, Aug. 30, 1967; 8:47 a.m.]

PART 32—HUNTING

Wheeler National Wildlife Refuge, Ala.

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

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, and coots on the Wheeler National Wildlife Refuge, Ala., is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,000 acres, is delineated on a map available at the refuge headquarters, Decatur, Ala., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese, ducks, and coots subject to the following conditions:

(1) Open season: Geese—November 15, 1967, through January 13, 1968. Ducks and coots—November 29, 1967, through January 6, 1968. A kill quota of 2,000 geese is established. If this quota is reached during the above open season, the refuge hunt for all waterfowl species will be terminated. During the above seasons, hunting will be permitted only on Wednesdays, Thursdays, Fridays, and Saturdays 30 minutes before sunrise to 12 noon, c.s.t. All holidays falling on above days and in the above period will be hunted.

(2) Blinds: The construction of blinds by the public is prohibited. Hunting shall be only from those blinds constructed and labeled by the Bureau.

(3) Guns must be unloaded and cased at all times except when hunters are inside blinds and no shooting is permitted outside blinds. Hunters are authorized to hunt only from the blind specified on their permits. Allowable arms include shotguns only.

(4) Ammunition: Shells that contain shot larger than No. 2 may not be used and will not be permitted in the possession of hunters. No hunter may possess more than 12 shells of any shot size nor fire more than 12 shots during any one hunting trip.

(5) Crows and foxes may also be shot during the hunt period, provided these are shot from designated waterfowl blinds.

(6) Intoxicating beverages will not be permitted on the refuge.

(7) Hunters will not be permitted to enter the hunting area sooner than 1½ hours before sunrise and must leave the area promptly after 12 noon.

(8) A maximum of two persons will be permitted to hunt from each blind.

(9) Hunters under 16 years of age must be accompanied by adults.

(10) Each hunter must have a refuge permit. To obtain a permit individuals must present a valid Alabama hunting license, a duck stamp (if persons have attained 16th birthday) and pay a blind fee of $4 ($2 per person if two persons occupy a blind.)

(11) Hunters are required to check in at the permit office at the close of each hunt to return permits and allow game to be examined.

(12) Applications for advance reservations for refuge permits must be submitted on postcards to the Refuge Manager. Applications for advance reservations will be accepted during the period September 1 through October 2. Only one application will be accepted per individual, and this for a maximum of one hunting day. Those who submit dual or multiple applications will be considered ineligible. Reservations will be awarded

on the basis of a drawing held at the refuge office on October 3, 1967. Blinds not reserved and those for which reservations are not claimed within 1 hour before the beginning of legal shooting time will be awarded on the basis of a drawing held at the permit office each hunt morning approximately 1 hour before the beginning of legal shooting time. Reservation commitments for refuge permits are nontransferable.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 13, 1968.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 25, 1967.

[F.R. Doc. 67-10191; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

Wapanocca National Wildlife Refuge, Ark.

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

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARKANSAS

WAPANOCCA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Wapanocca National Wildlife Refuge, Ark., is permitted only on the area designated by signs as open to hunting. This open area, comprising 250 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of mourning doves subject to the following special conditions:

(1) Hunting dates: September 19, 21, 23, 26, 28, and 30, 1967.

(2) Each hunter must have on his person a valid refuge permit.

(3) Only mourning doves may be taken.

(4) No hunters will be permitted within the hunting areas before 11:45 a.m., c.d.t. Hunting hours are from 12 noon c.d.t. until sunset.

(5) All firearms must be encased and/or unloaded when outside designated hunting areas.

(6) When a successful limit has been taken the hunter must leave the hunting area immediately.

(7) Retrievers used by hunters will be kept under control at all times.

(8) All hunters must check in and out at designated checking stations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1967.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 24, 1967.

[F.R. Doc. 67-10192; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

National Wildlife Refuges, Ill., and Certain Other States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of common snipe (Wilson's) is permitted on the Crab Orchard National Wildlife Refuge, Ill., from October 28 through December 6, 1967, and the hunting of woodcock is permitted from October 1 through December 4, 1967, but only on the area designated by signs as open to hunting. This open area comprising 9,380 acres is delineated on a map available at refuge headquarters, Carterville, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of common snipe and woodcock.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1967.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Public hunting of common snipe (Wilson's), rails, gallinules and woodcock is permitted on the Upper Mississippi River Wild Life and Fish Refuge in Minnesota and Wisconsin on the areas designated by signs as open to hunting, and public hunting of common snipe (Wilson's) and woodcock is permitted on the Upper Mississippi River Wild Life and Fish Refuge in Illinois on the areas designated by signs as open to hunting, and public hunting of common snipe (Wilson's) is permitted on the Upper Mississippi River Wild Life and Fish Refuge in Iowa on the areas designated by signs as open to hunting as follows: Rails and gallinules except coot from October 7 through November 5, 1967, in Minnesota and from October 7 through November 15, 1967, in Wisconsin. Common snipe (Wilson's) from October 7 through November 4, 1967, in Minnesota; from October 7 through November 25, 1967, in Wisconsin and Iowa, and from October 28 through December 6, 1967, in Illinois. Woodcock from October 7 through November 5, 1967, in Minnesota; from October 7 through November 19, 1967, in Wisconsin, and from October 28 through December 4, 1967, in Illinois. The open hunting areas comprising 153,000 acres are delineated on maps available from the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of common snipe (Wilson's), rails, gallinules and woodcock.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1967.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of common snipe (Wilson's) on the Mark Twain National Wildlife Refuge, Iowa, is permitted from October 7 through November 25, 1967, but only on the areas known as the Big Timber Division and that portion of the Louisa Division known as Turkey Island area designated by signs as open to hunting. Thest open areas, comprising 1,660 acres, are delineated on a map available at the refuge hedquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all State and Federal regulations governing the hunting of common snipe (Wilson's).

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 25, 1967.

S. E. JORGENSEN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 24, 1967.

[F.R. Doc. 67-10194; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

Ankeny National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

ANKENY NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves and bandtailed pigeons on the Ankeny National Wildlife Refuge is permitted only on the areas designated by signs as open to hunting. The open area, comprising 460 acres, is delineated on maps available at refuge headquarters, William L. Finley National Wildlife Refuge, Corvallis, Oreg., or Ankeny National Wildlife Refuge, Jefferson, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Mourning doves may be hunted during the period from September 1 to September 30, and from October 21 to November 5, 1967. Bandtailed pigeons may be hunted from September 1 to September 30, 1967. All dates are inclusive.

(2) Hunters must check into the hunting area by completing Part A of the Hunter Permit-Questionnaire form and inserting this in a box provided at one of the designated self-service registration stations located on the refuge. They must check out at the conclusion of their hunt, each day, by completing Part B of the form and inserting it in the box. Part B of the Hunter Permit form and the map attached are the hunter's permit and must be on his person while he is afield on the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 9, 1967.

PAUL T. QUICK,
Regional Director,
Portland, Oreg.

[F.R. Doc. 67-10200; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

William L. Finley National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

WILLIAM L. FINLEY NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves and bandtailed pigeons on the William L. Finley National Wildlife Refuge is permitted only on the areas designated by signs as open to hunting. The open area comprising 1,700 acres is delineated on maps available at the refuge headquarters, William L. Finley National Wildlife Refuge, Corvallis, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Mourning doves may be hunted during the period from September 1 to September 30, and from October 21 to November 5, 1967. Bandtailed pigeons may be hunted from September 1 to September 30, 1967. All dates are inclusive.

(2) Hunters must check into the hunting area by completing Part A of the Hunter Permit-Questionnaire form and inserting this in a box provided at one of the designated self-service registration stations located on the refuge. They must check out at the conclusion of their hunt, each day, by completing Part B of the form and inserting it in the box. Part B of the form and the map attached are the hunter's permit and must be on his person while he is afield on the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 9, 1967.

PAUL T. QUICK,
Regional Director,
Portland, Oreg.

[F.R. Doc. 67-10201; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

Tishomingo National Wildlife Refuge, Okla.

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

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

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of quail on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail subject to the following special conditions:

(1) The open season for hunting quail on the refuge extends from sunrise to sunset November 21, 1967, through January 13, 1968, inclusive, on Tuesdays, Thursday, Saturdays, and National holidays.

(2) Dogs may be used for the purpose of hunting and retrieving.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 13, 1968.

ERNEST S. JEMISON,
Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Okla.

AUGUST 16, 1967.

[F.R. Doc. 67-10199; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

Lacreek National Wildlife Refuge, S. Dak.

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

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

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Lacreek National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 310 acres, known locally as the Little White River recreational area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations governing the hunting of upland game subject to the following special conditions:

(a) Species permitted to be taken: Pheasants and grouse (sharp-tailed and pinnated) during the seasons specified below. The hunting of other upland game species, as may be authorized by South Dakota State regulations, is prohibited.

(b) Open season: Grouse—from sunrise to sunset each day from September 30, 1967, through November 26, 1967. Pheasants—from noon to sunset, c.s.t., daily, from October 21, 1967, through November 26, 1967.

The provisions of this special regulation supplement the regulations which govern hunting on Wildlife refuge area generally, which are set forth in Title 50, Code of Federal Regulations, Part

32, and are effective through November 26, 1967.

JOHN W. ELLIS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.

AUGUST 24, 1967.

[F.R. Doc. 67-10202; Filed, Aug. 30, 1967; 8:47 a.m.]

PART 32—HUNTING

National Wildlife Refuges, Fla., and Certain Other States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

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

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of turkey, quail, squirrel, rabbit, raccoon, bobcat, and fox on the St. Marks National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,800 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of turkey, quail, squirrel, rabbit, raccoon, bobcat, and fox, subject to the following special conditions:

(1) The open season for archery hunting of turkey, quail, squirrel, rabbit, raccoon, bobcat, and fox on the refuge is limited to the separate periods of October 7–8, October 14–15, October 21–22, and October 28–29, 1967. The open season for archery and gun hunting of turkey, quail, squirrel, rabbit, raccoon, bobcat, and fox on the refuge extends from November 11, 1967, through January 1, 1968.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 1, 1968.

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

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of deer and bear, on the St. Marks National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,800 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance will all applicable State regulations governing the hunting of deer subject to the following special condition:

The open season for archery hunting of deer and bear on the refuge is limited to the separate periods of October 7–8, October 14–15, October 21–22, and October 28–29, 1967. The open season for archery and gun hunting of deer and bear extends from November 11, 1967, to January 1, 1968.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generall which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 1, 1968.

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

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of squirrels, rabbits and bobcats on the White River National Wildlife Refuge, Ark., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 106,000 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels, rabbits, and bobcats subject to the following conditions:

(1) The open season for hunting squirrels, rabbits, and bobcats on the refuge extends from September 15–30, 1967.

(2) Rifles larger than .22 caliber are prohibited.

(3) Use of dogs and shooting from a boat are prohibited.

(4) Hunting camps may be set up on September 30, 1967, at designated sites only. Loaded firearms are not permitted in camping areas.

(5) Fires outside camping areas are prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1967.

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of wild turkey on the White River National Wildlife Refuge, Ark., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 90,000 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of wild turkey subject to the following conditions:

(1) The archery season for hunting wild turkey on the refuge extends from October 6 through October 21, 1967.

(2) The total bag limit per hunter for this hunt is one turkey of either sex.

(3) Weapons: bow and arrow.

(4) Shooting turkey from a blind is prohibited.

(5) Hunting camps may be set up on October 13, 1967, at designated sites only and must be removed by dark on October 28, 1967.

(6) Fires outside camping areas are prohibited.

(7) Bobcats and feral hogs may be taken.

(8) Hunting hours are from one-half hour before sunrise to one-half hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 28, 1967.

WAPANOCCA NATIONAL WILDLIFE REFUGE

Public hunting of squirrel on the Wapanocca National Wildlife Refuge is permitted on the entire refuge area. This open area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrel subject to the following special conditions:

(1) Open season: September 15–30, 1967.

(2) Dogs are prohibited.

(3) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Post Office Box 12, Marion, Ark. 72364.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1967.

WAPANOCCA NATIONAL WILDLIFE REFUGE

Public hunting of racoon on the Wapanocca National Wildlife Refuge is permitted on the entire area refuge. This area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be subject to all applicable State laws and the following special conditions:

(1) Hunting hours: 7 p.m. to midnight.

(2) No trees may be cut.

(3) No fires permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1968.

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

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the White River National Wildlife Refuge, Ark., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 90,000 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer subject to the following conditions:

(1) The archery season for hunting white-tailed deer on the refuge extends from October 14 through October 28, 1967.

(2) The total bag limit per hunter for this hunt is one deer of either sex.

(3) Weapons: bow and arrow.

(4) Use of horses is prohibited.

(5) Hunting camps may be set up on October 13, 1967, at designated sites only and must be removed by dark on October 28, 1967.

(6) Fires outside camping areas are prohibited.

(7) Bobcats and feral hogs may be taken.

(8) Hunting hours are from one-half hour before sunrise to one-half hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 28, 1967.

SOUTH CAROLINA

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer is permitted on 97 percent of Carolina Sandhills National Wildlife Refuge. This open area is designated by signs as open to hunting and delineated on a map available from refuge headquarters, McBee, S.C., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations and subject to the following special conditions:

(1) Season: October 30–November 11, 1967, Sundays excluded.

(2) Hunters may not enter hunting area prior to 5 a.m., e.s.t. and must leave by 6:30 p.m., e.s.t.

(3) Deer drives permitted only on designated areas. Explosive-type noise makers prohibited.

(4) Possessing a firearm containing ammunition in magazine or chamber on a public road or in a vehicle on the refuge and target practice on the refuge is prohibited.

(5) Use of dogs is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective to November 11, 1967.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 25, 1967.

[F.R. Doc. 67-10193; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

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

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

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Crab Orchard National Wildlife Refuge on an area designated by signs as open to hunting is permitted with bow and arrow from one-half hour before sunrise to one-half hour before sunset daily from October 1, 1967, through November 6, 1967, and from one-half hour before sunrise until one-half hour before sunset November 16, 1967, through December 31, 1967. Shotgun or single short muzzle loading rifle hunting of deer is permitted from 6:30 a.m. to 4 p.m. c.s.t., from November 10, 1967, through November 15, 1967. Shotgun or single shot muzzle acres is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

L. A. MEHRHOFF, Jr.,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Ill.

AUGUST 24, 1967.

[F.R. Doc. 67-10195; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

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

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

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, bobwhite quail, rabbits, raccoons, opossums, skunks, and weasels on the Crab Orchard National Wildlife Refuge, Ill., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,380 acres or 21 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, bobwhite quail, rabbits, raccoons, opossums, skunks, and weasels during the seasons specified below. The hunting of upland game species, as may be otherwise authorized by Illinois State regulations, is prohibited.

(1) Open season: Pheasants—from 12 noon to sunset November 18, 1967, and from sunrise to sunset November 19, 1967, through December 17, 1967. Bobwhite quail—from 12 noon to sunset November 18, 1967, and from sunrise to sunset November 19, 1967, through December 31, 1967. Rabbits—from 12 noon to sunset November 18, 1967, and from sunrise to sunset November 19, 1967, through January 31, 1968. Raccoons, opossums, skunks, and weasels (hunting only)—from 12 noon to November 16, 1967, to 12 noon on January 31, 1968.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1968.

L. A. MEHRHOFF, Jr.,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Ill.

AUGUST 24, 1967.

[F.R. Doc. 67-10196; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

Eastern Neck National Wildlife Refuge, Md.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

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

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Eastern Neck National Wildlife Refuge, Md., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,000 acres, is delineated on maps available at refuge

headquarters, Rock Hall, Md., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) Species permitted to be taken: White-tailed deer only.

(2) Bag limit: One deer per day, either sex.

(3) Seasons: Bow and arrow only—October 14, 16, 17, and 18, 1967. Shotgun only—October 28, 30, 31, and November 1, 1967.

(4) Permits: A Federal hunting permit will be required. Permits will be limited to 350 per day for the archery hunt and 150 per day for the shotgun hunt. Permits will be issued to hunters selected by public drawing from applications received. Applications must be made to the Refuge Manager, Eastern Neck National Wildlife Refuge, Route 2, Box 193, Rock Hall, Md. 21661 and must be received no later than September 16, 1967.

(5) Hunting hours: Sunrise to sunset. Hunters may not enter the refuge prior to one-half hour before sunrise and must be checked out by 1 hour after sunset.

(6) Check Station: Participants in the hunts are required to check in at the check station upon entering and leaving the refuge. All deer killed must be presented at the check station for examination.

(7) Access: All hunters must enter and leave the refuge by way of State Road 445 only. Entry by boat is prohibited.

(8) Age limit: All hunters under 18 years of age must be accompanied by an adult.

(9) Parking: Vehicles must be parked only in designated parking areas.

(10) Safety clothes: During the shotgun hunt all hunters must furnish and wear, so as to be readily noticeable, red, yellow, or orange caps, hats, vests, shirts, or coats while on the hunting area.

(11) Hunters must not hunt or possess loaded guns or arrows notched in bow on county roads or designated parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 1, 1967.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1967.

[F.R. Doc. 67-10197; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

Iroquois National Wildlife Refuge, N.Y.

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

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

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Iroquois National Wildlife Refuge, N.Y., is permitted from November 4 through December 5, 1967 except on areas designated by signs as closed. This open area comprising 10,383 acres is delineated on maps available at refuge headquarters, Basom, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 5, 1967.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1967.

[F.R. Doc. 67-10198; Filed, Aug. 30, 1967; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Louisiana

Appendix A to Part 801 is amended under the heading "Dates, Times, and Places for Filing" to show the reopening of a place for filing in Plaquemines Parish, La., as set out below:

LOUISIANA

Parish; Place for Filing; Beginning Date.
* * * * *
Plaquemines; (1) Buras—Post Office Building, August 10, 1965, through November 17, 1965, reopened August 31, 1967; (2) Belle Chasse—Post Office Building; November 18, 1965.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89-110)

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

[F.R. Doc. 67-10308; Filed, Aug. 30, 1967; 11:09 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1, Rev. 5]

ALLOCATION OF IMPORTS

Notice of Proposed Rule Making

Presidential Proclamation 3279, as amended, authorizes the Secretary of the Interior, consistent with the supply-demand situation with respect to asphalt in District I, to establish a maximum level of imports of asphalt for District I and to establish a special system of allocating such imports. In connection with implementing this provision of the proclamation, I am considering the alternative proposals hereinafter set forth.

PROPOSAL I

Paragraph (h) of section 9 of Proclamation 3279, as amended, defines "unfinished oils." Asphalt which is to be further processed other than by blending by mechanical means comes within this definition. Paragraphs (a)(1) of section 2 and (d) of section 3 of the proclamation, respectively, provide that imports of unfinished oils shall not exceed such percentum of the permissible imports of crude oil and unfinished oils as the Secretary of the Interior may determine and in respect to asphalt the Secretary may establish, without regard to the levels of imports prescribed in section 2 of the proclamation, a maximum level of imports of asphalt for District I.

Paragraph (d), section 10, Oil Import Regulation 1 (Revision 5), as amended, would be further amended as follows:

Sec. 10 Allocations—crude and unfinished oils—refiners—District I–IV.

* * * * *

(d) No allocation made pursuant to this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 15 percent of the allocation. However, a person obtaining an allocation for imports of crude oil or unfinished oils pursuant to this section may petition the Administrator for an additional allocation of one barrel of unfinished oil on the basis of every four barrels of such person's assigned allocation which he certifies will be used for the importation in District I of unfinished asphalt. As used in this paragraph (d) the term "unfinished asphalt" shall mean a solid, semisolid, or fluidic material obtained in the refining of crude oil and in which the predominating constituents are bitumins and which in any case does not have a viscosity of less than 200 seconds Saybolt Furol at 210° F.

Example: An eligible applicant has an import allocation for one million barrels of crude oil and within this total quantity he is permitted to import up to 15 percent (150,000 barrels) of unfinished oils. Upon certification to the Oil Import Administration that 50,000 barrels of his unfinished oils allocation will be imported in the form of unfinished asphalt he may petition the Administrator and receive in exchange for the 50,000 barrels of unfinished oils allocation an allocation and license for the importation of 62,500 barrels of "unfinished asphalt only."

PROPOSAL II

Level of imports. The maximum level of imports of asphalt to be allocated during an allocation period would be determined by the Bureau of Mines as the difference between an estimate of total demand for asphalt in District I and an estimate of the domestic supply.

Eligibility for allocations. To be eligible for an allocation of imports into District I of asphalt a person would have to be in the business in District I of selling asphalt and have under his management and operational control a deepwater asphalt terminal located in District I, or a thruput (warehouse) agreement with a deepwater terminal operator, and have delivered asphalt which he owned at the time of delivery, such delivery being the first delivery of that asphalt into a deepwater asphalt terminal in District I.

Method of allocation. Each eligible applicant in District I would receive an allocation of imports of asphalt into District I based upon a percentage of the applicant's terminal inputs of asphalt in that district for the year ending September 30, prior to the allocation year.

Method of licensing. Separate licenses would be granted which would only permit importation of finished asphalt and asphalt would be excluded from importation under a finished product license.

Definitions. "Deepwater terminal" would mean a permanent land installation which (1) consists of bulk storage tanks having not less than 100,000 barrels of operational capacity, pumps, pipelines and equipment used for the storage, transfer and handling of asphalt; (2) is adjacent to waterways that permit the safe passage to the installation of a tanker rated 15,000 cargo deadweight tons; and (3) has a berth that will permit the delivery of asphalt into the installation by direct connection from a tanker rated at 15,000 cargo deadweight tons, drawing not less than 25 feet of water, and moored in the berth. Cargo deadweight tons represent the carrying capacity of a tanker, in tons of 2,240 pounds, less the weight of fuel, water stores, and other items necessary for use on a voyage.

"Asphalt" as used in this proposal would mean a solid or semisolid cementitious material which gradually liquefies when heated in which the predominating constituents are bitumins, which is obtained in refining crude oil, and which is not to be further processed except by mechanical blending.

It is the policy of the Department of Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections (5 copies) with respect to the above proposals to the Administrator of the Oil Import Administration, Department of the Interior, Washington, D.C. 20240, on or before September 22, 1967.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 24, 1967.

[F.R. Doc. 67-10221; Filed, Aug. 30, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 929]

CRANBERRIES

Notice of Proposed Rule Making

Consideration is being given to the following proposals submitted by the Cranberry Marketing Committee, established under the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by said committee, during the fiscal period beginning August 1, 1967, and ending July 31, 1968, will amount to $8,010.

(2) That the Secretary of Agriculture fix the rate of assessment for said period, payable by each handler in accordance with § 929.41, at one-half cent ($0.005) per barrel, or equivalent quantity, of cranberries;

(3) That unexpended funds in excess of expenses incurred during the fiscal period ended July 31, 1967, in the amount of $2,996.61, be carried over as a reserve in accordance with § 929.42; and

(4) That reports be submitted to the committee by each handler showing the total quantity of cranberries he has acquired, the total quantity of cranberries he has handled, and the total quantity of cranberries and cranberry products, respectively, he has on hand. The reports would be rendered on a quarterly

basis as follows: November 1, 1967; February 1, 1968; May, 1968; and August 1, 1968. Each report would cover the 3-month period preceding the applicable specified date and would be filed with the committee not later than the 10th day of the first month following such period.

Terms used in the marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

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

Dated: August 28, 1967.

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

[F.R. Doc. 67-10251; Filed, Aug. 30, 1967; 8:50 a.m.]

[7 CFR Part 1006]

[Docket No. AO 356-A2]

MILK IN UPPER FLORIDA MARKETING AREA

Decision and Order To Terminate Proceeding on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Panama City, Fla., on March 10, 1967, pursuant to notice thereof issued on February 23, 1967 (32 F.R. 3399).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on June 22, 1967 (32 F.R. 9096; F.R. Doc. 67-7196), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 9096; F.R. Doc. 67-7196) are hereby approved and adopted and are set forth in full herein:

The material issue on the record of the hearing relates to the deletion of Bay County, Fla., from the Upper Florida marketing area.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The proposal to delete Bay County, Fla., from the Upper Florida marketing area is denied.

This proposal was made by five individuals, three of whom testified at the hearing: the Bay County Superintendent of Public Instruction; a Panama City, Fla., grocery store owner; and a Bay County distribution branch manager for an unregulated milk plant in Pensacola, Fla., who appeared on his own behalf. Several other witnesses, testifying as consumers, supported the proposal.

Witnesses advocating the deletion of Bay County from the marketing area complained primarily of higher retail prices for milk which they had been experiencing in recent months. They contended that the retail price increases in Bay County were an outgrowth of the recently promulgated Upper Florida order. Witnesses also stated that the application of the order to Bay County caused the operator of a Pensacola milk plant to cease distributing fluid milk products in the county, thereby creating a competitive climate in that area conducive to higher retail prices. Exclusion of Bay County from the Upper Florida marketing area, it was argued, would result in lower milk prices to consumers.

The level of resale prices for milk in Bay County is not a proper basis for determining whether the county should be a part of the Upper Florida marketing area. The Agricultural Marketing Agreement Act, which authorizes milk orders, provides for the fixing of minimum prices that handlers must pay dairy farmers for the milk received from them in accordance with the manner in which such milk is utilized. No regulation of resale prices is authorized by the Act.

Because resale prices are not set by the Upper Florida order, there is no assurance that prices to consumers would be lower, or would not increase above current levels, if Bay County were deleted from the marketing area. The retail price increases cited by witnesses were predominantly those that took place prior to January 1, 1967, the date the pricing provisions of the Upper Florida order became effective. Such retail price increases thus cannot be attributed to any increased milk costs for handlers resulting from the order regulation.

The basic purpose of the Upper Florida order is to provide stable and orderly marketing conditions for producers who are supplying the fluid milk requirements of the Upper Florida market. The only persons regulated by the order are handlers who must pay for all of their producer milk receipts on a classified use basis at not less than the specified order prices. No handlers, regulated or unregulated, or producers testified at the hearing in support of the proposal to remove Bay County from the marketing area.

There was strong opposition to the proposal, on the other hand, by regulated Upper Florida handlers who distribute milk in Bay County and by producers supplying the major portion of the fluid milk needs of the Upper Florida market. These parties indicated that removal of Bay County from the marketing area could encourage unstable and disorderly marketing conditions for producers and place handlers at a competitive disadvantage on the cost of Class I milk sold in Bay County.

The present 40-county marketing area defined by the Upper Florida order was based on evidence received at the promulgation hearing for the order. There has been no change in marketing conditions since that time to indicate that Bay County is no longer an appropriate part of the defined marketing area. All Class I sales in the county are made by handlers fully regulated by the Upper Florida order or by producer-handlers. About 65 percent of such sales are made by handlers who would continue to be regulated by the order if Bay County were deleted from the marketing area. This county is thus an integral part of the Upper Florida marketing area.

If Bay County were deleted from the marketing area, regulated handlers could be disadvantaged relative to unregulated handlers on the cost of a substantial portion of the Class I milk distributed in that county. Regulated handlers selling milk in Bay County would continue to be required to pay not less than the minimum Class I price for all their producer milk receipts sold as Class I, whether disposed of inside or outside the marketing area. Unregulated handlers with Class I sales in the county, on the other hand, would not be required to purchase their milk on a classified use basis or pay their dairy farmers any particular minimum price. Such unregulated handlers could, for example, dispose of as Class I milk in Bay County milk that was otherwise surplus to their operations and for which they returned to their dairy farmers an equivalent of the manufacturing milk price.

In the above circumstance, the Class I sales of regulated handlers could be displaced by unregulated handlers. In turn, producers who regularly supply milk to regulated handlers could be forced to dispose of quantities of milk represented by their lost Class I sales to manufacturing outlets at surplus prices. This clearly would provide an unwarranted advantage to the unregulated handler at the expense of producers who constitute a regular source of supply for the market. The inequitable condition created by such a situation would not only tend to result in unstable and disorderly marketing conditions but would also be inconsistent with the intent of the Act.

In supporting the proposal certain witnesses testified that the Upper Florida order caused the operator of the previously mentioned processing plant at Pensacola to cease selling milk in Bay County when the order first became effective. It should be noted that under the order any plant, wherever located, may distribute milk in the marketing area. All milk sold in the marketing area, however,

is necessarily subject to the pricing provisions of the order. If the plant meets the marketing performance standards for full regulation, the plant operator is then required to pay for the milk he receives from producers in accordance with the use he makes of the milk. This treatment applies equally to all handlers performing the same marketing function.

Each plant operator must decide in light of the marketing circumstances where he wishes to dispose of his milk. The Bay County distribution branch manager of the Pensacola plant operated by an unregulated handler indicated that he was not an authorized spokesman for his employer at the hearing. He stated for the record, however, that his employer had ceased supplying Class I outlets in Bay County because he chose not to have his plant subject to the provisions of the order. No testimony for or against the exclusion of Bay County from the marketing area was given by the Pensacola plant operator, who neither entered an appearance nor was otherwise represented at the hearing.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered on conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Order to terminate proceeding. It is hereby found and determined on the basis of the findings, conclusions and rulings with respect to the material issue of this proceeding that the proceeding with respect to proposed amendments to the tentative marketing agreement and to the order is hereby terminated.

Effective date: Upon FEDERAL REGISTER publication.

Signed at Washington, D.C., on August 25, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-10218; Filed, Aug. 30, 1967; 8:48 a.m.]

[7 CFR Part 1099]

[Docket No. AO 183-A19]

MILK IN PADUCAH, KY., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing order (7 CFR Part 900), a public hearing was held at Paducah, Ky., on February 17, 1967, pursuant to notices thereof issued on February 1, 1967 (32 F.R. 2448), and February 8, 1967 (32 F.R. 2820).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on August 8, 1967 (32 F.R. 11709; F.R. Doc. 67-9486), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 11709; F.R. Doc. 67-9486) are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

1. The price for Class I milk.
2. Seasonal production incentive plan.

This decision deals with issue No. 1, Class I prices. The procedure on issue No. 2 has been completed.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price.* The Class I price for the Paducah marketing area should be the St. Louis order Class I price plus 25 cents per hundredweight.

The amendment as formulated herein would result in a 10 cents per hundredweight increase in the Class I price only in the Kentucky portion of the marketing area. This differs from the proposal of the producers association which would maintain the existing difference between the Missouri and Kentucky areas (10 cents higher in Missouri) by increasing the price 10 cents in both parts of the marketing area.

The producers association supported its proposal on the basis that it has become difficult to maintain an adequate supply for the fluid market outlets it serves, because of the steady attrition to its membership. The problem is acute in the Paducah market, it was pointed out, because of the small percentage of reserve milk. The supply problem is also intensified by competition from other markets. The association stated that the higher prices paid by the Memphis market to dairy farmers within the Paducah procurement area has caused a severe problem in retaining producers regularly associated with the Paducah market.

Further, in support of its proposal, the association cited the recent 10-cent increase in the Southern Illinois order price (in areas nearest Paducah) effective January 1, 1967. This increase, the association stated, would permit a similar increase in Paducah and maintain the previous relationship between the markets.

Milk supply. The essential purpose in establishing a Class I price level under the order is to assure an adequate supply from sources upon which the market can rely. The milk supply for the Paducah marketing area is essentially local in that it is produced mostly within the marketing area. Virtually all of the producers are members of the Paducah Graded Milk Producers Association. The association has standing arrangements with all handlers in the market to provide full milk supply throughout the year.

The producer milk supply during the past three years has varied from about 8 to 10 million pounds monthly. Most of the variation has been due to seasonal changes in production and expansion of the marketing area. On an all-season basis, the supply of milk has been barely sufficient to meet requirements of fluid outlets. During the fall and winter months of recent years the proportion of reserve milk has narrowed to less than 10 percent in several months. This situation has presented a difficult problem to the cooperative association as the sole procurement agency for the market, particularly in managing milk supplies so as to adequately meet the needs of each of the regulated handlers. Occasionally there has been need to bring in other source milk. Class I utilization in recent years has continued relatively high on an annual basis, averaging 85.6 percent, 88.4 percent, and 85.6 percent, in 1964, 1965, and 1966, respectively.

The supply area for the Paducah market adjoins supply areas of the St. Louis, Louisville-Lexington-Evansville, Nashville, and Memphis markets. Thus the Paducah market must compete with larger markets for milk supplies. The most important competition for milk supply is from the Memphis market. The Memphis procurement area extends well into the Paducah marketing area, as far north as Ballard County, Ky. This situation has resulted in some loss of producers to the Memphis market during the 1965-1966 2-year period.

The milk supply relationship with the Southern Illinois market involves members of the Paducah Graded Milk Producers Association which supply one of the handlers under the Southern Illinois order. These dairy farmers are located within the Kentucky portion of the Paducah marketing area. They are members of the association which are shifted between the markets according to the needs of handlers for fluid milk supplies.

The membership of the association which provides virtually the entire milk supply of the market has declined approximately 15 percent in a period of 2 years. This has been due both to producers leaving the dairy business and leaving the market for other markets, principally Memphis. The total level of milk production on the market has so far been maintained only due to greater production by each producer, but in view of the slight reserve supply, further decline in dairy farmers would tend to endanger adequacy of supplies.

Price comparisons. Price relationships between the Paducah market and other markets were considered by producers to have an important bearing on the Paducah Class I price level. The price relationship to the St. Louis market has been fixed by virtue of the 15-cent differential over St. Louis used to establish the Class I price at Paducah. Similarly, the relationship to the Southern Illinois order prices has been fixed, since prices under that order have been based on the St. Louis price. The Class I price in the southern zone of the Southern Illinois order is equal to the St. Louis price.

Since the St. Louis and Southern Illinois prices are lower than the Paducah price, these other markets do not present a problem of competition for supplies. Instead there is the question of sales competition. Sales competition with the St. Louis market is confined to areas in Missouri, at locations approximately 140 to 150 miles south of St. Louis. Within this general area there is a St. Louis order plant at Cape Girardeau, where a Class I price 15 cents per hundredweight higher than at St. Louis applies. Slightly more than 30 miles south of Cape Girardeau there is a Paducah order plant at Sikeston, Mo., where the Paducah order price is 25 cents over the St. Louis city price. The entire pricing system under the two orders therefore represents scaling up of price level as the distance from St. Louis increases, parallelling the cost to St. Louis or Cape Girardeau handlers in moving milk southward. The present price at Sikeston, as related to St. Louis order prices, appears reasonable and not excessive with regard to the locations of the regulated plants.

While the Southern Illinois market is relatively close, geographically, this has not resulted in significant intermarket sales competition among handlers.

The price relationship between Paducah and Memphis is wider than the differences from other surrounding markets. At the nearest Memphis order plant, at Martin, Tenn., the 1966 Memphis Class I prices adjusted for location averaged 42 cents per hundredweight higher than the Paducah order prices at the Fulton, Ky., plant. The distance between the plants is approximately 12 miles. With this difference in prices, procurement activities of Memphis handlers or of a cooperative association have at times resulted in some loss of producers.

Part of this price difference compared to Memphis was due to the action of the Memphis supply-demand adjustor. Currently, the Class I price difference which would be produced by differentials over the basic formula price, excluding supply-demand adjustments, would be 23.5 cents higher at Martin than at Fulton.

The 10-cent price increase herein recommended for the Kentucky location would result in reasonable price relationships with surrounding markets, considering the aspects of inter-market competition already described. The price increase would continue the historical relation with the Southern Illinois market. The price, in relation to St. Louis, would be reasonable in view of the less ample supply in Paducah than in St. Louis and the 173 miles distance between these cities. The change in relationship to Memphis would reduce the amount of normal price difference at points where the two markets have common procurement areas.

It is concluded that for the purpose of maintaining an adequate supply, a price increase of 10 cents per hundredweight is justified for the Kentucky portion of the marketing area. It is in this area that the greatest problem exists in maintaining milk supply. Because of the relatively small percentage of reserve milk on the market, the supply should be maintained at the existing level.

No change should be made at this time, however, in the price level applicable in Missouri counties of the marketing area. The milk supply serving the only plant in this part of the market is primarily from producers located within this part of the marketing area. Competition for milk supply has not been severe, and the supply for the plant located there is not threatened by price relationships with other markets. In fact, the overall balancing of supplies within the entire marketing area results in regular movements of bulk loads of milk from the Missouri portion into Kentucky and no movements in the other direction. It is concluded therefor that the Class I price throughout the entire Paducah marketing area should be established at 25 cents over the St. Louis order price.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in additoin to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions to the recommended decision were filed.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Paducah, Ky., Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Paducah, Ky., Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Paducah, Ky., marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 28, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] *Amending the Order Regulating the Handling of Milk in the Paducah, Ky., Marketing Area*

§ 1099.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Ky., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Paducah, Ky., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, on August 8, 1967, and published in the FEDERAL REGISTER on August 12, 1967 (32 F.R. 11709; F.R. Doc. 67-9486), shall be and are the terms and provisions of this order, as set forth in full herein:

1. In § 1099.51, paragraph (a) is revised to read as follows:

§ 1099.51 **Class prices.**

* * * * *

(a) *Class I milk price.* The price per hundredweight of Class I milk for the month shall be the Class I price pursuant to Part 1062 of this chapter (St. Louis, Mo.) plus 25 cents; and

* * * * *

§ 1099.86 **[Amended]**

2. In § 1099.86, paragraph (b) is deleted.

[F.R. Doc. 67-10252; Filed, Aug. 30, 1967; 8:51 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF COMMERCE

Maritime Administration

[32A CFR Ch. XVIII, SRM-5, Rev.]

MASTER LUMP SUM REPAIR CONTRACT—NSA-LUMPSUMREP

Proposed Revision; Extension of Time for Filing Comments

In F.R. Doc. 67-7905 appearing in the FEDERAL REGISTER issue of July 8, 1967 (32 F.R. 10102), notice was given that the Acting Director, National Shipping Authority, had under consideration the revision of the Master Lump Sum Repair Contract, NSA-LUMPSUMREP with respect to vessel repairs, etc., with permission for the filing of written comments by interested parties "by close of business on August 31, 1967."

Notice is given that the time within which written comments may be submitted is hereby extended to "by close of business on October 2, 1967."

Dated: August 28, 1967.

JAMES W. GULICK,
Acting Director,
National Shipping Authority.

[F.R. Doc. 67-10226; Filed, Aug. 30, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3-r]

COD FILLETS FROM EASTERN CANADIAN PROVINCES

Antidumping Proceeding Notice

AUGUST 24, 1967.

On June 23, 1967, information was received in proper form pursuant to the provisions of § 14.6(b) of the Customs Regulations indicating a possibility that cod fillets, frozen, imported from Eastern Canadian provinces are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The information was submitted by The Atlantic Fishermen's Union, Boston, Mass.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made for differences in quantity and circumstances of sale.

Having conducted a summary investigation, and having determined on this basis that there are grounds for so doing, the Bureau of Customs is instituting an inquiry pursuant to the appropriate provisions of the Customs Regulations to determine the validity of the information.

A summary of information received from all sources is as follows:

Large quantities of cod fillets, frozen, and imported from Eastern Canadian provinces (New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, and Quebec) are being sold to the U.S. purchasers at substantially lower prices than are received for sales of similar merchandise in the home market.

This notice is published pursuant to § 14.6(d)(1)(i) of the Customs Regulations (19 CFR 14.6(d)(1)(i)).

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

[F.R. Doc. 67-10227; Filed, Aug. 30, 1967; 8:48 a.m.]

Fiscal Service

REINSURANCE ARRANGEMENTS

Use of Form A Reimbursement Agreement

Certain companies holding Certificates of Authority from the Secretary of the Treasury as acceptable sureties on Federal bonds under 6 U.S.C. 6-13 have been using a Form A Reimbursement Agreement in connection with their reinsurance arrangements. The Form A procedure was adopted by the companies as a means of protecting risks in excess of their underwriting limitations when such risks are reinsured with companies not recognized by the Treasury as acceptable reinsurers.

Generally, this arrangement provides for the withholding by the ceding company of the unearned premiums due and payable to the reinsurer and for the reinsurer to pay into a special account, for use by the ceding company, its proportion of any loss reserve established by the direct writing company pursuant to law.

Since the Form A procedure has the effect of nullifying the safety factor provided by the existing Treasury risks limitation (10 percent of a company's policyholders' surplus, as adjusted by the Treasury, in accord with 31 CFR Part 223), notice is hereby given that the Treasury will not recognize Form A agreements for reinsurance credit purposes in connection with excess reinsurance ceded to unauthorized companies.

These requirements are effective as of August 31, 1967, and apply to Form A agreements relating to policies written or renewed after that date. With respect to existing policies for which Form A agreements have been used, companies will be permitted to take credit for such reinsurance until the expiration date of the policies.

Companies concerned should take necessary action to rearrange their reinsurance to comply with these requirements.

(R.S. 161, as amended; 5 U.S.C. 301)

Dated: August 28, 1967.

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 67-10244; Filed, Aug. 30, 1967; 8:50 a.m.]

[Dept. Circ. 570, 1967 Rev., Supp. No. 3]

PROTECTIVE INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13). An underwriting limitation of $173,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated

Protective Insurance Co.
Indianapolis, Ind.
Indiana

Certificates of Authority expire on May 31 each year, unless sooner revoked, and new Certificates are issued on June 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of June 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: August 28, 1967.

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 67-10245; Filed, Aug. 30, 1967; 8:50 a.m.]

DEPARTMENT OF DEFENSE

Department of the Navy

ORGANIZATION STATEMENT

1. Section 7 of the Organization Statement of the Department of the Navy, published in the FEDERAL REGISTER of June 9, 1967, 32 F.R. 8305, is amended by revising paragraph (d) to read as follows:

SEC. 7 Bureaus and offices—* * *

(d) *Office of the Judge Advocate General.* (1) The Office of the Judge Advocate General, authorized by the act of June 8, 1880 (21 Stat. 164; 10 U.S.C. 5148), has cognizance of all major phases of military, administrative, and applied law listed below as are incident to the operation of the Naval Establishment. In substance, the organization consists of a Judge Advocate General, a Deputy and Assistant Judge Advocate General, an Assistant Judge Advocate General (International and Administrative Law), an Assistant Judge Advocate General (Personnel, Reserve and Planning), an Assistant Judge Advocate General (Military Justice), and 11 principal divisions designated as International Law, Admiralty, Civil Law, Administrative Law, Litigation and Claims, Military Personnel, Naval Reserve, Legal Assistance, Military Justice, Investigations, and Administrative Management. Within the several divisions are branches and sections performing specific functions embraced by the mission of the parent division. In addition to the divisions of the office, there are special assistants and the Boards of Review organized pursuant to article 66 of the Uniform Code

of Military Justice (10 U.S.C. 866). Activities under the command of the Judge Advocate General include the Navy Appellate Review Activity and the U.S. Navy—Marine Corps Judiciary Activity, U.S. Sending State Office, Italy, and U.S. Sending State Office, Australia.

(2) The position of the Deputy and Assistant Judge Advocate General is to be occupied by the officer serving in the statutory position of Assistant Judge Advocate General (10 U.S.C. 5149). He shall perform such duties as the Judge Advocate General may prescribe. When there is a vacancy in the office of Judge Advocate General, or during the absence or disability of the Judge Advocate General, the Deputy and Assistant Judge Advocate General, unless otherwise directed by the President, shall perform the duties of the Judge Advocate General until a successor is appointed or the absence or disability ceases. The Assistant Judge Advocate General (International and Administrative Law), the Assistant Judge Advocate General (Personnel, Reserve and Planning) and the Assistant Judge Advocate General (Military Justice) shall function within the fields of responsibility specified; shall perform such duties as may be prescribed by the Judge Advocate General; and shall be responsible to the Deputy and Assistant Judge Advocate General and the Judge Advocate General. When there is a vacancy in the office of Judge Advocate General, or during the absence or disability of the Judge Advocate General, and during the absence or disability of the Deputy and Assistant Judge Advocate General, the Assistant Judge Advocate General senior in military rank and available for such duty shall perform the duties of the Judge Advocate General, unless otherwise directed by the President.

(3) The main functions of the divisions of the Judge Advocate General's Office may be summarized as follows:

(i) *International law.* Providing advice on international legal problems to the Secretary of the Navy, the offices of the Chief of Naval Operations having cognizance over international matters, and the other Bureaus and Offices of the Navy Department, with primary emphasis upon the legal regimes of the sea, the laws of naval warfare, immigration and naturalization, aviation and space law, foreign military facilities, criminal jurisdiction matters, and foreign military assistance laws and regulations; maintaining liaison with Defense, State, Interior and other Departments and appropriate federal agencies, particularly with regard to negotiation of international agreements affecting military interests and the formulation of programs affecting international legal regimes of the sea; assisting in the drafting of international agreements and the development of subsidiary implementing arrangements; and rendering direct advice to field units on both criminal and civil law problems arising under base rights agreements and Status of Forces Agreements with many nations. In addition, the Division delivers periodic lectures to military attachés of all three services at the request of the Defense Intelligence Agency, publishes a biannual compilation of international agreements of interest to the Navy, and participates actively in civilian professional and educational organizations concerned with the rapidly developing law of the sea.

(ii) *Admiralty.* Principal function is the settlement of admiralty tort claims, both against and in favor of U.S. naval vessels; in addition, the Division handles claims filed against the Navy for salvage and towage services. The Division controls all phases of the processing of admiralty claims, including investigation, survey and settlement negotiations; the Division is assisted by trained admiralty officers stationed in most naval districts and in certain other commands. Where settlement cannot be effected and litigation ensues, the Division cooperates in preparing the cases for trial, and often in the trial itself. A further function is the preparation of waiver certificates designed to exempt naval vessels from the normal requirements of applicable Rules of the Road. The Division also furnishes opinions on miscellaneous topics of an admiralty nature as they arise. In connection with admiralty matters, the Division maintains liaison with the Department of Justice, Maritime Administration, Coast Guard, and other Governmental departments and agencies concerned with the administration of the navigation and shipping laws.

(iii) *Civil law.* The Division consists of three branches: Military Promotions and Retirements Branch, General Tax Branch, and the Income Tax Branch.

(a) The military promotions functions of the Military Promotions and Retirements Branch include examination of selection board precepts for the promotion, augmentation, appointment, and continuation of commissioned officers of the Navy and Marine Corps. The reports of such boards are reviewed for compliance with law and regulations. The Branch also examines nondisability retirements of members of the naval service prior to final action thereon by the President or the Secretary of the Navy. Likewise, the Branch reviews the records of proceedings in disability separation and retirement cases for legal sufficiency and compliance with applicable statutes and regulations prior to final determination by the Secretary of the Navy. The Judge Advocate General is authorized to take final action for the Secretary of the Navy in those physical disability cases specified in the Disability Separation Manual (NAVEXOS P–1990). In other such cases, the record of proceedings, together with the review thereof by the Judge Advocate General, is submitted to the Secretary of the Navy for his determination.

(b) The General Tax Branch has cognizance over matters pertaining to the taxation status of Federal instrumentalities within the Department of the Navy in relation to taxation by the various states and the applicability of various Federal taxes to those instrumentalities. The Branch furnishes advice and assistance to military personnel and their dependents regarding all Federal, state, and local tax problems other than income tax and social security. In this connection the Branch has cognizance over all cases involving the application of section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended (50 App. U.S.C. 574) to members of the naval service. Liaison is maintained with Federal and state officials charged with the assessment and collection of taxes. When litigation is necessary for the protection of a Governmental interest, this Branch prepares a memorandum of law for referral to the U.S. Department of Justice together with a brief of the factual situation. The Branch also has cognizance over matters pertaining to the application of customs laws to naval personnel.

(c) The Income Tax Branch is responsible for (1) the dissemination of information and advice on the responsibility of Navy and Marine Corps commands and nonappropriated fund activities, as employers, under social security laws and Federal, State, and local income tax laws; (2) furnishing advice to Navy and Marine Corps personnel and employees concerning their rights, obligations, and benefits under Federal, State and local income tax laws; and (3) maintaining liaison with taxing authorities concerning administration of income tax and social security tax laws (F.I.C.A.).

(iv) *Administrative law.* Concerned with the solution of problems of administrative law arising in the administration of the Naval Establishment.

(a) General Affairs Branch renders advice and prepares legal opinions on public law and regulations relating to the internal administration of the Naval Establishment, its officials and personnel, and relating to the relationship of the Department of the Navy and naval personnel to other Department of Defense components and to Federal, State, and local governmental agencies. Essentially, the branch serves as legal consultant to other activities within the Office of the Judge Advocate General and the Department of the Navy. The broad scope of the branch's work includes problems pertaining to the status of Navy and Marine Corps personnel, the authority and responsibility of officials, Reserve and training matters, jurisdictional and civil relations, statutory and administrative boards, dependents' and veterans' benefits, inter- and intra-governmental relationships and operations, and the preparation of Secretarial and Departmental correspondence relating to its fields.

(b) Civilian Employee Affairs Branch prepares opinions and correspondence on questions relating to the civilian branch of the Naval Establishment, nonappropriated fund instrumentalities under the jurisdiction of the Department of the Navy, quarters and rental housing for military and civilian personnel, the acceptance of gifts to the Navy, disposals of Navy property under 10 U.S.C. 7308 and other disposals of property as referred to the branch. Civilian security matters are also under the cognizance of this branch.

(c) Regulations Branch reviews, for legality and conformance with controlling directives, proposed new material for, and proposed changes in manuals and other regulatory publications of the Navy Department, its Bureaus, Offices, Commands and Headquarters Marine Corps; coordinates changes to the Manual of the Judge Advocate General; prepares, edits or reviews material for publication in the FEDERAL REGISTER, the Code of Federal Regulations, and the U.S. Government Organization Manual, and maintains liaison for these purposes with the Office of the Secretary of Defense and the Office of the Federal Register, General Services Administration; the director of the division and the head of the branch are the Federal Register Liaison and Certifying Officer and the Alternate Federal Register Liaison and Certifying Officer for the Department of the Navy.

(d) Finance Branch furnishes information, advice and guidance in the areas of (1) entitlement to military pay and allowances, (2) postretirement employment activities of retired naval personnel and (3) standards of conduct for naval personnel on active duty or actively employed. The Branch furnishes interpretations of the Dual Compensation Act of 1964, the various statutes relating to military pay and allowances and the statutes restricting selling activity on the part of retired Regular officers. Determinations are made concerning origin of retirement disabilities for purposes of the Dual Compensation Act of 1964.

(e) Legislative Comment Branch coordinates the action to be taken by the Judge Advocate General upon legislative items, Executive Orders, Proclamations and reports that are referred for comment and recommendation by the Chief of Legislative Affairs. The Branch also drafts legislation proposed by the Judge Advocate General for inclusion in the Department of Defense legislative program.

(v) *Litigation.* Has Navy Department responsibility for litigation, other than admiralty and contractual matters.

(a) One phase of this Division's work is assisting the Department of Justice in the preparation and defense of suits involving the Department of the Navy brought in U.S. District Courts. This includes defending tort suits, criminal prosecution of members of the Naval Establishment (uniformed and civilian), suits against officers and officials of the Naval Establishment for actions arising out of their official duties, habeas corpus, injunctions and mandamus. This Division also assists the Department of Justice in the defense of claims against the Government arising in the Department of the Navy and being litigated in the Court of Claims. In furtherance of this responsibility the Division obtains factual and technical information and assists in the preparation of the Government's legal position, including the preparation of legal briefs and memoranda. Additionally, the Division obtains witnesses and documentary evidence to be used in the trial of these cases. Close liaison is maintained at the working level with the Department of Justice, U.S. Attorneys in the field, all Bureaus and Offices in the Navy Department, and with the other divisions of the Judge Advocate General's Office.

(b) Another phase of this Division's work involves representing the Department of the Navy in its relations with State and local authorities by acting on requests by such authorities for the delivery of naval personnel (1) as witnesses in civil and criminal trials, (2) for prosecution of a criminal charge where such personnel are within the jurisdiction of the State desiring to prosecute, and (3) for prosecution of a criminal charge where such personnel are outside the jurisdiction of the State desiring to prosecute and extradition proceedings are necessary.

(c) In addition to producing the records and information necessary to the functions described in items (a) and (b), the Division, as the designee of the Secretary of the Navy, is charged with the responsibility for the release of Navy Department records and information therefrom either in response to court orders or in the absence thereof, as provided in the Manual of the Judge Advocate General, Chapter 13, Part III and U.S. Navy Regulations 1948 revised (cf. 32 CFR Part 701).

(d) Other duties of the Division include obtaining naval personnel and Navy civilian employees as witnesses pursuant to requests from the Department of Justice in cases not involving the Department of the Navy, processing applications for Presidential Pardons and maintaining liaison with the U.S. Pardon Attorney, arranging interviews of military and civilian personnel when such information or interview pertains to matters in litigation or may affect possible future litigation or is in connection with matters arising out of their official duties, accepting service of subpoenas or other civil process directed to the Secretary of the Navy or persons in the Naval Establishment in their official capacity, furnishing addresses of and answering inquiries regarding debts incurred by naval personnel; and collection and accounting connected with fees charged for supplying documents, records and information to certain nonexempt individuals (32 CFR 144.1–144.8).

(e) General Claims Branch formulates, supervises and coordinates Navy claims policies and procedures relating to the worldwide processing, adjudication or other disposition of administrative claims for and against the United States under the provisions of claims statutes and international agreements relating to the Department of the Navy. These include claims cognizable under the Military Claims Act (10 U.S.C. 2733), Foreign Claims Act (10 U.S.C. 2734, 31 U.S.C. 224d), Military Personnel Claims Act (10 U.S.C. 2732, 31 U.S.C. 222c), Federal Tort Claims Act (28 U.S.C. 2671–2680), the NATO Status of Forces Agreement (4 UST 1792) and similar international agreements; protects the interests of the Government by collecting monies due on property damage claims in favor of the United States in tort cases; makes recommendations to the Attorney General as to the advisability of instituting tort actions and assists together with the Litigation Division in the litigation of these actions; renders cooperation to the Department of Justice, including the furnishing of investigative reports and other documents to the U.S. Attorney in preparation of prosecution or defense of tort suits in favor of or against the United States, and makes recommendations as to compromise; proposes and comments on legislation and amendments to statutes and regulations relating to claims; and cooperates in conferences with other interested Government agencies within and outside the Department of the Navy on such matters.

(vi) *Military personnel.* Effects the assignment of law specialists to legal billets throughout the Naval Establishment according to (1) the needs of the service, (2) the professional needs and qualifications of the individual, and (3) wherever possible, the preference of the individual (10 U.S.C. 806(a)). Under the guidance of the Assistant Judge Advocate General (Personnel, Reserve and Planning), the Division plans the personnel posture of the law specialist in the Navy. This involves plans for procurement of new officers as well as the assignment of officer-lawyers currently available in such fashion as to render the greatest assistance to both the Operating Forces and the Shore Establishment. To this end, the Division maintains records and conducts studies regarding qualifications, training, assignment, and effective utilization of all law specialists.

The Division also has responsibility, in coordination with the Chief of Naval Personnel, for officer recruitment, development of allowances and complements, and special projects. In addition, the Military Personnel Division performs the normal functions of a military personnel office for the Office of the Judge Advocate General.

(vii) *Naval Reserve Phased Forces.* The Phased Forces Program provides qualified law specialists for active duty in time of national emergency or in time of war and at such other times as the national security may require to meet the requirements of the Navy in excess of those of the regular component. The Division provides the technical advice, training, and assistance in the administration of the Phased Forces Program to meet all mobilization requirements for law specialists. The Division prepares the technical training curricula and training guides for the Program and assists in the preparation of the Catalogue of Active Duty for Training. Liaison with comparable Reserve Programs in the Army, Air Force, Marine Corps, and Coast Guard is maintained to cross-service requests for special training. The Division monitors the sources of Reserve officer procurement. This requires processing requests from inactive duty officers for changes in designator and reviewing the professional qualifications

of lawyer applicants for the Direct Appointment Naval Reserve Law Specialist Commissioning Program. The Phased Forces Program consists of Law Companies composed of inactive duty Reserve lawyers located in most of the major metropolitan areas of the country.

The training of law specialists is accomplished through the media of lectures, correspondence courses, training films, special courses in naval justice, law seminars, conferences, and annual active training duty cruises of two weeks' duration. A continuous "on the job" training program is in operation in all major active duty legal offices throughout the establishment and in the Office of the Judge Advocate General.

(viii) *Legal assistance.* Supervises and coordinates legal assistance for members of the naval service and their dependents throughout the Naval Establishment in cooperation with national, state, and local bar associations and legal aid organizations with whom the Division maintains close liaison. It also maintains a local Legal Assistance Branch which provides legal assistance to members of the naval service and their dependents in the Washington area.

(ix) *Military justice.* Primarily assists in carrying out the functions assigned to the Office of the Judge Advocate General by the Uniform Code of Military Justice (10 U.S.C. 801 et seq.), including the supervision of the administration of military justice in the field and the survey of operations under the Code. There are three branches.

(a) Correspondence Branch answers inquiries with respect to specific court-martial cases; furnishes information to members of the Congress and interested parties; advises as to the current status of cases which have been received in the Office of the Judge Advocate General; solicits pertinent information from the field, when required. Prepares authorizations for the employment of expert witnesses in court-martial proceedings. Prepares orders instructing field authorities or Boards of Review to take action on court-martial cases in accordance with opinions of the Court of Military Appeals and decisions of the Boards of Review. Insures that all legal-administrative action is taken on officer court-martial cases after review pursuant to article 65, 66, or 69, UCMJ (10 U.S.C. 865, 866, 869), including the clemency review of all cases to determine whether the Judge Advocate General will recommend that the Secretary of the Navy reduce any portion of the sentence, and the accomplishment of final review pursuant to article 71(b), UCMJ (10 U.S.C. 871(b)), on cases involving officer dismissals. Prepares actions for the Secretary of the Navy designating new court-martial convening authorities in the implementation of articles 22, 23 and 24, UCMJ (10 U.S.C. 822, 823, 824); maintains a control file of letters issued by general court-martial authorities which designate commands under their jurisdiction as empowered to convene special and summary courts-martial. Prepares Secretarial replies to requests from field activities for permission to try by court-martial persons in the naval service who have been tried in a domestic or foreign court for the same act or acts. Prepares authorizations for the utilization of naval lawyers on courts-martial convened by the other armed services and for the utilization of lawyers of the other armed services on courts-martial convened at naval activities. Prepares actions remitting bad conduct discharges at the request of the Chief of Naval Personnel or the Commandant of the Marine Corps to permit execution of administrative discharges. Prepares actions for the exercise of clemency by the Secretary of the Navy and the Judge Advocate General pursuant to article 74, UCMJ (10 U.S.C. 874). Releases copies of court-martial records to persons properly entitled to receive them. Completes special research and statistical studies when the need arises for comparative facts or figures on particular phases of military justice.

(b) Advisory Legal Branch collects and studies trends and data derived primarily from records of trial with a view to making such recommendations to the Judge Advocate General as will promote a more orderly and effective administration of military justice in the naval service. Prepares opinions and recommendations on questions relating to military justice which arise within the Department of the Navy and its Reserve components, within other departments and agencies of the Federal Government, and within various state and local governmental bodies; also prepares correspondence in response to any legitimate request for information received from a civilian source outside the government establishment involving a question of military justice. Advises the Judge Advocate General with respect to pending legislation affecting military justice procedures; collects data for use in Congressional hearings and prepares witnesses' statements. Assists join service committees in revising the Manual for Courts-Martial. Revises and maintains in an up-to-date condition the Manual of the Judge Advocate General, Trial Guides, Instruction Guides, and other regulations affecting military justice. Disseminates to the field important Court of Military Appeals or Board of Review decisions affecting military justice procedures, in advance of regular changes to existing publications. Maintains liaison with the Naval Investigative Service regarding military justice matters. Acts on requests for Secretary of the Navy permission to try by court-martial Fleet Reservists and retired personnel and other persons no longer on active duty. Prepares replies to inquiries received directly from legal officers pursuant to article 6(b), UCMJ (10 U.S.C. 806(b)).

(c) Review Branch examines records of trial of general courts-martial pursuant to article 69, UCMJ (10 U.S.C. 869); such examination is a complete and thorough review of the proceedings as to errors of law and procedure as well as a determination of the sufficiency of the evidence to sustain the findings and sentence of the court. Reviews summary courts-martial and special courts-martial (not involving a bad conduct discharge) which have not been reviewed in the field by a law specialist in accordance with article 65(c), UCMJ (10 U.S.C. 865(c)). Resolves disagreements arising between officers having supervisory authority and their law specialists as to matters of law in summary courts-martial or special courts-martial not involving a bad conduct discharge. Advises the Judge Advocate General in the exercise of his "certification" power under article 67(b)(2), UCMJ (10 U.S.C. 867(b)(2)), by examining cases decided by Boards of Review to determine whether the decisions present a question of law which is deemed worthy of consideration by the Court of Military Appeals. Reviews and makes recommendations to the Judge Advocate General for the publication in the Court-Martial Reports of selected Board of Review decisions for the information of those concerned with the administration of military justice. Examines reports of proceedings to vacate the suspension of sentences previously adjudged by general courts-martial and by special courts-martial involving a bad conduct discharge. Has cognizance of petitions for new trials filed with the Judge Advocate General under article 73, UCMJ (10 U.S.C. 873), and paragraph 109, MCM, 1951. Based on recommendations of the Boards of Review that the Judge Advocate General exercise clemency in certain cases, reviews the cases and any available information concerning the conduct of the accused to determine whether clemency action should be recommended to the Judge Advocate General or whether the Boards' recommendations should be forwarded to the Naval Clemency Board for consideration. Reviews complaints of wrongs under article 138, UCMJ (10 U.S.C. 938). Reviews appeals from nonjudicial punishment addressed to the Secretary of the Navy and the Chief of Naval Operations, upon request. Reviews recommendations to the Judge Advocate General under section 0135, Manual of the Judge Advocate General, to suspend persons from acting as counsel before courts-martial.

(x) *Investigations.* Reviews for legal sufficiency the records of proceedings of investigations and courts of inquiry. Disseminates the records to pertinent offices and bureaus of the Department of the Navy. Prepares appointing orders for fact-finding bodies convened by the Secretary of the Navy. Prepares opinions on the legality of proceedings of fact-finding bodies, and initiates action to correct legal and procedural errors or omissions in investigative matters. Maintains liaison with the Veterans' Administration for the purpose of furnishing information which it requests regarding injuries or deaths to naval personnel in order to determine eligibility for pension benefits. Prepares opinions on "line of duty" and "misconduct" status of naval personnel injured in noncombat incidents. Prepares answers to inquiries from Members of Congress, next of kin, attorneys, insurance companies and

others relating to investigations and courts of inquiry.

(xi) *Administrative management.* Handles all matters relative to employment, management, and administration of civilian personnel for the Office; maintains complete budget program for the Office including the Office of the Judge Advocate General subhead of the Department of Defense Claims appropriation; administers the legal publications program for the Office and for law specialists throughout the Navy; maintains the law library including legislative reference services; organizes opinions originating in the Office of the Judge Advocate General; prepares digests for publication; maintains mail, records, supply and management functions, including office security, civilian personnel security clearances, and work measurement and statistics.

(4) The Navy Appellate Review Activity, located at the Washington Navy Yard, under an officer in charge, is assigned to the Judge Advocate General for command and principal support. The Activity consists of the Appellate Defense Division, Appellate Government Division, Boards of Review, Courts-Martial Records Branch and the Fiduciary Affairs Division. The officers (law specialists) assigned to Appellate Defense perform the statutory functions of appellate defense counsel for accused before Boards of Review and the Court of Military Appeals (10 U.S.C. 870). Appellate Government Division represents the United States, when directed, before Boards of Review and the Court of Military Appeals. The four Boards of Review, organized pursuant to article 66 of the Uniform Code of Military Justice (10 U.S.C. 866), are the principal part of the Activity. Court-Martial Records Branch is responsible for receipt and control of court-martial records, promulgating decisions and interlocutory orders of Boards of Review and the Court of Military Appeals and recording statistical data with respect to each case. Fiduciary Affairs Division has cognizance over cases involving the establishment and administration of trusteeships over Navy pay of mentally incompetent retired naval personnel.

(5) The U.S. Navy-Marine Corps Judiciary Activity, established by the Secretary of the Navy on May 9, 1962, is a separate field activity under a director. The Judiciary Activity is assigned to the Judge Advocate General for command. It consists of the Washington home office and eight branch offices. The Washington home office is assigned to the Judge Advocate General for primary support whereas the branch offices are assigned to the District Commandant, Area Coordinator or Commanding General for administrative support. The mission of the Activity is to provide, on a world-wide basis, all general courts-martial convened in the Naval Establishment with specially qualified and specifically designated Navy and Marine Corps law officers (military judges) and to perform such other functions as directed by the Judge Advocate General.

2. Section 13 is amended by revising the address of the Office of Naval Petroleum and Oil Shale Reserves to read as follows:

SEC. 13. *Addresses.* * * *

Director, Office of Naval Petroleum and Oil Shale Reserves, Munitions Building, 20th Street and Constitution Avenue NW., Washington, D.C. 20360, Phone Oxford 6-8966 during office hours; Oxford 5-3667 during nonoffice hours.

(Secs. 301, 552, 80 Stat. 379, 383 (Pub. L. 90-23, 81 Stat. 54, effective July 4, 1967); 5 U.S.C. 301, 552.)

By direction of the Secretary of the Navy.

Dated: August 24, 1967.

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy,
Judge Advocate General.

[F.R. Doc. 67-10185; Filed, Aug. 30, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the list (32 F.R. 11343) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock is hereby amended as follows:

The reference to sheep with respect to Silver Falls Packing Co., Inc., establishment 153 is deleted. The reference to cattle with respect to Triolo Bros., establishment 706 is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
B. Rothschild & Co.	506	(*)					
Marysville Meat Packing Co.	533	(*)	(*)				
Oscar Mayer & Co.	537-B					(*)	
Price Bros. of Delaware	835	(*)	(*)			(*)	
Colonial Packing Co.	1962					(*)	
New establishments reported: 5.							
Armour & Co.	2SA				(*)		
Swift & Co.	3AN			(*)			
Pauly Packing Co., Inc.	10		(*)				
Hygrade Food Products Corp.	12FW		(*)				
Roegelein Provision Co.	32A		(*)				
Valleydale Packers, Inc.	34			(*)			
Idaho Meat Packers	46		(*)	(*)			
Gooch Packing Co., Inc.	61		(*)			(*)	
Auburn University Meat Laboratory	71			(*)			
Miller Packing Co., Inc.	76			(*)			
Swift & Co.	166-A				(*)		
Watkins Packing Co.	200					(*)	
Heinz's Riverside Abbatoir, Inc.	210		(*)				
San Angelo Packing Co.	281		(*)				
Solano Meat Co.	285		(*)				
Melton Provision Co.	311		(*)				
Austin's Packing Co.	317		(*)			(*)	
Peters Packing Co., Inc.	341			(*)			
Montebello Meat Packing Co.	364			(*)			
Eckert Packing Co.	471					(*)	
Memphis Butchers Association, Inc.	488			(*)	(*)		
Capitol Packing Co.	513		(*)				
The Cudahy Co.	559		(*)				
San Antonio Packing Co.	602		(*)				
Western Meat Packers Inc.	662		(*)				
Silver State Beef Co.	692		(*)				
Jordan Meat and Livestock Co., Inc.	858				(*)		
Sigman Meat Co., Inc.	901		(*)				
Species added: 32.							

Done at Washington, D.C., this 25th day of August 1967.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 67-10219; Filed, Aug. 30, 1967; 8:48 a.m.]

Office of the Secretary

NORTH DAKOTA

Designation of Area for Emergency Loans

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

NORTH DAKOTA

Stutsman.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of August 1967.

[SEAL] ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-10253; Filed, Aug. 30, 1967; 8:51 a.m.]

TEXAS

Designation of Areas for Emergency Loans

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

TEXAS

Atascosa.	Kimble.
Bandera.	Kinney.
Bexar.	Lamar.
Blanco.	La Salle.
Bowie.	Llano.
Burnet.	Mason.
Camp.	Maverick.
Collin.	McMullen.
Comal.	Medina.
Crockett.	Navarro.
Dallas.	Real.
Delta.	Red River.
Dimmit.	Rockwall.
Edwards.	Schleicher.
Fannin.	Sutton.
Franklin.	Terrell.
Frio.	Titus.
Gillespie.	Upshur.
Grayson.	Uvalde.
Guadalupe.	Val Verde.
Hunt.	Wilson.
Kendall.	Wood.
Kerr.	Zavala.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of August 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-10254; Filed, Aug. 30, 1967; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Redelegation of Authority to District Managers

AUGUST 25, 1967.

1. Pursuant to sections 1.1(a) and 3.9(o)(3), Bureau Order No. 701 of July 23, 1964, as amended, each California District Manager, within his area of jurisdiction in the State of California, may take all action on special land-use permits for lands outside established grazing and forest districts under 43 CFR 2236.

2. The authority delegated in paragraph 1 may not be redelegated and shall become effective immediately upon publication in the FEDERAL REGISTER.

J. R. PENNY,
State Director.

[F.R. Doc. 67-10204; Filed, Aug. 30, 1967; 8:47 a.m.]

ALASKA

Notice of Reopening of Fairbanks District and Land Office

AUGUST 25, 1967.

Notice is hereby given that the Fairbanks District and Land Office, Bureau of Land Management, will be reopened for business on September 11, 1967. The office was temporarily closed effective 4 p.m., August 14, 1967 by order dated August 17 and published in 32 F.R. 12194 dated August 24, 1967.

Applications received between the time the office was closed and 10 a.m., September 11, 1967, will be considered as filed at 10 a.m., September 11, 1967. Payments or other documents that were due during the period of closure will be considered timely filed if received on or before September 11, 1967.

Personnel of the District and Land Office will be available to give information and assistance beginning August 28, 1967.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 67-10205; Filed, Aug. 30, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

DEPARTMENT OF AGRICULTURE, AGRICULTURAL RESEARCH SERVICE

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

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

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

Docket No. 67-00018-01-11000. Applicant: U.S. Department of Agriculture, Agricultural Research Services, Eastern Utilization Research and Development Division, South Agriculture Building, Washington, D.C. 20250. Article: Combined Gas Chromatograph-Mass Spectrometer comprising: Analyzer unit model LKB 9001, Control unit model LKB 9002, Transformer model LKB 9065 with both foreign and domestically manufactured parts and accessories. Manufacturer: LKB Produkter AB, Sweden as the major manufacturer and domestic manufacturers Varian Associates Ind., and Consolidated Electrodynamic Corp. as suppliers for some parts. Intended use of article: Separation and identification of flavor compounds isolated in microgram quantities for dairy products. Comments: No comments were received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: Section 602.1(e) of the regulations issued pursuant to the Educational, Scientific and Cultural Materials Importation Act of 1966 (80 Stat. 897) provides:

> The determination of scientific equivalency between a foreign instrument and a domestic instrument shall be based on comparisons of the pertinent characteristics and pertinent specification of the foreign instrument with the similar pertinent characteristics and pertinent specifications of the domestic instrument. If such comparisons show that at least one domestic instrument or a *reasonable combination of domestic instruments* does possess all of the pertinent characteristics and pertinent specifications of the foreign instrument, the Administrator shall find that scientific equivalency does exist.

The italic phrase, "reasonable combination of domestic instruments," was intended to be construed in a reasonably narrow manner to include only combinations which would under normal commercial practice and usage generally be considered as a unit. The phrase is narrowly construed because the operative language of the statute and the explanatory language of the Committee Reports both speak in terms of comparisons of single instruments with other single instruments. Thus, item 851.60 of schedule 8, part 4 of the Tariff Schedules prescribes the test "if no/domestic/instrument or apparatus of equivalent scientific value is being manufactured in the United States." Similarly, the Committee Reports speak in terms of "a" domestic article and "a" domestic instrument or apparatus (H. Rept. No. 1779, House Committee on Ways and Means, 89th Cong., 2d sess., p. 18, and S. Rept. No. 1678, 89th Cong., 2d sess., p. 12).

The foreign article is a unit which combines the functions of a gas chromatograph, a mass spectrometer and a separating device. At the time the applicant placed his order for the foreign article, there were no domestic manufacturers offering to supply a comparable unit in which the three functions were integrated. The application indicates that, in response to an invitation to bid from the applicant, the Bendix Corporation offered to furnish its Model 3012 mass spectrometer and a gas chromatograph Model 5751A manufactured by the F&M Scientific Division of Hewlett-Packard Co.; and that Consolidated Electrodynamic Corp. (CEC) offered its Type 21-104 mass spectrometer and a gas chromatograph Model 700-02, likewise manufactured by the said F&M Division. (See reply to question 10 of application.) CEC offered to supply a Biemann-Watson separating device.

The Department of Health, Education, and Welfare (HEW) has advised that the "alternatives proposed by Bendix Corp. and by CEC have not been designed and tested as single units" (HEW memorandum, dated June 1, 1967). Since no domestic manufacturer has submitted comments in this case, no contention has been made, or evidence submitted to support a contention that either of the combinations offered by Bendix Corp. or by CEC would under normal commercial practice and usage generally be considered as a unit. We are not otherwise aware of any evidence which would support such a finding. Accordingly, we find that the several instruments offered by each of the manufacturers named above are not eligible for comparison of the foreign article as a "reasonable combination" in accordance with the applicable provision of the regulations set forth above.

Neither of the combinations of instruments offered by Bendix Corp. and CEC is scientifically equivalent to the foreign article for the purposes for which the article is intended to be used. The foreign article incorporates a Becker Ryhage separating device. While the National Bureau of Standards advises that, with respect to this device, "data sufficiently complete and reliable to permit a valid conclusion as to the precise relative capabilities of the competing instruments do not exist" (NBS memorandum dated July 6, 1967, par. 5), HEW advises that "the jet-type carrier gas separation system in the LKB apparatus is unique and is generally considered by authorities in the field to be the most effective separator available. The efficiency of the separator largely determines the effectiveness of the Mass spectrometer and the alternatives proposed by domestic manufacturers are not equivalent in this scientific specification."

Thus, on the basis of the evidence available in this case, we find that the separator system is a pertinent characteristic of the article, and that the devices offered by the domestic manufacturers named above are not of equivalent scientific value for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus which is of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used and which is being manufactured in the United States.

THOMAS Z. CORLESS,
Acting Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-10179; Filed, Aug. 30, 1967; 8:45 a.m.]

BOYCE THOMPSON INSTITUTE FOR PLANT RESEARCH

Amendment to Notice of Application for Duty-Free Entry of Scientific Article

The following notice of application published in Volume 32, Number 107 of the FEDERAL REGISTER (Saturday, June 3, 1967), pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897), is hereby amended by adding the words enclosed in brackets to the description of the article:

Docket No. 67-00091-60-28600. Applicant: Boyce Thompson Institute for Plant Research, 1086 North Broadway, Yonkers, N.Y. 10701. Article: [Controlled environment plant growth cabinets (4) PCW18—modified.] Manufacturer: Controlled Environments, Ltd., Winnipeg, Canada. Intended use of article: Applicant states:

Air pollutants can have serious effects on vegetation and on animals consuming polluted vegetation. Since plant response varies with environmental conditions, studies designed to determine the pollutant concentration at which the injury occurs must take climatic conditions into account. The controlled environmental chambers we are purchasing are specially designed so that plants may be exposed to air pollutants under controlled conditions of light, temperature, humidity, and air flow.

Application received by Commissioner of Customs: May 24, 1967.

THOMAS Z. CORLESS,
Acting Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-10180; Filed, Aug. 30, 1967; 8:45 a.m.]

UNIVERSITY OF PENNSYLVANIA, SCHOOL OF DENTAL MEDICINE

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

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

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

Docket No. 67-00030-33-46040. Applicant: University of Pennsylvania, School of Dental Medicine, 4001 Spruce Street, Philadelphia, Pa. 19104. Article: Electron Microscope, Model Norelco EM-300. Manufacturer: Philips Electronic Instrument Co., The Netherlands. Intended use of article: This article is required to continue and expand work being presently carried out in the field or periodontology and related aspects of oral biology. Studies include investigation of normal fine structure of periodontal tissues and will be expanded to cover pathologically created alternations. Both soft and mineralized tissues will be examined.

Comments: Comments were received from one domestic manufacturer, Radio Corporation of America (RCA) which alleges inter alia that "The RCA model EMU-4 Electron Microscope with the following accessories (Cold and Anti-contamination Stage and Low Magnification Projector Pole Piece) is of equivalent scientific value to the instrument for which the instrument is intended to be used." Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a guaranteed resolution of 5 Angstroms (specification sheet for Norelco, model EM-300 attached to application), whereas the RCA model EMU-4 provides a guaranteed resolution of 8 Angstroms (par. (4) of RCA comments). (The lower the numerical rating in terms of Angstroms the better the resolving power.) The theoretical resolving power of the foreign article and the domestic instrument are not pertinent because these are obtained under certain restrictive conditions. Only the day-to-day operational characteristics under conditions customarily encountered in a laboratory are considered pertinent. We are advised by the National Bureau of Standards (memorandum dated July 27, 1967), that in view of the applicant's objective to extend observations to the finest structure observable, the greater resolving power of the foreign article is pertinent. (2) In dark field studies of dental tissue for which the applicant intends to use the foreign article, the beam tilt device for allowing high resolutions to be achieved is a pertinent characteristic.

We are advised by the National Institutes of Health (memorandum dated June 27, 1967), that the foreign article has a more accurate beam tilt with a much wider angle than the RCA Model EMU-4. For the foregoing reasons, we find that the RCA model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

THOMAS Z. CORLESS,
Acting Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-10181; Filed, Aug. 30, 1967; 8:45 a.m.]

VETERANS ADMINISTRATION HOSPITAL

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

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

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

Docket No. 67–00024–33–46500. Applicant: Veterans Administration Hospital, 5901 East Seventh Street, Long Beach, Calif. 90804. Article: Microtome-Thermal Advance Ultramicrotome, model SIDEA "Om U2" Manufacturer: C. Reichert Optische Werke A. G., Austria. Intended use of article: Applicant states:

> Prepare ultrathin single and serial sections continuously variable from 0 to 10,000 [Angstroms] by means of thermal advance for electron and light microscopy.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) We note that one domestic manufacturer, Ivan Sorvall, Inc. (Sorvall), offered an ultramicrotome in response to the applicant's invitation to bid. (See page 2 of letter from applicant dated May 9, 1967, which furnished additional information as part of the application.) The only known domestic instrument comparable to the foreign article is the Sorvall Model MT–2 described in the company's catalogue for the Sorvall "Porter-Blum" MT–1 and MT–2 Ultra-Microtomes, Ivan Sorvall, Inc., Norwalk, Conn., 1966. One of the applicant's reasons for rejecting the bid of Sorvall was that the domestic instrument is equipped only with a mechanical feed, whereas the foreign article employs a thermal feed (letter from applicant cited above, page 2). We are advised by the Department of Health, Education, and Welfare (HEW) that both theoretically and in actual practice the thermal advance mechanism gives superior performance over the mechanical advance method of cutting thin sections. (See memorandum from HEW dated June 26, 1967.) HEW further advises that the consistently higher quality of the thin sections obtained from thermal advance microtomes, in comparison with domestically manufactured mechanical advance ultramicrotomes, would be of substantially greater scientific value for uses identified by the applicant. (2) Another reason given by the applicant for rejecting the Sorvall bid, is that the cutting range of the domestic instrument is from 100 Angstroms (one Angstrom equals 1 one-hundred millionth of a centimeter) to 4 microns. (Letter from applicant cited above). The foreign article has a cutting range which is continuously variable from 1 Angstrom to 200 millimicrons. (See pages 6 and 7 of Catalogue describing the Reichert Model "Om U2" Ultra-Microtome, C. Reichert Optische Werke A.G., Vienna, Austria, 1966.) The minimum specification for the cutting range (referred to as the "thin-sectioning capability" of the ultramicrotome) is pertinent because the thinner the cross section of the specimen the more it is possible to take full advantage of the resolving power and other capabilities of the electron microscope for which the specimens are being prepared.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

THOMAS Z. CORLESS,
Acting Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67–10182; Filed, Aug. 30, 1967; 8:45 a.m.]

UNIVERSITY OF WASHINGTON PURCHASING DEPARTMENT

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

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

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

Docket No.: 67–00074–00–46040. Applicant: University of Washington, Purchasing Department, 9917 University Way NE., Seattle, Wash. 98105. Article: Beam Deflecting attachment, model JEM–ABD. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The beam deflecting attachment will be used to obtain high resolution dark field images when used in conjunction with a JEM–7 electron microscope. The electron microscope will be used for scientific and research purposes in connection with the Department of Mineral Engineering of the University of Washington. Comments: No comments were received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purpose for which such article is intended to be used, is being manufactured in the United States. Reasons: The article is an accessory to a JEM–7 electron microscope, which is manufactured only by the manufacturer of the electron microscope. The National Bureau of Standards advises (memorandum dated July 12, 1967), that similar accessories made for other than the JEM–7 electron microscope are not interchangeable with the foreign article. We know of no domestic manufacturer which makes an accessory such as the foreign article, which is designed to fit the JEM–7 electron microscope.

THOMAS Z. CORLESS,
Acting Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67–10183; Filed, Aug. 30, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MOBIL CHEMICAL CO.

Notice of Filing 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)), notice is given that a petition (PP 8F0633) has been filed by Mobil Chemical Co., 150 East 42d Street, New York, N.Y. 10017, proposing the establishment of tolerances for combined residues of the insecticide 4-benzothienyl *N*-methyl carbamate and its metabolite 4-hydroxybenzothiophene, calculated as the insecticide, in or on corn in ear form, corn fodder and forage, and cottonseed at 0.1 part per million.

The analytical methods proposed in the petition are (1) methods based on hydrolysis to yield 4-hydroxybenzothiophene that is coupled with *p*-nitrobenzenediazonium fluoborate and determined spectrophotometrically at 530 millimicrons, and (2) a microcoulometric gas chromatographic technique with a sulfur titration cell.

Dated: August 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–10239; Filed, Aug. 30, 1967; 8:49 a.m.]

Office of Education

CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Acceptance for Filing Application for Federal Financial Assistance

Notice is hereby given that effective with this publication the following described applications for Federal financial

assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

Community Television of Southern California, 1313 North Vine Street, Los Angeles, Calif., File No. 208, for the establishment of a new noncommercial educational television station on Channel 58, Los Angeles, Calif.

State Board of Education, State of Rhode Island and Providence Plantations, Roger Williams Building, Providence, R.I., File No. 209, to improve the facilities of noncommercial educational television station WSBE, on Channel 36, Providence, R.I.

Any interested person may, pursuant to 45 CFR 60.8 within 30 calendar days from the date of this publication, file comments regarding the above applications with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C. 20202.

(76 Stat. 64; 47 U.S.C. 390)

RAYMOND J. STANLEY,
Chief, Educational Television Facilities Branch, U.S. Office of Education.

[F.R. Doc. 67-10228; Filed, Aug. 30, 1967; 8:49 a.m.]

CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Acceptance for Filing Application for Federal Financial Assistance

Notice is hereby given that effective with this publication the following described application for Federal financial assistance in the construction of noncommercial educational television broadcast facilities is accepted for filing in accordance with 45 CFR 60.7:

Evansville Vanderburgh School Corp., Evansville, Ind., File No. 210, for the establishment of a new noncommercial educational television station on Channel 9, Evansville, Ind.

Any interested person may, pursuant to 45 CFR 60.8 within 30 calendar days from the date of this publication, file comments regarding the above application with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C. 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Chief, Educational Television Facilities Branch, U.S. Office of Education.

[F.R. Doc. 67-10229; Filed, Aug. 30, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-302, 50-303]

FLORIDA POWER CORP.

Notice of Receipt of Application for Construction Permits and Facility Licenses

Florida Power Corp., 101 Fifth Street South, Post Office Box 14042, St. Petersburg, Fla. 33733, has filed an application, dated August 9, 1967, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, for authorization to construct and operate two pressurized water nuclear power reactors at its site on the Gulf of Mexico, 70 miles north of Tampa, Fla., and 7½ miles northwest of Crystal River, Citrus County, Fla.

The proposed nuclear power plants, designated by the applicant as the Crystal River Units 3 and 4 Nuclear Generating Plant, are each designed for initial operation at approximately 2452 megawatts thermal with a gross electrical output of approximately 855 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 24th day of August, 1967.

For the Atomic Energy Commission.

D. J. SKOVHOLT,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 67-10178; Filed, Aug. 30, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18611; Order No. E-25602]

WINGS & WHEELS EXPRESS, INC., AND AIR EXPRESS INTERNATIONAL CORP.

Application for Approval of Control and Interlocking Relationships; Order Granting Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of August 1967.

By joint application filed June 1, 1967, as amended July 28, 1967, Wings & Wheels Express, Inc., and Air Express International Corp. (AEI) request the Board to approve, without a hearing, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), the acquisition, by a wholly owned subsidiary of Wings & Wheels,[1] of all the assets and business of AEI, subject to all its liabilities. Approval is also requested, pursuant to section 409 of the Act, of the following interlocking relationships of various individuals with the corporate applicants and their subsidiaries.

Name	Wings and wheels	Burrowsway [1]	AEI
E. L. Richter	President, Treas.	Same	Same.
A. F. Beitel	Director		Director.

[1] Burrowsway is a passenger travel agency. Control and interlocking relationships between it and Wings and Wheels were approved by Order E-18615, July 19, 1962, Docket 13693.

[1] The name of this subsidiary will be Air Express International Corp. To avoid confusion, at the AEI stockholders meeting at which a vote will be taken on the subject agreement, the stockholders also will be asked to vote to change AEI's name to Air Shipping, Inc.

AEI owns the following subsidiaries:

	Activity
Air Express International Agency (France).	IATA agent.
Air Express International Enterprises, Ltd.	Holding Co.
Air Express International (HK), Ltd.	IATA agent.
Air Express International, G.m.b.H.	IATA agent.
Air Express International (Belgium), S.A.	IATA agent.
Air Express International Agency, Inc.	IATA agent.
Surface Freight Corp.	Shippers agent.
AEI Travel Service, Inc.	Travel agency.

Control and interlocking relationships involving AEI and the five IATA cargo sales agents and the travel agency were approved in Order E-21931, March 22, 1965. Jurisdiction was not asserted over AEI Enterprises, Ltd., since its only function is to hold the stock of AEI (HK), Ltd. Finally, Surface Freight Corp. as a shippers agent is not engaged in activities which make the company subject to sections 408 or 409 of the Act; therefore jurisdiction will not be asserted over that company.

Wings & Wheels holds domestic air freight forwarder authority while AEI holds both domestic and international air freight forwarder authorizations.

The "Reorganization Agreement and Plan" submitted by the applicants provides that the stockholders of Wings & Wheels and AEI agree that the former will establish a wholly owned corporate subsidiary and issue to it the amount of Wings & Wheels stock necessary to complete the transaction. The subsidiary will acquire all the assets and liabilities of AEI in exchange for Wings & Wheels stock it holds. AEI will be dissolved and the Wings & Wheels stock held by it will be distributed to its stockholders on surrender of their AEI stock. The ratio of exchange for each of the various classes of AEI securities is five shares of common for three shares of Wings & Wheels common, share for share of the preferred stock of each company and assumption by the subsidiary of the debt represented by AEI's outstanding notes and convertible debentures, with eventual conversion of the latter into Wings & Wheels' common stock at the same five for three ratio.

AEI will surrender for cancellation its domestic air freight forwarder authority. As a result of the transaction, the international authority now in the name of AEI, will be surrendered and Wings & Wheels' subsidiary will apply for international air freight forwarder authority.

Applicants stated that, as the Board noted in its previous order authorizing management control by Wings & Wheels, AEI is in a serious financial plight.[2] According to the applicants, the acquisition will result in a company which is better financed and able than is AEI to operate as an international air freight forwarder. Thus, applicants contend the public interest will not be adversely affected. Finally, it is contended that no

[2] Order E-24825, Mar. 7, 1967, Docket 18170.

other air carrier will be injured and that the transaction will not create a monopoly of restrain competition.

No adverse comments or requests for a hearing have been filed with the Board.

Upon consideration of the application, we find that the applicants are both air carriers within the meaning of section 408 of the Act and that the acquisition of control of AEI by Wings & Wheels is subject to that section. The Board has concluded tentatively that such acquisition does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. No person disclosing a substantial interest in this proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing.

The acquisition should result in the establishment of an international air freight forwarder better financed than is AEI. This should benefit the shipping public by making available improved service.

Therefore, the Board tentatively finds that the transaction should be approved without hearing under the provisions of section 408(b) of the Act. In accordance herewith, this order, constituting notice of the Board's tentative findings and conclusions, will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.[2]

We also find that the interlocking relationships within the scope of section 409(a) of the Act will result from the transaction described herein. However, upon final approval of the acquisition, such relationships would come within the scope of the exemption from section 409 afforded by section 287.2 of the Board's Economic Regulations. Thus, to the extent that the application requests approval of such relationships, it will be dismissed.

Accordingly, it is ordered:

1. That interested parties are hereby afforded a period of 10 days within which to file comments or request a hearing with respect to the Board's proposed action on the application in Docket 18611; [2] and

2. That the Attorney General of the United States be furnished a copy of this order within 1 day of its publication.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 67-10241; Filed, Aug. 30, 1967; 8:50 a.m.]

[1] The exemption granted to Wings & Wheels by Order E-24825 will continue in force pending final order in this proceeding.

[2] Such comments shall conform to the Board's rules of practice for the filing of comments. Since an opportunity is afforded for the filing of comments, petitions for reconsideration of this order will not be entertained.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 124]

JOHN C. RODGERS & CO., INC.

Revocation of License

Whereas, John C. Rodgers & Co., Inc., 500 Walnut Street, Philadelphia, Pa. 19106, has ceased to operate as an independent ocean freight forwarder; and

Whereas, John C. Rodgers & Co., Inc., has returned its Independent Ocean Freight Forwarder License No. 124 to the Commission for cancellation.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (revised), section 6.03;

It is ordered, That the Independent Ocean Freight Forwarder License No. 124 of John C. Rodgers & Co., Inc., be and is hereby revoked, effective August 23, 1967.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-10247; Filed, Aug. 30, 1967; 8:50 a.m.]

AMERICAN & AUSTRALIAN STEAMSHIP LINE AND SEATRAIN LINES, INC.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Joseph Hodgson, Jr., Central Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J. 07020.

Agreement 9653, between the American & Australian Steamship Line and Seatrain Lines, Inc., establishes a through billing arrangement for the movement of general cargo from Puerto Rico to ports in Australia, including Tasmania, and the various South Seas Islands enumerated therein, with transshipment at the port of New York, N.Y., in accordance with the terms set forth in the agreement.

Dated: August 25, 1967.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 67-10246; Filed, Aug. 30, 1967; 8:50 a.m.]

A/B ATLANTTRAFIK ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Elmer C. Maddy, Esq., Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y. 10005.

Agreement 9654, between A/B Atlanttrafik, Blue Star Line, Ltd., Columbus Line, Ellerman Lines, Ltd., and Port Lines, Ltd., provides for the pooling of all cargo carried by the parties in the range from Freemantle to Cairns, Australia (including Tasmania), to Gulf, Atlantic, and Great Lakes ports of the United States, Puerto Rico, Virgin Islands, Mexican Gulf, and Canadian Atlantic ports on the following basis: A/B Atlanttrafik, 23.2 percent; Blue Star, 24.6 percent; Columbus, 21 percent; Ellerman, 16.7 percent; and Port Line, 14.5 percent.

By the terms of the Agreement, it is the intention of all the lines to carry their proportionate shares in terms of "pool units" of 40 cubic feet each. Supplementing these objectives are appropriate provisions reflecting agreement (a) on penalties for over and undercarriage; (b) accounting; (c) sharing of expenses; (d) term of the agreement; and (e) withdrawals and admissions. The parties also intend that a committee, based in London, be established to supervise the operation of the pool, and that another "co-ordinating" committee be organized in Sydney to "co-ordinate

loading and discharging programmes to ensure that cargo forecasts are accurately matched to tonnage berthed with its most economic use."

Dated: August 25, 1967.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 67-10248, Filed, Aug. 30, 1967; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

DYNA RAY CORP.

Order Suspending Trading

AUGUST 25, 1967.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 27, 1967, through September 5, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-10207; Filed, Aug. 30, 1967; 8:47 a.m.]

INTERAMERICAN INDUSTRIES, LTD.

Order Suspending Trading

AUGUST 25, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the capital stock of Interamerican Industries, Ltd., Calgary, Alberta, Canada, being traded in the United States otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the United States in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 27, 1967, through September 5, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-10208; Filed, Aug. 30, 1967; 8:47 a.m.]

[File No. 1-1277]

PENROSE INDUSTRIES CORP.

Order Suspending Trading

AUGUST 25, 1967.

The common stock $2 par value, of Penrose Industries Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the 5 percent cumulative convertible preferred stock, $20 par value of Penrose Industries Corp., being traded otherwise than on a national securities exchange; and

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

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 27, 1967, through September 5, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-10209; Filed, Aug. 30, 1967, 8:47 a.m.]

[812-2165]

STATE STREET INVESTMENT CORP.

Notice of Filing of Application for an Order Exemption From Sale by an Open-End Company of Its Securities at Other Than the Public Offering Price

AUGUST 25, 1967.

Notice is hereby given that State Street Investment Corp. ("Applicant"), 225 Franklin Street, Boston, Mass. 02110, a Massachusetts corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all of the assets of Allmac, Inc. ("Allmac"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Allmac, an Oregon corporation, is a personal holding company all of whose outstanding stock is owned of record and beneficially by two individuals and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Applicant and Allmac, assets owned by Allmac with a value of approximately $224,539 on July 24, 1967, will be transferred to Applicant in exchange for shares of its capital stock.

The number of shares of Applicant to be issued to Allmac is to be determined by dividing the aggregate market value (subject to certain adjustments set forth in the application) of the assets of Allmac to be transferred to Applicant by the net asset value (similarly adjusted of Applicant, both to be determined as of the valuation time) as defined in the agreement. If the valuation in the agreement had taken place on July 24, 1967, Allmac would have received 4,203 shares of Applicant's stock.

When received by Allmac, the shares of Applicant are to be distributed to the Allmac shareholders on the liquidation of Allmac. Applicant has been advised by the management of Allmac that the stockholders of Allmac do not have any present intention of redeeming or otherwise transferring the shares of Applicant to be received on such liquidation following the sale of assets transaction. Applicant does presently intend to sell a portion of the securities acquired from Allmac subsequent to their acquisition as set out in the application.

No affiliation exists between Allmac or its officers or directors and the agreement was negotiated at arm's-length by the two companies. The Board of Directors of Applicant approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an 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.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with established practice of the Commission, is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 13, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary,

Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-10210; Filed, Aug. 30, 1967; 8:47 a.m.]

[812-2168]

STAUFFER OVERSEAS CAPITAL CORP.

Notice of Filing of Application for Order Exempting Company From All Provisions of the Act

AUGUST 25, 1967.

Notice is hereby given that Stauffer Overseas Capital Corp. ("applicant"), 380 Madison Avenue, New York, N.Y. 10017, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized by Stauffer Chemical Co. ("Stauffer") under the laws of the State of Delaware on June 30, 1967. All of the outstanding securities of applicant consists of 300,000 shares of common stock, par value $100 per share, of which 10 shares have been purchased for $1,000 and are held by Stauffer. The remaining authorized shares of common stock of applicant will be purchased by Stauffer from time to time for consideration consisting of such cash, securities or other property as may be necessary in order that applicant's equity capital will not be less than 20 percent of applicant's outstanding long-term debt at any time. All stock issued by applicant will be held by Stauffer and Stauffer may in the future make additional capital contributions to applicant. Stauffer will continue to own all the equity securities of applicant and will not dispose of them except to applicant itself.

Stauffer is a Delaware corporation, the principal business of which is the production and sale of chemicals and products based thereon.

Stauffer will use applicant to raise funds abroad for financing the expansion of Stauffer's foreign operations, which have been rapidly expanding in the past several years, while at the same time supporting the balance of payments position of the United States in compliance with the voluntary cooperation program instituted by the President in February 1965.

Initially applicant intends to issue its 6¼ percent notes ("notes") with a maturity of 5 years for the equivalent in foreign currency of about $5 million. Stauffer will guarantee the principal, interest payments and premium, if any, on the notes. Any additional debt securities of applicant which may be issued to or held by the public will be guaranteed by Stauffer in a manner substantially similar to the guarantee of the notes. The notes will be purchased by a single buyer who as to the United States of America is a foreign corporation not engaged in trade or business within the United States of America or its territories or possessions and who will agree that it is not purchasing the notes for persons who are citizens, nationals or residents of the United States of America or its territories or possessions. The buyer will also agree that it will not transfer the notes, or any participation therein, to any such citizen, national or resident, and that it will obtain a similar agreement from any person to whom it transfers any of the notes.

Other debt securities may be issued by applicant from time to time as funds are required for investment in Stauffer's foreign operations, and such securities may be sold privately or publicly. If a public distribution is made through underwriters, the securities will not be sold to nationals, citizens or residents of the United States.

By financing these foreign operations through applicant rather than through the sale of its own debt obligations, Stauffer will utilize an instrumentality the acquisition of whose debt obligations by U.S. persons would generally subject such persons to the Interest Equalization Tax, thus discouraging them from purchasing such debt obligations. Counsel has advised applicant that U.S. persons will be required to report and pay Interest Equalization Tax with respect to the acquisition of applicant's debt securities.

It is intended that upon completion of the long-term investment of applicant's assets, substantially all of the assets of applicant (exclusive of U.S. Government securities and cash items) will be invested in or loaned to foreign companies (including U.S. companies all or substantially all of whose business is carried on abroad either directly or indirectly through foreign companies) which are primarily engaged in a business or businesses other than investing, reinvesting, owning, holding or trading in securities and which are, or upon the making of such investments will be (1) majority owned subsidiaries of Stauffer within the meaning of section 2(a)(23) of the Act, (2) companies under Stauffer's control within the meaning of section 2(a)(9) of the Act, or (3) companies which are engaged in a business related to the business of Stauffer, in which Stauffer or applicant owns, directly or indirectly, an equity interest of 15 percent or more. Applicant will proceed as expeditiously as possible with the long-term investment of its assets in the manner described above, will not acquire securities for the purpose of resale and will not trade in securities. Pending such investment, and from time to time thereafter in connection with changes in long-term investments, applicant will invest temporarily in debt obligations (including time deposits) of foreign governments, foreign financial institutions (including foreign branches of United States financial institutions) and foreign subsidiaries of Stauffer, payable in U.S. dollars or other currencies and in each case maturing in 1 year or less from the date of acquisition.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting applicant from each and every provision of the Act for the following reasons: (1) A principal purpose of applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which Stauffer may obtain funds in foreign countries for its foreign operations; (2) the public policy underlying the Act is not applicable to applicant and the security holders of applicant do not require the protection of the Act, because the payment of the notes, which is guaranteed by Stauffer, does not depend on the operations or investment policy of applicant, for the noteholders may ultimately look to the business enterprise of Stauffer (which has net assets in excess of $230 million) rather than solely to that of applicant; (3) none of the securities other than debt securities of applicant will be held by any person other than Stauffer or a fully owned subsidiary of Stauffer; (4) applicant will not deal or trade in securities; (5) the notes will be offered and sold abroad to foreign nationals under circumstances designed to prevent the sale in the United States, its territories or to nationals or residents thereof; and (6) the burden of the interest equalization tax will tend to discourage purchase of the notes by any U.S. person.

Notice is further given that any interested person may, not later than September 14, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and

the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-10211; Filed, Aug. 30, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3894, etc.]

ATLANTIC RICHFIELD CO. ET AL.

Findings and Orders After Statutory Hearing

AUGUST 2, 1967.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, dismissing application, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, redesignating proceedings, accepting agreement and undertaking for filing and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sale from the Permian Basin area of Texas is authorized to be made at the applicable area base rate and under the conditions prescribed in Opinion Nos. 468 and 468–A.

Catherine B. McElvain et al., propose to continue sales of natural gas heretofore authorized to be made by T. H. McElvain, T. H. McElvain et al., T. H. McElvain (Operator) et al., the estate of T. H. McElvain, and the estate of T. H. McElvain et al. The FPC gas rate schedules of the predecessors in interest will be redesignated as those of Catherine B. McElvain et al. The presently effective rates under certain of the predecessors' rate schedules are in effect subject to refund in the following proceedings:

Certificate docket No.	Predecessors' FPC gas rate schedule No.	Rate proceeding docket No.
G-6937	1	RI67-170.
G-13345	2	RI67-171.
G-17811	3, 4, 5, 6	RI67-165.
CI61-1674	8	RI67-165.
CI62-446	9	RI67-166.
CI62-650	10	RI67-165.
CI62-882	11	RI67-165.
CI63-919	12	RI67-167.
CI63-961	13	RI67-167.

Catherine B. McElvain et al., will be substituted as respondents in each of the predecessors' rate proceedings and the proceedings will be redesignated accordingly. Catherine B. McElvain et al., have heretofore submitted agreements and undertakings in the rate proceedings to assure the refunds of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings, and said agreements and undertakings have been accepted for filing.

Charles F. Sheldon et al., Applicants in Docket No. CI66–947, propose to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to C. J. Fowlston et al., FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicants. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI66–359. Applicants have indicated in their certificate application that they intend to be liable for the total refund obligation from the date that the increased rate of their assignors became effective subject to refund and have submitted an agreement and undertaking to assure the refund of all amounts collected in excess of the amount determined to be just and reasonable in Docket No. RI66–359. Therefore, Applicants will be substituted in lieu of C. J. Fowlston et al., as respondents in the proceeding pending in Docket No. RI66–359, said proceeding will be redesignated accordingly, and the agreement and undertaking will be accepted for filing.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on July 27, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the application filed on March 29, 1967, in Docket No. CI65–269, by Great American Minerals Corp. (Operator) et al., to succeed Worth Exploration Co. should be dismissed as moot.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in the following dockets should be amended as hereinafter ordered and conditioned:

G-3894	CI61-1674	CI63-894
G-6937	CI62-24	CI63-919
G-11957	CI62-446	CI63-961
G-12005	CI62-650	CI65-2
G-13216	CI62-733	CI65-269
G-13345	CI62-754	CI65-323
G-14964	CI62-787	CI65-1332
G-16303	CI62-882	CI66-653
G-17811	CI62-1311	CI66-947
G-20377	CI63-20	CI67-91
CI60-750	CI63-207	CI67-605
CI61-1503	CI63-562	CI67-1104

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Catherine B. McElvain et al. should be substituted as respondents in the proceedings pending in Docket Nos. RI67-165, RI67-166, RI67-167, RI67-170, and RI67-171, and said proceedings should be redesignated accordingly.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Charles F. Sheldon et al. should be substituted as respondents in the proceeding pending in Docket No. RI66-359, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by them in said proceeding should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's Regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable date, as indicated by footnote 30 in the attached tabulation.

(E) The initial rate for the sale authorized in Docket No. G-3894 shall be the applicable base area rate prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality, or the contract rate, whichever is lower; and no increase in rate in excess of said initial rate shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicant in Docket No. G-3894 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate.

(G) Within 90 days from the date of initial delivery Applicant in Docket No. G-3894 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468-A.

(H) The certificates issued herein in Docket Nos. CI67-1650 and CI67-1693 are subject to the following conditions:

(1) It is the express understanding of all parties involved in the subject sale that the pricing provisions of the contract covering said sale are intended to be consistent, and not in conflict, with the provisions of section 154.93 of the regulations under the Natural Gas Act, and in particular with paragraph (b-1) of said section, which paragraph was added by the Commission's Order No. 329, issued December 1, 1966, in Docket No. R-298, and reads as follows:

> Section 154.93 Rate schedule defined. * * * the permissible provisions for a change in rate are: * * * (b-1) Provisions that permit a change in price to the applicable just and reasonable area ceiling rate which has been, or which may be, prescribed by the Commission for the quality of the gas involved; and

(2) The initial rate for the sale authorized in Docket No. CI67-1693 shall not exceed 15 cents per Mcf at 14.65 p.s.i.a. adjusted for B.t.u. content of the gas as provided for in the contract.

(3) In the event the Commission, by amendment of its policy statement No. 61-1, adjusts the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area of the sale involved herein, Applicant in Docket No. CI67-1693 may thereupon substitute the new rate reflecting the amount of such increase and thereafter collect the new rate prospectively in lieu of the initial rate herein required.

(I) The acceptance for filing of the related rate filing in Docket No. CI67-1744 is contingent upon Applicant's filing three copies of a billing statement as required by the regulations under the Natural Gas Act.

(J) Applicant in Docket No. CI67-1766 shall file a billing statement for the first month's service.

(K) Certificates are issued herein in Docket Nos. CI67-1066 and CI67-1446 authorizing the respective Applicants to continue the sales of natural gas being rendered on June 7, 1954, by the predecessors.

(L) A certificate is issued herein in Docket No. CI67-1643 authorizing Applicant to continue the sale of natural gas being rendered on June 7, 1954.

(M) Certificates are issued herein in Docket Nos. CI67-1569, CI67-1570, and CI67-1571 authorizing the respective Applicants to continue the sales of natural gas which were initiated without prior Commission authorization by the predecessors.

(N) The application filed on March 29, 1967, in Docket No. CI65-269, by Great American Minerals Corp. (Operator) et al., to succeed Worth Exploration Co. is dismissed as moot.

(O) The certificates heretofore issued in Docket Nos. G-3894, G-11957, G-12005, G-13216, G-16303, CI63-20, CI65-2, CI65-323, CI66-653, and CI67-1104 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(P) The certificates heretofore issued in Docket Nos. CI63-20 and CI67-605 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI65-2 and CI67-1740.

(Q) The certificates heretofore issued in Docket Nos. G–6937, G–13345, G–14964, G–17811, G–20377, CI60–750, CI61–1503, CI61–1674, CI62–24, CI62–446, CI62–650, CI62–733, CI62–754, CI62–787, CI62–882, CI62–1311, CI63–207, CI63–562, CI63–894, CI63–919, CI63–961, CI65–269, CI65–1332, CI66–947, and CI67–91 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(R) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(S) Permission for and approval of the abandonment in Docket No. CI67–1756 shall not be construed to relieve Applicant of any refund obligation which may be ordered in the rate suspension proceeding pending in Docket No. RI65–274.

(T) The certificates heretofore issued in Docket Nos. G–8402, G–12686, G–19034, CI60–566, CI61–476, CI61–1735, CI62–1245, CI64–1558, and CI65–452 are terminated.

(U) Catherine B. McElvain et al., are substituted as respondents in the proceedings pending in Docket Nos. RI67–165, RI67–166, RI67–167, RI67–170, and RI67–171, and said proceedings are redesignated accordingly [1].

(V) Catherine B. McElvain et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreements and undertakings filed by them in Docket Nos. RI67–165, RI67–166, RI67–167, RI67–170, and RI67–171 shall remain in full force and effect until discharged by the Commission.

(W) Charles F. Sheldon et al., are substituted in lieu of C. J. Fowlston et al., as respondents in the proceeding pending in Docket No. RI66–359, said proceeding is redesignated accordingly,[2] and the agreement and undertaking submitted by them in said proceeding is accepted for filing.

(X) Charles F. Sheldon et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreement and undertaking filed by them in Docket No. RI66–359 shall remain in full force and effect until discharged by the Commission.

(Y) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

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

[1] Catherine B. McElvain et al.
[2] Charles F. Sheldon et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–3894 C 6–7–67 [1]	Atlantic Richfield Co.[3]	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	Supplemental Agreement 5–10–67.[3]	28	32
G–6937 E 6–5–67	Catherine B. McElvain et al. (successor to T. H. McElvain et al.).	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo.	T. H. McElvain et al., FPC G.R.S. No. 1.	1	
			Supplement Nos. 1–3	1	1–3
			Notice of succession 5–31–67.		
			Court order 1–4–65 [4]	1	4
			Effective date: 12–18–64		
G–11957 D 5–25–67	Mobil Oil Corp. (Operator) et al. (partial abandonment).	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	Notice of partial cancellation 5–25–66.[4 5]	20	22
G–12005 D 6–13–67	do.	United Gas Pipe Line Co., Eugene Island Area, Offshore Iberia Parish, La.	Notice of partial cancellation 6–12–67.[4 7]	66	21
G–13216 D 5–25–67	do.	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	Notice of partial cancellation 5–25–67.[3 4]	133	7
G–13345 E 6–5–67	Catherine B. McElvain et al. (successor to T. H. McElvain).	El Paso Natural Gas Co., West Ignacio-Mesaverde Field, La Plata County, Colo.	T. H. McElvain, FPC G.R.S. No. 2.[3]	2	
			Supplement Nos. 1–2	2	1–2
			Notice of succession 5–31–67.		
			Court order 1–4–65 [4]	2	3
			Effective date: 12–18–64		
G–14964 E 5–24–67	White Gas Company et al. (successor to W. J. Diamondstone et al.).	Consolidated Gas Supply Corp., Triadelphia District, Logan County, W. Va.	W. J. Diamondstone, et al., FPC G.R.S. No. 1.	1	
			Notice of succession 5–23–67.		
			Assignment 1–6–66 [3]	1	1
			Effective date: 11–25–66		
G–16303 D 5–25–67	Mobil Oil Corp. (partial abandonment).	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	Notice of partial cancellation, 5–25–66.[3 5]	175	5
G–17811 E 6–5–67	Catherine B. McElvain et al. (successor to T. H. McElvain et al.).	El Paso Natural Gas Co., Blanco Mesaverde Field, Rio Arriba County, N. Mex.	T. H. McElvain et al., FPC G.R.S. No. 3.	3	
			Supplement Nos. 1–3	3	1–3
			Notice of succession 5–31–67.		
			Court order 1–4–65 [4]	3	4
			Effective date: 12–18–64		
			T. H. McElvain et al., FPC G.R.S. No. 4.[3]	4	
			Supplement Nos. 1–3	4	1–3
			Notice of succession 5–31–67.		
			Court order 1–4–65 [4]	4	4
			Effective date: 12–18–64		
			T. H. McElvain et al., FPC G.R.S. No. 5.[3]	5	
			Supplement Nos. 1–3	5	1–3
			Notice of succession 5–31–67.		
			Court order 1–4–65 [4]	5	4
			Effective date: 12–18–64		
			T. H. McElvain et al., FPC G.R.S. No. 6.	6	
			Supplement Nos. 1–3	6	1–3
			Notice of succession 5–31–67.		
			Court order 1–4–65 [4]	6	4
			Effective date: 12–18–64		
G–20377 E 6–5–67	do.	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.	T. H. McElvain, FPC G.R.S. No. 7.[10]	7	
			Supplement No. 1	7	1
			Notice of succession 5–31–67.		
			Court order 1–4–65 [4]	7	2
			Effective date: 12–18–64		
CI60–750 E 6–1–67	Roger M. Wheeler (successor to Tamarack Petroleum Co., Inc., agent (Operator) et al.).	Transwestern Pipeline Co., acreage in Roberts County, Tex.	Tamarack Petroleum Co., Inc., agent (Operator) et al., FPC G.R.S. No. 7.	3	
			Supplement Nos. 1–11	3	1–11
			Notice of succession 5–10–67.		
			Assignment 3–1–67 [11]	3	12
			Effective date: 3–1–67		
CI61–1503 E 5–29–67	Hugh K. Spencer et al., d.b.a. J. & S. Gas Co. (successor to Hal Pack, d.b.a. Hal Pack & Co.).	Consolidated Gas Supply Corp., McClellan District, Doddridge County, W. Va.	Hal Pack, d.b.a. Hal Pack & Co., FPC G.R.S. No. 5.	12	
			Supplement Nos. 1–5	12	1–5
			Notice of succession 5–26–67.		
			Assignment 3–30–67 [11]	12	6
			Effective date: 3–30–67		
CI67–1674 E 6–5–67	Catherine B. McElvain et. al (successor to T. H. McElvain et al.).	El Paso Natural Gas Co., Ignacio Blanco-Mesaverde Field, La Plata County, Colo.	T. H. McElvain et al., FPC G.R.S. No. 8. [3]	8	
			Supplement No. 1	8	1
			Notice of succession 5–31–67.		
			Court order 1–4–65 [4]	8	2
			Effective date: 12–18–64		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI62-34 E 5-29-67	Hugh K. Spencer et al., d.b.a. J. & S. Gas Co. (successor to Hal Pack, d.b.a. Hal Pack & Co.).	Consolidated Gas Supply Corp., Eagle District, Harrison County, W. Va.	Hal Pack, d.b.a. Hal Pack & Co., FPC G.R.S. No. 6.	13	
			Supplement Nos. 1-2	13	1-2
			Notice of succession 5-26-67.		
			Assignment 3-30-67 [12]	13	3
			Effective date: 3-30-67		
CI62-446 E 6-5-67	Catherine B. McElvain et al. (successor to T. H. McElvain (Operator) et al.).	El Paso Natural Gas Co., Ignacio-Blanco Mesaverde Field, La Plata County, Colo.	T. H. McElvain (Operator) et al., FPC G.R.S. No. 9.[5]	9	
			Supplement Nos. 1-2	9	1-2
			Notice of succession 5-31-67.		
			Court order 1-4-65 [4]	9	3
			Effective date: 12-18-64		
CI62-630 E 6-5-67	do	do	T. H. McElvain et al., FPC G.R.S. No. 10.[5]	10	
			Supplement No. 1	10	1
			Notice of succession 5-31-67.		
			Court order 1-4-65 [4]	10	2
			Effective date: 12-18-64		
CI62-733 E 6-8-67	Roosth & Genecov Production Co. (Operator) et al. (successor to T. F. Hodge (Operator) et al.).	Texas Eastern Transmission Corp., South Karen Field, Live Oak County, Tex.	T. F. Hodge (Operator) et al., FPC G.R.S. No. 3.	2	
			Notice of succession 5-31-67.		
			Assignment 9-1-66 [12]	2	1
			Effective date: 9-1-66		
CI62-754 E 5-29-67	Hugh K. Spencer et al., d.b.a. J. & S. Gas Co. (successor to Hal Pack, d.b.a. Hal Pack & Co.).	Consolidated Gas Supply Corp., Eagle District, Harrison County, W. Va.	Hal Pack, d.b.a. Hal Pack & Co., FPC G.R.S. No. 7.	14	
			Supplement Nos. 1-2	14	1-2
			Notice of succession 5-26-67.		
			Assignment 3-30-67 [12]	14	3
			Effective date: 3-30-67		
CI62-787 E 5-29-67	do	do	Hal Pack, d.b.a. Hal Pack & Co., FPC G.R.S. No. 8.	15	
			Supplement Nos. 1-2	15	1-2
			Notice of succession 5-26-67.		
			Assignment 3-30-67 [12]	15	3
			Effective date: 3-30-67		
CI62-882 E 6-5-67	Catherine B. McElvain et al. (successor to T. H. McElvain, et al.).	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo.	T. H. McElvain et al., FPC G.R.S. No. 11.[5]	11	
			Supplement Nos. 1-2	11	1-2
			Notice of succession 5-31-67.		
			Court order 1-4-65 [4]	11	3
			Effective date: 12-18-64		
CI62-1311 E 5-29-67	Hugh K. Spencer et al., d.b.a. J. & S. Gas Co. (successor to Hal Pack, d.b.a. Hal Pack & Co.).	Consolidated Gas Supply Corp., Coal District, Harrison County, W. Va.	Hal Pack, d.b.a. Hal Pack & Co., FPC G.R.S. No. 9.	16	
			Supplement Nos. 1-2	16	1-2
			Notice of succession 5-26-67.		
			Assignment 3-30-67 [12]	16	3
			Effective date: 3-30-67		
CI63-20 D 10-24-66	Humble Oil & Refining Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Haskell County, Okla.	Assignment 9-23-66 [8 14]	337	35
CI63-20 D 6-12-67	do	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	Letter agreement 5-4-67 [8 23]	337	40
CI63-207 E 5-29-67	Hugh K. Spencer et al., d.b.a. J. & S. Gas Co. (successor to Hal Pack).	Consolidated Gas Supply Corp., McClellan District, Doddridge County, W. Va.	Hal Pack, FPC G.R.S. No. 2.	17	
			Supplement No. 1	17	1
			Notice of succession 5-26-67.		
			Assignment 3-30-67 [12]	17	2
			Effective date: 3-30-67		
CI63-582 E 5-29-67	do	Consolidated Gas Supply Corp., Eagle District, Harrison County, W. Va.	Hal Pack, FPC G.R.S. No. 3.	18	
			Supplement No. 1	18	1
			Notice of succession 5-26-67.		
			Assignment 3-30-67 [12]	18	2
			Effective date: 3-30-67		
CI63-934 E 5-29-67	do	Consolidated Gas Supply Corp., Clark and Union Districts, Harrison County, W. Va.	Hal Pack, FPC G.R.S. No. 4.	19	
			Supplement Nos. 1-3	19	1-3
			Notice of succession 5-26-67.		
			Assignment 3-30-67 [12]	19	
			Effective date: 3-30-67		
CI63-919 E 6-5-67	Catherine B. McElvain et al (successor to estate of T. H. McElvain).	El Paso Natural Gas Co., Ignacio-Blanco Mesaverde Field, La Plata County, Colo.	Estate of T. H. McElvain, FPC G.R.S. No. 12.[5]	12	
			Supplement No. 1	12	1
			Notice of succession 5-31-67.		
			Court order 1-4-65 [4]	12	2
			Effective date: 12-18-64		
CI63-961 E 6-5-67	do	El Paso Natural Gas Co., Ignacio Dakota Field, La Plata County, Colo.	Estate of T. H. McElvain, FPC G.R.S. No. 13.[5]	13	
			Supplement No. 1	13	1
			Notice of succession 5-31-67.		
			Court order 1-4-65 [4]	13	2
			Effective date: 12-18-64		
F CI65-2 (CI63-20) C 5-19-67	Arkla Exploration Co. et al.	Arkansas Louisiana Gas Co., acreage in Haskell County, Okla.	Letter agreement 12-19-66.[8 17]	20	9
CI65-269 [10] E 6-8-67	Sinclair Oil & Gas Co. (Operator) et al. (successor to Worth Exploration Co. (Operator) et al.).	Southern Natural Gas Co., Northeast Lafitte Field, Jefferson and Plaquemines Parishes, La.	Worth Exploration Co. (Operator) et al., FPC G.R.S. No. 1.	376	
			Notice of succession 6-7-67.		
			Assignment 2-27-67.[12]	376	1
			Assignment 5-12-67.[12]	376	2
			Effective date: 3-1-67		
CI65-323 D 6-9-67	Exchange Oil & Gas Co. (partial abandonment).	Consolidated Gas Supply Corp., Chalkley Field, Cameron Parish, La.	Notice of partial cancellation 6-8-67.[8 12]	2	1
CI65-1332 E 6-8-67	Sinclair Oil & Gas Co. et al. (successor to Worth Exploration Co. et al.).	Consolidated Gas Supply Corp., South Bosco Field, Lafayette Parish, La.	Worth Exploration Co. et al., FPC G.R.S. No. 2.	377	
			Notice of succession 6-7-67.		
			Assignment 2-27-67.[12]	377	1
			Assignment 5-12-67.[12]	377	2
			Effective date: 3-1-67		
CI66-653 D 5-29-67	Austral Oil Co., Inc., et al.	Arkansas Louisiana Gas Co., acreage in Haskell and Latimer Counties, Okla.	Amendatory agreement 2-28-67.[12 24]	27	9
			Amendatory agreement 2-28-67.[8 12 24]	27	10
CI66-947 E 5-25-67	Charles F. Sheldon et al. (successor to C. J. Fowlston et al.).	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	C. J. Fowlston et al., FPC G.R.S. No. 1.	1	
			Supplement Nos. 1-3	1	1-3
			Notice of succession 5-22-67.		
			Assignment 12-15-66	1	4
			Effective date: 12-15-66		
CI67-91 E 6-5-67	Catherine B. McElvain et al. (successor to Estate of T. H. McElvain et al.).	El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex.	Estate of T. H. McElvain et al., FPC G.R.S. No. 14.	14	
			Notice of succession 5-31-67.		
			Court order 1-4-65 [4 12]	14	1
CI67-1066 A 2-16-67 [2]	Dunn-Mar Oil & Gas Co.	The Manufacturers Light & Heat Co., Center Township, Greene County, Pa.	Contract 8-11-42 [12]	25	
			Assignment 8-9-63 [12]	25	1
			Effective date: 8-9-63		

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI67-1104 C 6-12-67	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla.	Supplemental agreement 5-12-67.[1]	420	2
CI67-1446 A 4-12-67 [5] [21]	Frank E. Morrison	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Contract 3-11-44 [21]	2	
			Assignment 7-1-50 [21]	2	1
			Letter agreement 8-18-52.[21]	2	2
			Letter agreement 3-13-53.[21]	2	3
			Assignment 5-11-60 [21]	2	4
			Assignment 5-8-61 [21]	2	5
			Assignment 5-8-61 [21]	2	6
			Assignment 5-8-61 [21] [22]	2	7
CI67-1569 A 4-13-67	William C. Hurtt, agent for Ben-Hur, Inc., et al.	Consolidated Gas Supply Corp., Union Township, Clearfield County, Pa.	Contract 8-14-58 [23]	7	
			Bill of sale 4-21-64 [27]	7	1
			Effective date: 4-21-64		
CI67-1570 A 4-13-67	do	do	Contract 5-1-58 [23]	8	
			Bill of sale 4-21-64 [27]	8	1
			Effective date: 4-21-64		
CI67-1571 A 4-13-67	William C. Hurtt, agent for Federal Oil & Gas Co. et al.	do	Contract 10-21-57 [23]	9	
			Assignment 5-19-64 [24]	9	1
			Assignment 5-21-64	9	2
			Assignment 5-22-64	9	3
			Assignment 5-22-64	9	4
			Assignment 5-22-64	9	5
			Assignment 5-25-64	9	6
			Assignment 5-26-64	9	7
			Assignment 5-27-64	9	8
			Assignment 6-1-64	9	9
			Assignment 6-1-64	9	10
			Assignment 6-26-64 [24]	9	11
CI67-1643 A 5-12-67 [25]	F. S. Ackley et al., d.b.a. Ackley Oil & Gas Co.	The Manufacturers Light & Heat Co., Richhill Township, Greene County, Pa.	Contract 12-15-25 [25]	1	
			Letter agreement 1-22-42.	1	1
CI67-1650 A 5-17-67	Continental Oil Co.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	Contract 5-10-67	326	
			Letter 6-15-67 [3] [25]	326	1
CI67-1693 A 5-29-67	Union Texas Petroleum, a division of Allied Chemical Corp.	Panhandle Eastern Pipe Line Co., Southwest Avard Area, Woods County, Okla.	Contract 5-3-67	92	
			Letter 6-15-67 [3] [25]	92	1
CI67-1738 (CI60-566) B 6-6-67	Jack F. Merandi et al.	Equitable Gas Co., West Union District, Doddridge County, W. Va.	Notice of cancellation 6-1-67.[5] [28]	1	1
CI67-1740 (CI67-605) F 5-29-67	Rodney P. Calvin (Operator) et al. (successor to Intermountain Petroleum Corp. (Operator) et al.).	El Paso Natural Gas Co., South Blanco (Pictured Cliffs) Field, Rio Arriba County, N. Mex.	Contract 10-21-66 [29]	2	
			Assignment 5-3-67 [21]	2	1
			Effective date: 5-1-67		
CI67-1741 (G-8402) B 6-7-67	Shelly & Snider	Consolidated Gas Supply Corp., Mannington District, Marion County, W. Va.	Notice of cancellation 6-6-67.[5] [28]	2	1
CI67-1742 (CI65-482) B 6-8-67	Fred Attaya	Texas Eastern Transmission Corp., Altair Field, Colorado County, Tex.	Notice of Cancellation 6-1-67.[5] [7]	1	1
CI67-1743 A 6-8-67 [30]	J. & J. Enterprises, Inc.	Cumberland & Allegheny Gas Co., Union District, Upshur County, W. Va.	Contract 5-29-67 [2]	27	
CI67-1744 A 6-8-67 [30]	W. Leslie Rogers	Equitable Gas Co., Central District, Doddridge County, W. Va.	Contract 4-19-67 [2]	6	
CI67-1745 A 6-8-67 [30]	Hays and Company, agent for Mid-American Exploration Co. et al.	Consolidated Gas Supply Corp., Cove District, Doddridge County, W. Va.	Contract 1-6-67 [2]	284	

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI67-1746 A 6-9-67	Buttes Gas & Oil Co.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 5-10-67 [2]	1	
CI67-1747 A 6-9-67 [31]	L. E. Haught et al., d.b.a. H. & B. Gas Co.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Contract 4-7-67 [2]	7	
CI67-1748 A 6-9-67 [31]	Shield Petroleum Corp.	Consolidated Gas Supply Corp., Williams District, Wood County, W. Va.	Contract 2-28-67 [2]	2	
CI67-1752 A 6-9-67 [30]	Hays and Company, agent for Parker Petroleum Co. et al.	do	Contract 2-3-67 [2]	283	
CI62-1755 (G-19634) B 6-12-67	L. B. Horn (Operator) et al.	Coastal States Gas Producing Co., A&H Field, Duval County, Tex.	Notice of cancellation 6-9-67.[5] [7]	1	1
CI67-1755 (CI61-476) B 6-12-67	L. B. Horn		Notice of cancellation 6-9-67.[5] [7]	3	3
CI67-1756 (CI62-1245) B 6-12-67	Harper Oil Co. (Operator) et al.	Lone Star Gas Co., Sholem Alechem Area, Carter County, Okla.	Notice of cancellation 6-7-67.[5] [7]	[4] 26	2
CI67-1759 A 6-12-67 [32]	J. F. Deem	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Contract 3-30-67 [2]	12	
CI67-1760 A 6-12-67 [33]	Louis Fabian, d.b.a. Lou Fabian Oil & Gas.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Contract 5-2-67 [2]	3	
CI67-1761 A 6-12-67 [33]	Joe Stydahar et al., d.b.a. Stydahar Oil & Gas Co.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.	Contract 4-10-67 [2]	5	
CI67-1766 A 6-6-67 [30]	Thomas E. Collins	Carnegie Natural Gas Co., Central District, Doddridge County, W. Va.	Contract 5-26-66 [2]	1	
CI67-1770 (G-12686) B 6-12-67	Mobil Oil Corp.	Texas Eastern Transmission Corp., East Bishop Field, Nueces County, Tex.	Notice of cancellation 6-12-67.[5] [7]	124	13
CI67-1774 (CI64-1558) B 6-14-67	Union Oil Co. of California.	Panhandle Eastern Pipe Line Co., Tuttle Ranch Field, Clark County, Kans.	Notice of cancellation 6-13-67.[5] [7]	151	1
CI67-1775 (CI61-1735) B 6-14-67	Southland Royalty Co.	Panhandle Eastern Pipe Line Co., Wil Field Area, Edwards and Stafford Counties, Kans.	Notice of cancellation 6-14-67.[5] [7]	20	1

[1] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[2] By letter filed June 7, 1967, Applicant advised willingness to accept permanent authorization containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[3] Effective date: Date of initial delivery (applicant shall advise the Commission as to such date).
[4] Instrument transferring properties from Estate of T. H. McElvain to Catherine B. McElvain et al.
[5] By assignment dated Mar. 11, 1966, attached to the notice of cancellation, Mobil assigned certain acreage to I. W. Lovelady and R. W. Blake. Assignees, Lovelady and Blake, advise that the assigned acreage remains nonproductive and no filings will be made for the acquired acreage.
[6] Effective date: Date of this order.
[7] Source of gas depleted.
[8] Production limited to the Mesaverde Formation only.
[9] From W. J. Diamondstone et al., to White Gas Co. et al.
[10] Only that gas produced from Pictured Cliffs Formation and from shallower formations committed to contract.
[11] Assigns acreage from Tamarack Petroleum Co., Inc., agent (Operator) et al., to Applicant.
[12] From Hal Pack & Co. to Hugh K. Spencer et al., doing business as J. & S. Gas Co.
[13] Conveys acreage from T. F. Hodge et al., to Dan Russak, E. N. Jones, A. S. Genecov, and Isadore Roosth, trustee.
[14] Assignment of acreage from Humble Oil & Refining Co. to Arkla Exploration Co. Arkla has filed in Docket No. CI65-2 to cover the subject acreage.

[6] Deletes 40 acre tract which does not qualify for connection to buyer's system under provisions of the contract.
[7] Production limited to the Dakota Formation only.
[8] Acreage previously subject to Humble Oil & Refining Co.'s FPC GRS No. 337 and certificate in Docket No. C165-20.
[9] On Mar. 29, 1967, Great American Minerals Corp. filed an application to succeed to Worth Exploration Co. but never received authorization to render said sale; therefore, the petition filed by Great American in said docket will be dismissed as moot.
[10] Conveys acreage from Worth Exploration Co. to Great American Minerals Corp.
[11] Conveys acreage from Great American Minerals Corp. and Great American Industries, Inc., to Sinclair Oil & Gas Co.
[12] Acreage never produced gas and was returned to land owner.
[13] Conveys acreage from Worth Exploration Co. to Great American Minerals Corp. (Great American's filing of the assignment by which it acquired properties from Worth is incorporated into Sinclair's filing).
[14] Production of gas no longer economically feasible.
[15] Releases the Sun Coblentz No. 1 Well.
[16] Releases the Mobil-Frank Glenn Unit.
[17] Effective date: Date of initial delivery (contract was executed on July 14, 1966, and sale was certificated subsequent to settlement of McElvain Estate).
[18] Sale being rendered on June 7, 1954, by predecessor (no certificate or rate filings ever made by predecessor).
[19] Between the Ruton Oil Co. et al., seller and Natural Gas Co. of West Virginia, buyer (predecessor of Manufacturers).
[20] Instrument whereby Dunn-Mar acquired producing properties.
[21] Jan. 1, 1968, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[22] Between Morrison Oil & Gas Co. and Hope Natural Gas Co. (now Consolidated Gas Supply Corp.).
[23] Various assignments whereby Frank E. Morrison acquired ownership of contract rights.
[24] Increases contract rate from 12 cents per Mef to 16 cents per Mef.
[25] Increases contract rate to 20 cents per Mef.
[26] Effective date: Date of transfer of properties.
[27] Between Rockton Drilling Corp. et al., seller and New York State Natural Gas Corp. (predecessor of Consolidated Gas Supply Corp.), buyer. No certificate or rate filings ever made by predecessor.
[28] From Rockton to Ben-Hur, Inc.
[29] Between Standish T. Bourne, seller and New York State Natural Gas Corp. (predecessor of Consolidated Gas Supply Corp.), buyer. No certificate or rate filings ever made by predecessor.
[30] Various assignments whereby Federal Oil & Gas Co. et al., acquired control of the properties involved.
[31] Sale being rendered on June 7, 1954.
[32] Buyer named in contract is Natural Gas Co. of West Virginia, a Manufacturers predecessor.
[33] Confirms intent that price provisions be consistent, and not in conflict, with sec. 154.93(b-1) of the Commission's regulations.
[34] Between Intermountain Petroleum Corp. and El Paso; on file as Intermountain Petroleum Corp. (Operator) et al., FPC G.R.S. No. 1.
[35] Conveys Intermountain's 75 percent interest in the NE¼ and SW¼ of sec. 25, T. 25 N., R. 6 W.
[36] 12 cent rate subject ot refund in Docket No. RI65-274.

[F.R. Doc. 67-10090; Filed, Aug. 30, 1967; 8:45 a.m.]

[Docket No. CP68-55]

NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 23, 1967.

Take notice that on August 16, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP68-55 an application pursuant to subsection (b) of section 7 of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon the following natural gas facilities:

(1) A sales measuring station and appurtenances, located in Saunders County, Nebr., which was used for delivery of natural gas to Western Power & Gas Co. (Western) for resale and delivery to Gifford Mining Co. (Gifford); and

(2) A sales measuring station and appurtenances, located near the town of Owatonna, Steele County, Minn., used for the sale and delivery of natural gas to rural customers.

Applicant states that the facilities described in (1) above are no longer needed as Gifford has moved its plant to another location and the facilities were used solely for service to Gifford at this location. Applicant further states that the facilities described in (2) above are also no longer needed as the service rendered through them to the above-mentioned facilities is now rendered from the Owatonna, Minn., distribution system.

Applicant estimates the total cost of removing the facilities proposed to be abandoned at approximately $65.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 21, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-10189; Filed, Aug. 30, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17474; FCC 67M-1427]

MEL-LIN, INC. (WOBS)

Order Regarding Procedural Dates

In re application of Mel-Lin, Inc. (WOBS), Jacksonville, Fla., Docket No. 17474, File No. BP-14323; For Construction Permit.

The Hearing Examiner, having under consideration a petition filed August 23, 1967, on behalf of the applicant, requesting a continuance of certain procedural dates heretofore established by an order (FCC 67M-1052) released June 28, 1967;

It appearing, that good cause exists why the petition should be granted;

Accordingly, it is ordered, That the petition is granted, and the preliminary exchange of exhibits shall be accomplished on or before September 29 in lieu of August 29, 1967, and the final exchange of exhibits shall be on October 12 in lieu of September 12, 1967;

It is further ordered, That notification of witnesses desired for cross-examination shall be accomplished on or before October 16 in lieu of September 15, 1967, and that the evidentiary hearing now scheduled for September 19, 1967, be and the same is hereby rescheduled for October 23, 1967, 10 a.m., in the offices of the Commission, Washington, D.C.

Issued: August 24, 1967.

Released: August 25, 1967.

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

[F.R. Doc. 67-10256; Filed, Aug. 30, 1967; 8:51 a.m.]

[Docket No. 17510, etc.; FCC 67M-1437]

POTOMAC VALLEY TELECASTING CORP. ET AL.

Order Scheduling Hearing

In re Potomac Valley Telecasting Corp., Irons Mountain, Md., for modification of license of station KGO 30 to provide for carriage of FM signals, Docket No. 17510, File No. 5908-C1-ML-65; Potomac Valley Telecasting Corp., Mount Cacapon, W. Va., for modification of license of station KQX 32 to provide for carriage of FM signals, Docket No. 17511, File No. 5909-C1-ML-65; Potomac Valley Telecasting Corp., Mount Cacapon, W. Va., for renewal of license of Station KQX 32, Docket No. 17512, File No. 1066-C1-R-66; Potomac Valley Telecasting Corp., Irons Mountain, Md., for renewal of license of Station KGO 30, Docket No. 17513, File No. 2633-C1-R-66; and Potomac Valley TV Co., Inc., Cumberland and La Vale, Md.; Ridgeley, Wiley Ford, and Fort Ashby, W. Va., Docket No. 17514; Upper Potomac Television Co., Inc., Piedmont, W. Va.; Westernport, Md., Docket No. 17515; Frostburg Cable Television, Inc., Frostburg, Md., Docket No. 17516; Keyser Television Co., Inc., Keyser, W. Va., Docket No. 17531; Jackson Television Co., Inc., Lonaconing and Midland, Md., requests for waiver of § 21.712 of the Commission's rules; and notifications given pursuant to § 74.1105 of the Commission's rules, Docket No. 17532.

It is ordered, That Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 18, 1967, at 10 a.m.; and that a prehearing conference shall be held on

September 22, 1967, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: August 28, 1967.

Released: August 28, 1967.

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

[F.R. Doc. 67-10257; Filed, Aug. 30, 1967; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1100]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

AUGUST 25, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, 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.

No. MC 3252 (Sub-No. 43) (Amendment), filed July 31, 1967, published FEDERAL REGISTER issue of August 17, 1967, and republished as amended this issue. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber stock*, from points in Maine, to points in New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, Virginia, Indiana, Kentucky, Ohio, and Michigan. NOTE: The purpose of this republication is to add the phrase "from points in Maine" in lieu of Portland and Fryeburg, Maine, as origin points. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 3560 (Sub-No. 31), filed August 10, 1967. Applicant: GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Rock Island, Ill., and St. Louis, Mo., from Rock Island, Ill., over U.S. Highway 67 to St. Louis, Mo., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or St. Louis, Mo.

No. MC 3874 (Sub-No. 12), filed August 14, 1967. Applicant: L. C. CORP., doing business as GREY LINES, 25 Webber Street, Roxbury, Mass. 02119. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Boston, Mass., to points in Rhode Island, Maine, New Hampshire, and Vermont, restricted to traffic having a prior movement by motor or rail carrier. NOTE: Applicant states it now holds authority to transport "printed matter" from Lowell, Mass., to the destination States named above and is participating in shipments of said commodities received from other motor and rail carriers at Lowell, Mass., and transported by applicant to the named destination States. Applicant further states the purpose of this application is to change the point of receipt of said shipments from Lowell to Boston, Mass. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 7523 (Sub-No. 13), filed August 15, 1967. Applicant: VENTURA TRANSFER COMPANY, a corporation, 3440 East South Street, Long Beach, Calif. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals dry and plastics*, in bulk, in motor vehicles, (1) from rail sidings, located in California and ports of entry on the international boundary line between the United States and Mexico to points in California, and (2) from points in California to ports of entry on the international boundary line, located in California between the United States and Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 7555 (Sub-No. 57), filed August 14, 1967. Applicant: TEXTILE MOTOR FREIGHT, INC., Post Office Box 7, Ellerbe, N.C. 28338. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by wholesale and retail grocery stores, except frozen foods, from Brockport, N.Y., to points in North Carolina, South Carolina, Georgia, Alabama, and Florida. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 11899 (Sub-No. 20), filed August 16, 1967. Applicant: STEVENS TRUCK LINES, INC., 893 Ridge Road, Webster, N.Y. 14580. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, bottles, jars, packing glasses, and jelly tumblers; caps, covers, stoppers, and tops; corrugated paper boxes, and paper containers*, from the facilities of Anchor Hocking Glass Corp. at Salem, N.J., Scottdale, Pa., Youngwood, Pa., and

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

points in Fayette County, Pa., including Connellsville, Pa., and South Connellsville, Pa., to points in New York on and west of a line beginning at the Pennsylvania-New York border and extending north on U.S. Highway 11 to Binghamton, thence over New York Highway 12 to the St. Lawrence River, and *refused or rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 13651 (Sub-No. 10), filed August 14, 1967. Applicant: PEOPLES TRANSFER, INC., 811 South 59th Avenue, Phoenix, Ariz. 85009. Applicant's representative: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers* for packing fruits and vegetables, between points in Ventura, Los Angeles, Orange, San Bernardino, and Riverside Counties, Calif., on the one hand, and, on the other, points in New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 15511 (Sub-No. 25), filed August 17, 1967. Applicant: CARSTENSEN FREIGHT LINES, INC., Post Office Box 878, Clinton, Iowa 52732. Applicant's representative: Arnold L. Burke, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading), serving the Argonne Industrial District, Du Page Township, Will County, Ill., as an off-route point in connection with applicant's presently held authority regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 20227 (Sub-No. 5), filed August 16, 1967. Applicant: ERIE-PITTSBURGH MOTOR EXPRESS, INC., 859 Progress Street, Pittsburgh, Pa. 15212. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Kebert Park, Greenwood Township, Crawford County, Pa., as an off-route points in connection with applicant's regular route operations to and from Meadville, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 25869 (Sub-No. 77), filed August 18, 1967. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 7184, South Omaha, Nebr. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Mankato, Kans., to points in Iowa, Wisconsin, Illinois, Indiana, Ohio, and Michigan. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 27817 (Sub-No. 72) (Clarification), filed July 10, 1967, published FEDERAL REGISTER issue July 20, 1967, and republished as clarified, this issue. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, from Chambersburg, Pa., to points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maryland, Virginia, West Virginia, Delaware, District of Columbia, and points in that portion of North Carolina bounded by a line beginning at the North Carolina-Virginia State line and extending south along U.S. Highway 301 to the North Carolina-South Carolina State line, thence west along the North Carolina-South Carolina State line to junction U.S. Highway 321, near Crowders, N.C., thence north along U.S. Highway 321 to Boone, N.C., thence north along North Carolina Highway 194 through Todd, N.C., to junction U.S. Highway 221, thence north along U.S. Highway 221 to the North Carolina-Virginia State line, thence east along the North Carolina-Virginia State line to the point of beginning including points on the indicated portions of the highways specified. NOTE: Common control may be involved. The purpose of this republication is to add "including points on the indicated portions of the highways specified," to the route description, thereby clarifying the application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 28990 (Sub-No. 7), filed August 16, 1967. Applicant: SEYMOUR TRANSFER LINES, INC., 140 East Wisconsin Avenue, Seymour, Wis. 54165. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) from its junction with Wisconsin Highway 110 near Butte des Morts, over Wisconsin Highway 116 to Omro, Wis., and (2) from Oshkosh, Wis., over U.S. Highway 41 to Green Bay, Wis., and return over the same route, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 31600 (Sub-No. 619), filed August 16, 1967. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Wilmington, Mass., to points in Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 33641 (Sub-No. 67), filed August 18, 1967. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Edward J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those requiring armored vehicles or armed guards, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Winchester and Louisville, Ky.; from the plantsites and warehouses of Rockwell-Standard Corp. located at or near Winchester, over U.S. Highway 60 to junction Interstate Highway 64 (near Jett, Ky.), thence over Interstate Highway 64 to Louisville, and return over the same route, serving no intermediate points, and (2) between Winchester, Ky., and Cincinnati, Ohio; (a) from the plantsites and warehouses of Rockwell-Standard Corp. located at or near Winchester, over U.S. Highway 227 to Paris, Ky., thence over U.S. Highway 27 to Cincinnati, and return over the same route, serving no intermediate points, and (b) from Winchester over U.S. Highway 227 to junction Interstate Highway 75 (near Winchester, Ky.), thence over Interstate Highway 75 to Cincinnati, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 35628 (Sub-No. 280), filed August 17, 1967. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville, SW., Grand Rapids, Mich. 49502. Applicant's representative: J. M. Neath, Jr., 900, 1 Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (1) between Winchester and Louisville, Ky.; from the plantsites and warehouses of Rockwell-Standard Corp. located at or near Winchester over U.S. Highway 60 to Lexington, Ky., thence over U.S. Highway 421 to Frankfort, Ky., thence over U.S. Highway 60 to Louisville, and (2) between Winchester, Ky., and Cincinnati, Ohio; from the plantsites

and warehouses of Rockwell-Standard Corp. located at or near Winchester, over U.S. Highway 227 to Paris, Ky., thence over U.S. Highway 27 to Cincinnati, and return over the same routes, serving no intermediate points in (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 51146 (Sub-No. 60), filed August 14, 1967. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends and accessories; and equipment used in connection with the distribution of metal containers and metal container ends* when moving with metal containers, (1) from Rockford, Ill., to points in Wisconsin, and (2) from Chicago, Ill., to points in Minnesota and Wisconsin. NOTE: Applicant states that the primary purpose of the instant application is not to allow tacking. This would be done only as an incidental part of operations if the need arises in the future. This could be done under many of applicant's pending and present subs. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52460 (Sub-No. 87), filed August 16, 1967. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, Okla. 74107. Applicant's representative: Louis I. Dailey, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in containers, from Beaumont, Tex., to points in Mississippi, and (2) *empty containers*, from points in Mississippi to Port Arthur, Tex. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Dallas or Beaumont, Tex., Oklahoma City or Tulsa, Okla.

No. MC 60076 (Sub-No. 19), filed August 16, 1967. Applicant: V. F. WARNER & SON, INC., 706 Anthony Drive, Champaign, Ill. 61820. Applicant's representative: Charles R. Young, 500 Bresee Tower, Danville, Ill. 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable classroom swimming training device* (trade name: Port-A-Pool), from Champaign, Ill., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 65580 (Sub-No. 14), filed August 14, 1967. Applicant: MUSHROOM TRANSPORTATION CO., INC., H Street and Hunting Park Avenue, Philadelphia, Pa. 19124. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant and warehouse sites of Eastern Products Corp. located in Howard County, Md., at or near the junction of Maryland Highway 32 and U.S. Highway 29, as an off route point in connection with applicant's regular route authorities between Baltimore, Md., and Philadelphia, Pa., and between Baltimore, Md., and Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 71516 (Sub-No. 76) (Amendment), filed April 7, 1966, published FEDERAL REGISTER issue of April 28, 1966, amended August 16, 1967, and republished as amended this issue. Applicant: ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Birmingham, Ala. Applicant's representative: Robert E. Tate, Suite 2025, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Florida, on and north of Florida Highway 70, on the one hand, and, on the other, points in Indiana, Illinois, Ohio, Tennessee, and Georgia, and Louisville, Ky. NOTE: The purpose of this republication is to broaden scope of the application. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Tampa, Fla., and Chicago, Ill.

No. MC 84212 (Sub-No. 31), filed July 25, 1967. Applicant: DORN'S TRANSPORTATION, INC., Railroad Avenue Extension, Albany, N.Y. 12205. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Albany, N.Y., and Springfield, Mass., from Albany, N.Y., over the New York State Thruway to interchange with Massachusetts Turnpike, thence over the Massachusetts Turnpike to Springfield, Mass., and return over the same route, serving Pittsfield, Mass., as an off-route point. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Albany or New York, N.Y., or Washington, D.C.

No. MC 95540 (Sub-No. 706), filed August 14, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Hoyt Starr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products*, from points in North Carolina, South Carolina, and Georgia to points in Texas and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Atlanta, Ga., Dallas, Tex., and Charlotte, N.C.

No. MC 95540 (Sub-No. 707), filed August 14, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Hoyt Starr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Friona, Tex., and points within 5 miles thereof, to points in Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Idaho, Maine, Maryland, Massachusetts, Mississippi, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Dallas, Tex., or Washington, D.C.

No. MC 95540 (Sub-No. 708), filed August 14, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned beverages and canned beverages preparation*, from points in Florida to points in Texas, Oklahoma, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 95540 (Sub-No. 709), filed August 14, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33802. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionary and confectionary products*, from points in Lancaster, Berks, Blair, and Northampton Counties, Pa., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York.

No. MC 103435 (Sub-No. 198), filed August 16, 1967. Applicant: UNITED BUCKINGHAM FREIGHT LINES, East 4005 Broadway Avenue, Spokane, Wash. 99220. Applicant's representative: George LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those

of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the Argonne Industrial District, Du Page and Will Counties, Ill., as an off-route point in connection with presently authorized service to and from Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103493 (Sub-No. 8), filed August 14, 1967. Applicant: ROBINSON TRANSFER COMPANY, INC., 1809 St. James Street, La Crosse, Wis. 54601. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses and in connection therewith, equipment, materials, and supplies used in the conduct of such business*, (1) between Duluth, Minn., on the one hand, and, on the other, points in Ontonagon, Gogebic, Iron, Baraga, Houghton, and Keweenaw Counties, Mich.; and, (2) from points in Wisconsin on and west of U.S. Highway 51, from the Michigan-Wisconsin State line at Hurley, Wis., to Wausau, Wis., and, on and North of Wisconsin Highway 29, from Wausau to Chippewa Falls, Wis., thence on U.S. Highway 53 from Chippewa Falls to Eau Claire, Wis., thence over U.S. Highway 12 from Eau Claire to junction Wisconsin Highway 29, thence on Wisconsin Highway 29 to the Minnesota-Wisconsin State line at Prescott, Wis., to Duluth, Minn., under contract with Gateway Foods of Minnesota, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 103880 (Sub-No. 384) (Amendment), filed April 3, 1967, published FEDERAL REGISTER issue April 20, 1967, and republished as amended, this issue. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, in tank or hopper type vehicles, from Riverdale and Colfax, Ill., and Des Moines, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Ohio, Wisconsin, North Dakota, South Dakota, Kansas, Nebraska, Minnesota, and Missouri. NOTE: The purpose of this republication is to change the scope of the application, by adding Colfax, Ill., to the origin point and deleting Dubuque, Iowa, from the origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 112), filed August 21, 1967. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and plywood paneling*, from Oshkosh, Wis., to points in Alabama, Delaware, Florida, Georgia, Louisiana, Mississippi, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107403 (Sub-No. 725), filed August 16, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, in tank or hopper vehicles, from Neal, W. Va., to points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio (except points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties), Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 110525 (Sub-No. 839), filed August 16, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's represenatives: Leonard A. Jaskiewicz, 1155 15th Street, NW., Madison Building, Washington, D.C. 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vermiculite and perlite*, dry, in bulk, from Reserve, La., to points in Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 111467 (Sub-No. 13), filed August 16, 1967. Applicant: ARTHUR J. PAPE, doing business as ART PAPE TRANSFER, 1381 Rockdale Road, Dubuque, Iowa 52001. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, from Henry, Ill., to points in Iowa, Minnesota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 112184 (Sub-No. 27), filed August 17, 1967. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Route 87, Newbury, Ohio 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains, and varnishes*, in bulk, in tank vehicles, from Cleveland, Ohio, to Belvidere, Ill., under contract with the Pittsburgh Plate Glass Co. NOTE: Applicant is also authorized to conduct operations as a common carrier in certificate 128302 and Sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 112801 (Sub-No. 71), filed August 21, 1967. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 272, Chicago, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid*, unmixed, in bulk, in tank vehicles, from Du Quoin, Ill., to points in Illinois, Indiana, Kentucky, Missouri, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 287), filed August 15, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candelilla wax*, in vehicles equipped with mechanical refrigeration, from Alpine, Tex., to points in New York, Pennsylvania, New Jersey, Massachusetts, Michigan, Georgia, and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114045 (Sub-No. 288), filed August 15, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Phoenix, Ariz., to points in Kentucky (except Louisville), Tennessee (except Memphis), Pennsylvania (except Pittsburgh), Virginia, West Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 114045 (Sub.-No. 289), filed August 15, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, mirrors, furniture parts, marble, pieces or slabs*, polished, in boxes or packages, (1) between Toccoa, Ga., Selma, Ala., and Truman, Ark., and (2) from Toccoa, Ga., Selma, Ala., and Truman, Ark., to points in Alabama, Arizona,

Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma Oregon, Pennsylvania, Rhode Island, South Dakota, South Carolina, Texas, Tennessee, Utah, Virginia, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114290 (Sub-No. 32), filed Aug. 16, 1967. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickles, sauerkraut, and relish*, from the plantsites of Steinfield's Products Co., located at Scappoose and Portland, Oreg., to Redding, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 114334 (Sub-No. 13), filed August 16, 1967. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3265 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel pipe*, from Preston, Tenn. (near Counce on Pickwick Lake), to points in Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Ohio, Indiana, Illinois, Louisiana, Arkansas, Missouri, Iowa, Texas, Oklahoma, Kansas, Nebraska, and Michigan, and (2) *iron and steel plates, sheets, skelp, and equipment, materials and supplies* used in the manufacturing, processing, or production of iron and steel pipe, from points in the States named in (1) above, to Preston, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 114334 (Sub-No. 14), filed August 18, 1967. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 2365 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Dale Woodall, 900 Memphis Bank Building Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooper pipe and cooper tubing*, from Wynne, Ark., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 114334 (Sub-No. 15), filed August 21, 1967. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3263 Tulane Road, Memphis, Tenn. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agriculture implements, and parts, attachments and accessories thereof*, from Yazoo City, Miss., to points in the United States (except Alaska and Hawaii), and (2) *Steel disks*, from Chicago, Ill., and Midland, Pa., to Yazoo City, Miss. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 114822 (Sub-No. 10), filed August 15, 1967. Applicant: RUDOLPH PAFFRATH, WILLIAM PAFFRATH AND THOMAS PAFFRATH, a partnership, doing business as PAFFRATH BROS., 1415 Clinton Street, Linden, N.J. 07037. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap ferrous metal*, in dump trailers, between Jersey City, Newark, and Elizabeth, N.J., on the one hand, and, on the other, Easton, Conshohocken, Philadelphia, and Stroudsburg, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 115268 (Sub-No. 5), filed August 15, 1967. Applicant: DAYTON TRANSPORT CORPORATION, Post Office Box 35, Dayton, Va. 22821. Applicant's representative: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond, Va. 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, sand, and cement*, in dump trucks, from points in Rockingham County, Va., to points in Pendleton County, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Roanoke or Richmond, Va.

No. MC 115669 (Sub-No. 78), filed August 15, 1967. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed* and *animal and poultry feed ingredients* (other than liquid), between Kansas City, Mo., on the one hand, and, on the other, points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin, and (2) *animal and poultry feed ingredients* (other than liquid), from (a) Dubuque, Iowa., to points in Arkansas, Illinois, Iowa, Oklahoma, and Wisconsin, and (b) from Omaha, Nebr., to points in Arkansas, Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 116696 (Sub-No. 3), filed August 16, 1967. Applicant: C. H. MARTIN AND SON TRUCKING, INC., 475 North Pike Road, Sarver, Pa. 16055. Applicant's representative: James W. Hagar, Post Office Box 432, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from Branchton, Pa., to points in New York, on and east of U.S. Highway 15. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 116816 (Sub-No. 10), filed August 14, 1967. Applicant: MERIT TRUCKING CORP., Building 261, Port Newark, N.J. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, air-conditioning equipment, water heaters, central home heating, and cooling units, radio, recorder, phonograph and television sets, and parts, and equipment therefor*, uncrated and crated, from Kearny, N.J., to points in New York, N.Y., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and Fairfield County, Conn., and *returned shipments* of the above specified commodities, on return, under contract with Cooper Distributing Co., Inc., Warren-Connolly Co., L & P Distributors, Apollo Distributing Co., and General Electric Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117416 (Sub-No. 24), filed August 17, 1967. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue, NW., Knoxville, Tenn. 37921. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laundry bleach* (except in bulk in tank vehicles), from Atlanta, Ga., to Evansville, Ind., Williamson, W. Va., Bristol, Va., and points in Tennessee on, south and east of a line beginning at the Virginia-Tennessee State line and extending south along U.S. Highway 25E to junction U.S. Highway 70, thence west along U.S. Highway 70 to junction U.S. Highway 70S, thence along U.S. Highway 70S to junction U.S. Highway 70, and thence along U.S. Highway 70 to the Tennessee-Arkansas State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 118089 (Sub-No. 8), filed August 14, 1967. Applicant: JACK H. DWENGER, INC., Route 1, Box 362, Weatherford, Tex. 76086. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, from Gulfport, Miss., to points in Texas, and (2) *rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 118989 (Sub-No. 16), filed August 14, 1967. Applicant: CONTAINER TRANSIT, INC., 5223 South

Ninth Street, Milwaukee, Wis. 53221. Applicant's representative: Richard A. Heilprin, Post Office Box 941, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and poly plastic products*, from Milwaukee, Wis., to points in Iowa, Minnesota, Illinois, Indiana, South Dakota, Ohio, Missouri, and Michigan. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 123383 (Sub-No. 24), filed August 21, 1967. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building sections and accessorial parts and materials used in connection therewith and in the assembly thereof*, from Hartford, Conn., to points in Pennsylvania, New Jersey, and New York. NOTE: No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123640 (Sub-No. 2), filed August 16, 1967. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Avenue, Fort Wayne, Ind. 46803. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, sold, dealt in or used by chain or department stores between Fort Wayne, Ind., on the one hand, and, on the other, points in Kentucky, except those in Jefferson County; points in Wisconsin on and south of U.S. Highway 8, except those in Milwaukee County; points in Minnesota on and south of U.S. Highway 2; and Windber, Pa., under contract with W. T. Grant Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 124078 (Sub-No. 291), filed August 21, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products*, dry, in bulk, from Danville, Ill., to points in Indiana, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 292), filed August 21, 1967. Applicant: SCHWERMAN Trucking Co., a corporation, 611 South 28th Street., Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, lime, and mortar*, in packages, in straight or mixed truckloads, from Birmingham and Roberta, Ala., to points in Kentucky. NOTE: Applicant indicates tacking at Lexington, Ky., with presently held authority in MC-124078, Sub-196 serving Ohio. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 124813 (Sub-No. 41), filed August 16, 1967. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facilities of Monsanto Co. at or near Mapleton, Minn., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant holds contract carrier authority under MC 118468 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125777 (Sub-No. 107) (Amendment), filed December 27, 1966, published FEDERAL REGISTER issue of January 12, 1967, amended August 23, 1967, and republished as amended this issue. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fluorspar*, in dump vehicles, from Cincinnati and East Liverpool, Ohio, to points in Indiana, Kentucky, Maryland, Michigan, New York, Pennsylvania, Tennessee, West Virginia, and Wisconsin, and (2) *ferro phosphorus*, in dump vehicles, from East Liverpool, Ohio, to points in Michigan, Pennsylvania, New York, Maryland, and West Virginia. NOTE: The purpose of this republication is to change the commodity description in (2) above. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 126497 (Sub-No. 3), filed August 14, 1967. Applicant: TIGER EXPRESS, INC., Main and Nelson Streets, Goshen, N.Y. 10924. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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, and those requiring special equipment), from New York, N.Y., and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to Elmira, Jamestown, Olean, Syracuse, and Wellsville, N.Y., and Erie, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 126517 (Amendment), filed August 17, 1964, published in the FEDERAL REGISTER issue of September 2, 1964, amended and republished as amended, this issue. Applicant: KEITH DANKS, doing business as RED RIVER MOVING & STORAGE, U.S. Highway Number 2 West, Grand Forks, N. Dak. Applicant's representative: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, (1) between points in Grand Forks, Walsh, Pembina, Ramsey, Steele, Griggs, Cavalier, and Nelson Counties, N. Dak.; and (2) from Grand Forks, N. Dak., to points in Kittson, Roseau, Marshall, Pennington, Red Lake, Polk, Clearwater, Norman, and Mahnomen Counties, Minn. NOTE: The purpose of this republication is to add (2), above, to the territorial description. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 126600 (Sub-No. 3), filed August 14, 1967. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, Kans. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities as are dealt in, or used by wholesale and retail department stores*, from points in Georgia and North Carolina to Abilene, Kans., under contract with the A. L. Duckwall Stores Co., a corporation; Western Merchandise Co., a corporation; the A. L. Duckwall Stores Co., a corporation, doing business as Duckwall Warehouse Co.; and the A. L. Duckwall Stores Co., a corporation, doing business as Alco Discount. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City or Topeka, Kans.

No. MC 126822 (Sub-No. 15), filed August 14, 1967. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. 64777. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine*, from Detroit and Bay City, Mich., Buffalo and New York, N.Y., Chicago, Ill., Milwaukee, Wis., Duluth, Minn., New Orleans, La., Boston, Mass., and Philadelphia, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 127253 (Sub-No. 41), filed August 18, 1967. Applicant: R. A. CORBETT TRANSPORT, INC., 111 West Laurel Street, Post Office Box 86, Lufkin, Tex. 75901. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building,

Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses and feed grade molasses*, from points in Louisiana (except those points within a 75-mile radius of New Orleans, La.), to points in Mississippi, Arkansas, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport or New Orleans, La.

No. MC 127772 (Sub-No. 2), filed August 16, 1967. Applicant: TIROD CORPORATION, 17 25 Varick Street, New York, N.Y. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Saddles*, (2) *toys*, (3) *advertising material and premiums*, (4) *chemicals* (except in bulk, in tank and hopper type vehicles), (5) *office equipment and supplies*, and (6) *materials, equipment and supplies*, used in the manufacture and distribution of meat and packinghouse products, dairy products, canned, preserved and frozen foodstuffs and the other commodities described in (1) through (4) above, between New York, N.Y., Newark, N.J., and Philadelphia, Pa., on the one hand, and, on the other, points in Ohio, Michigan, Illinois, Indiana, Missouri, Kentucky, Virginia (except Norfolk and points within 20 miles thereof, Alexandria and points in Accomack, Arlington, Fairfax, and Northhampton Counties, and points on and north of U.S. Highway 50), West Virginia, Wisconsin, Minnesota, Iowa, and that portion of Pennsylvania west of U.S. Highway 15, not including points on said highway, under a continuing contract with Atalanta Trading Corp., of New York, N.Y. NOTE: Applicant states it is now authorized to transport meat and packinghouse products, dairy products and canned, preserved and frozen foodstuffs (except commodities in bulk and sugar), between the points described above under a continuing contract with Atalanta Trading Corp., of New York, N.Y. The purpose of the instant application is to include additional commodities to be distributed by Atalanta Trading Corp. not covered by the prior grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 128639 (Sub-No. 2), filed August 16, 1967. Applicant: REGINALD CURRIER, 103 Lancaster Road, Gorham, N.H. 03581. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, (1) from points in Vermont and New Hampshire, to points in Maine and Massachusetts, and (2) from points in Vermont to points in New Hampshire. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Boston, Mass.

No. MC 128761 (Sub-No. 1), filed August 14, 1967. Applicant: RICHARD M. GODFREY, 1354 East 6400 South, Salt Lake City, Utah 84121. Applicant's representative: Bartly G. McDonough, 755 Windsor Street, Salt Lake City, Utah 84102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electronic weighing systems and electronic materials*, from Ogden, Utah, to points in Alabama, Arizona, California, Connecticut, Colorado, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Maine, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Oregon, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, Washington, Wisconsin, and the District of Columbia, under contract with Hardy Scales Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City or Ogden, Utah.

No. MC 129168 (Sub-No. 1), filed August 17, 1967. Applicant: RAYMOND C. LOVELL, doing business as B & L TRUCKING, 1629 Peoria Road, Springfield, Ill. 62701. Applicant's representative: Robert T. Lawley, 308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel storage tanks and component parts thereof*, from Springfield, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, and *damaged or rejected shipments*, on return, under contract with Certified Equipment & Manufacturing Co. of Springfield, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 129193 (Clarification), filed May 8, 1967, published in the FEDERAL REGISTER issue of July 13, 1967, clarified and republished as clarified, this issue. Applicant: FRANK M. TEACHOUT, doing business as F&M TRANSPORTATION, Post Office Box 5236, 1801 52d Street, Tampa, Fla. 33605. Applicant's representative: W. B. Dickenson, Jr., 1014 First National Bank Building, Tampa, Fla. 33602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from Tampa, Fla., to points in Pasco, Pinellas, Polk, Hillsborough, Manatee, Sarasota, Charlotte, and Lee Counties, Fla. NOTE: The purpose of this republication is to clarify the authority sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 129279 (Correction), filed July 25, 1967, published FEDERAL REGISTER issue August 17, 1967, and republished as corrected, this issue. Applicant: RYNONE INDUSTRIES, INC., North Chemung Street, Waverly, N.Y. 14892. Applicant's representative: Robert H. Griswold, Post Office Box 432, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Sayre, Pa., and Horseheads, N.Y.; from Sayre over U.S. Highway 220 to junction New York Highway 17, thence over New York Highway 17 to Horseheads, and return over the same route; also from junction New York Highway 17 and New York Highway 17E over New York Highway 17E to Elmira, thence over New York Local Truck Route through Elmira Heights to Horseheads, and return over the same route, serving intermediate points which are stations on the rail lines of Lehigh Valley Railroad Co., and serving South Waverly, Pa., as an off-route point, (2) between junction U.S. Highway 220 and New York Highway 17 and Van Etten, N.Y.; from junction U.S. Highway 220 and New York Highway 17 over New York Highway 17 to junction New York Highway 34, thence over New York Highway 34 to Van Etten, and return over the same route, serving intermediate points which are stations on the rail lines of Lehigh Valley Railroad Co., and serving junction U.S. Highway 220 and New York Highway 17 for purposes of joinder only, (3) between junction New York Highways 17 and 34 and Owego, N.Y., over New York Highway 17, serving intermediate points which are stations on the rail line of Lehigh Valley Railroad Co. and serving junction New York Highways 17 and 34 for purposes of joinder only, and (4) between Sayre and Towanda, Pa., over U.S. Highway 220, serving intermediate points which are stations on the rail line of Lehigh Valley Railroad Co. Restriction: Service authorized shall be subject to the following condition: Shipments transported shall be limited to those having in addition to a motor carrier movement by carrier, an immediately prior or subsequent movement by rail. NOTE: The purpose of this republication is to specify the Highway in No. 4 above as Highway 220, in lieu of Highway 22. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 129305 (Sub-No. 1), filed August 16, 1967. Applicant: D & L CORPORATION, 2178 West Center Street, Provo, Utah. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated sections of structural steel, bins, handrails, miscellaneous steel and tools, equipment and surplus materials and supplies used in the erection of structural and miscellaneous steel*, between points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Washington, Wyoming, and Utah, under contract with Mountain States Steel Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City or Provo, Utah.

No. MC 129319 (Amendment), filed August 10, 1967, published FEDERAL REGISTER issue August 24, 1967, and republished as amended, this issue. Applicant:

CITY TRANSFER & STORAGE INC., 902 South First Avenue, Post Office Box 669, Pocatello, Idaho 83201. Applicant's representative: Ronald W. Nicholas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, in containers, from Pocatello, Idaho, to points in Bear Lake, Caribou, Franklin, Oneida, Bannock, Power, Bingham, Bonneville, Butte, Jefferson, and Madison counties, Idaho restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air. NOTE: The purpose of this republication is to name the counties applicant intends to serve and also to delete a portion of the restriction. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 129328, filed August 10, 1967. Applicant: PAL TEX TRANSPORT CO., a corporation, 1834 Jackson-Keller Road, San Antonio, Tex. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Glass containers, glass bottles, and glass jars*, common, with or without caps, covers, tops, or stoppers, *glassware* (other than cut glassware), and *wooden boxes, wooden containers, wooden pallets, corrugated paper boxes* set up or knocked down, between Palestine, Tex., and points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina, and Tennessee, under contract with Knox Glass, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 129332, filed August 14, 1967. Applicant: RACHEL FRIDLEY, doing business as FRIDLEY TRUCKING, 36 Fourth Avenue West, Box 367, Dickinson, N. Dak. 58601. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, soft drinks, and materials, supplies, and equipment*, used in restaurants and bars, from Minneapolis-St. Paul and Shakopee, Minn., and Milwaukee, Sheboygan, and La Crosse, Wis., to Dickinson, N. Dak., and *empty containers* on return, under contract with Johnson, Inc., Dickinson, N. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bismarck, N. Dak.

No. MC 129333, filed August 14, 1967. Applicant: V. J. M. TRUCKING, INC., 53 Gordon Street, East Haven, Conn. 06512. Applicant's representative: William L. Mobley, 1694 Main Street, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, in dump vehicles, from Bridgeport, Conn., to points in Connecticut, Massachusetts, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129339 (Republication), filed January 3, 1966, published FEDERAL REGISTER, issue of January 27, 1966, under MC 94844 Sub No. 2, and republished as amended this issue. Applicant: GUYER THE MOVER, INC., 304 East Sixth Street, Peru, Ind. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana restricted to service to be performed under a contract or continuing contracts with the U.S. Government, Bunker Hill Air Force Base, Peru, Ind. The purpose of this republication is to show that the application has been amended to seek authority to operate as a contract carrier; therefore, it has been assigned a new docket number. Applicant now seeks to operate between all points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 129340, filed August 14, 1967. Applicant: GENE HARPER, doing business as A–C DELIVERY, Post Office Box 927, Parkersburg, W. Va. 26101. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in that part of West Virginia bounded by a line beginning at Huntington, W. Va., and extending along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Ohio River, thence along the Ohio River to Huntington, and points in Monroe County, Ohio, on the one hand, and, on the other, the Kanawha County Airport, near Charleston, W. Va., the Huntington-Ashland Airport, near Huntington, the Wood County Airport, near Parkersburg, W. Va., the Cleveland-Hopkins Airport, near Cleveland, Ohio, the Greater Cincinnati Airport, in Kentucky near Cincinnati, Ohio, and the Greater Pittsburgh Airport, near Pittsburgh, Pa. Restricted to shipments having a prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 129341, filed August 16, 1967. Applicant: VALENSTEIN Rental COMPANY, INC., Route 1, Box 147, Cleveland, Wis. 53015. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Building, Madison, Wis. 53705. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, and related advertising materials, premiums, and malt beverages dispensing equipment when shipped with malt beverages*, from St. Louis, Mo., to (a) Manitowoc, Wis., restricted to a transportation service to be performed under a continuing contract or contracts with Erwin C. Meser, doing business as Meser Distributing Co., Manitowoc, Wis.; (b) to Sheboygan, Wis., restricted to a transportation service to be performed under a continuing contract or contracts with Lawrence F. Gutschow, doing business as Larry's Distributing Co., Sheboygan, Wis.; and (c) to Fond du Lac, Wis., restricted to a transportation service to be performed under a continuing contract or contracts with James A. Brickle, doing business as, J. A. Brickle Distributing Co., Fond du Lac; and (2) *pallets, bin boxes, skids, and cheese boxes*, from the town of Herman, Sheboygan County, Wis., to points in Illinois and Indiana, except points in the Chicago, Ill., commercial zone as described by the Commission, restricted to a transportation service to be performed under a continuing contract or contracts with Millersville Box Co., Sheboygan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 129343, filed August 16, 1967. Applicant: A. E. DAHM, JR., doing business as ALLCOUNTY CASKET EXPRESS, Interstate 84, Goldens Bridge, N.Y. 10526. Applicant's representative: John R. Mahoney, 26 Broadway, New York, N.Y. 10004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated iron and metal set up, finished burial cases, casket hardware, and casket interiors*, between Goldens Bridge, N.Y., and points in Connecticut, under contract with Batesville Casket Sales Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 129344, filed August 18, 1967. Applicant: REGINALD MILLER, doing business as REG. MILLER TRANSPORT, Post Office Box 41, Sundridge, Ontario, Canada. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from ports of entry on the international boundary line between the United States and Canada, located in Michigan along the Detroit and St. Clair Rivers, to points in Michigan, restricted to traffic originating in Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

MOTOR CARRIER OF PASSENGERS

No. MC 29477 (Sub-No. 3), filed August 7, 1967. Applicant: ROBERT B. STEEL, doing business as GLACIER TRANSPORTATION COMPANY, 2919 Sixth Avenue North, Great Falls, Mont. 59401. Applicant's representative: Robert B. Steel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Express and mail*, between Choteau, Mont., and Browning, Mont., from Choteau over U.S. Highway 89 to Browning, and return over the same route, serving all

intermediate points, and serving Pendroy, Mont., as an off-route point. Applicant presently holds authority to transport passengers and their baggage over the above route; (2) *passengers and their baggage, express, and mail*, in the same vehicle with passengers, (a) between Browning, Mont., and Kalispell, Mont., from Browning over U.S. Highway 2 to Columbia Falls, Mont., thence over Montana Highway 40 to Whitefish, Mont., thence over U.S. Highway 93 to Kalispell, and return over the same route, serving all intermediate points, and (b) passengers and their baggage, between Browning, Mont., and Glacier Park, Mont., from Browning over U.S. Highway 2 to Glacier Park, and return over the same route, serving no intermediate points. Applicant presently holds authority in 2(b) above but same is restricted to "from the 15th day of June to the 15th day of September each year, inclusive." By the instant application he seeks to remove said seasonal restriction, thereby making the service year round. (3) Applicant also proposes to conduct special and charter operations in connection with the above authority, beginning and ending at points on the above described routes, and extending to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Whitefish or Great Falls, Mont.

No. MC 29861 (Sub-No. 5) (Amendment), filed May 15, 1967, published FEDERAL REGISTER, issue of June 2, 1967, amended and republished as amended, this issue. Applicant: GRAY COACH LINES, LIMITED, 1900 Yonge Street, Toronto, Canada. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip, sightseeing, and pleasure tours, beginning and ending at ports of entry on the international boundary line between the United States and Canada, and extending to points in the United States (excluding Alaska and Hawaii). NOTE: The purpose of this republication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 129038 (Sub-No. 2), filed August 10, 1967. Applicant: TRI-STATE COACH LINES, INC., 10008 West Pacific Avenue, Franklin Park, Ill. 60131. Applicant's representative: John T. Porter, 1 South Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage, mail, newspapers, and express, in the same vehicle with passengers*, in vehicle transporting not more than 13 passengers (exclusive of the driver and those passengers under 10 years of age who do not occupy a seat), (1) over regular routes: (a) Between Racine, Wis., and O'Hare International Airport and Midway Airport, Chicago, Ill., from Racine, over Wisconsin Highway 32 to Kenosha, thence over Wisconsin Highway 50 to its junction with Interstate Highway 94, thence over Interstate Highway 94 to Chicago, and return over the same route, serving Kenosha, Wis., and the junction of Wisconsin Highway 50 and Interstate Highway 94 as intermediate points. (2) Over irregular routes in special and charter operations from points in Racine and Kenosha Counties, Wis., to O'Hare International Airport and Midway Airport at Chicago, Ill., and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Racine or Milwaukee, Wis.

No. MC 129334, filed August 15, 1967. Applicant: ONTARIO NORTHLAND TRANSPORTATION COMMISSION, 195 Regina Street, North Bay, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations, beginning and ending at the ports of entry located on the international boundary line between the United States and Canada and extending to points in the United States, including the District of Columbia (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 126283 (Sub-No. 2), filed August 11, 1967. Applicant: BERGEN-PASSAIC AIR EXPRESS, INC., 124 East Columbia Avenue, Palisades Park, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* warehoused by and shipped from the facilities of Minnesota Mining and Manufacturing Co. located at Ridgefield, N.J., to points in Rockland and Westchester Counties, N.Y., and points in Connecticut, under contract with Minnesota Mining and Manufacturing Co.

By the Commission.

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

[F.R. Doc. 67-10156; Filed, Aug. 30, 1967; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 28, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41112—*Class and commodity rates from and to Matthews and Stout's, N.C.* Filed by O. W. South, Jr., agent (No. A5054), for interested rail carriers. Rates on property moving on class and commodity rates, between Matthews and Stout's, N.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New stations and grouping.

By the Commission.

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

[F.R. Doc. 67-10242; Filed, Aug. 30, 1967; 8:50 a.m.]

[Notice 441]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 28, 1967.

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, issued 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 protest 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 111201 (Sub-No. 9 TA), filed August 21, 1967. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, a corporation, Post Office Box 818, East Point, Ga. 30044. Applicant's representative: Monty Schumacher, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Glass containers and closures* for such containers, and *corrugated boxes or paper containers*, in mixed loads with glass containers and closures for such containers, on flat-bed trailers, from New Orleans, La., to Tennessee, Georgia, Florida, Mississippi, and Alabama, for 180 days. Supporting shipper: Underwood Glass Co., 6120 Jefferson Highway, Box 23188 Harahan Branch, New Orleans, La. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 121508 (Sub-No. 1 TA), filed August 21, 1967. Applicant: WESTERN CARTAGE, INC., 1260 Fourth Avenue South, Seattle, Wash. 98134. Applicant's

representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Household goods, heavy machinery, and building materials* (excluding cement in bulk in tank or bottom dump vehicles or similar specialized equipment), between points in Washington, (2) *general commodities*, between Seattle, Wash., on the one hand, and, on the other, points in King, Pierce, Snohomish, and Skagit Counties, Wash., (3) *general freight* (local cartage in the city of Seattle) for 150 days. Supporting shippers: Star Forwarders, Inc., 1001 First Avenue South, Seattle, Wash. 98134; Northern Commercial Co., Colman Building, Seattle, Wash. 98104; Boeing Co., Post Office Box 707, Renton, Wash. 98055; Huntington Rubber Mills, Inc., Post Office Box 37, Federal Way, Wash. 98002; United Freight, Inc., 1319 Second Avenue, Seattle, Wash. 98101; Western Transportation Co., Inc., 1319 Second Avenue, Seattle, Wash. 98101. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 124579 (Sub-No. 2 TA), filed August 22, 1967. Applicant: G. EDWARD WIKEL, doing business as WIKEL MILK CARTAGE, Route No. 1, Huron, Ohio 44839. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Sandusky, Ohio, to Allen Park, Mich., for 180 days. Supporting shipper: Heublein, Inc., 2500 Enterprise Drive, Allen Park, Mich. 48101. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 125440 (Sub-No. 6 TA), filed August 23, 1967. Applicant: JULES TISCHLER AND PAUL JOHNSON, a partnership, doing business as RARITAN MOTOR EXPRESS, 129 Lincoln Boulevard, Middlesex, N.J. 08846. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete articles and granilite articles, and materials, supplies and equipment* used in the manufacture and erection or installation thereof, between Somerville, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, for 180 days. Supporting shipper: Granite Research Industries, Inc., 26 Chestnut Street, Somerville, Mass. 02143, Attention: Robert Prosperi, project coordinator. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 126822 (Sub-No. 16 TA), filed August 21, 1967. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. 64777. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides and pelts*, from Montgomery, Ala.; Moultrie and Savannah, Ga.; East St. Louis, Milan, Rockford, and Springfield, Ill.; Fort Wayne and Terre Haute, Ind.; Davenport, Des Moines, and Dubuque, Iowa; La Vern, Minn., and St. Paul, Minn.; Jackson, Miss.; Joplin, Kansas City, Paris, St. Joseph, St. Louis, Springfield, and Stoutsville, Mo.; Omaha, Nebr.; Cleveland, Ohio; Oklahoma City and Tulsa, Okla.; Knoxville, Memphis, and Nashville, Tenn.; Abilene, Dallas, Fort Worth, Houston, Jasper, and Wharton, Tex.: Green Bay, and Milwaukee, Wis.; to ports of entry on the international boundary line, between the United States and Canada at or near Detroit, Mich., and Buffalo, N.Y., for 150 days. Supporting shippers: H. Elkan & Co., 833–845 Haines Street, Chicago, Ill. 60622; A. R. Clarke & Co., 633–661 Eastern Avenue, Toronto, Ontario, Canada; Hide Trading (1965), Ltd., 222 Cherry Street, Toronto 1, Ontario, Canada. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 126899 (Sub-No. 27 TA), filed August 23, 1967. Applicant: USHER TRANSPORT, INC., 1415 South Third Street, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, Suite 706, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., to Evansville, Ind., for 180 days. Supporting shipper: Working Beverage, Inc., Evansville, Ind., Milton Working, president. Send protests to: W. W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main, Memphis, Tenn. 38103.

No. MC 127158 (Sub-No. 3 TA), filed August 23, 1967. Applicant: LIQUID FOOD CARRIER, INC., Post Office Box 10521, New Orleans, La. 70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, from Reserve, La., to Oak Grove and Monroe, La., traversing the State of Mississippi, for 150 days. Supporting shipper: Godchaux-Henderson Sugar Co., Inc., Post Office Box 308, Reserve, La. 70084, S. L. Scallan, assistant traffic manager. Send Protests to: William R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T–4009, Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 127699 (Sub-No. 2 TA), filed August 21, 1967. Applicant: LEE CARTAGE COMPANY, a corporation, 2026 Cleveland Avenue, Canton, Ohio 44708. Applicant's representative: James Duvall, 810 Harman Building, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel buildings* (other than set up) and *related component parts*, from Canton, Ohio, to points in Indiana and that part of Michigan on and south of Michigan Highway 46 under contract with Macomber, Inc., division of Sharon Steel Corp. of Canton, Ohio, for 180 days. Supporting shipper: Macomber, Inc., Canton, Ohio 44701. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114.

No. MC 129139 (Sub-No. 1 TA), filed August 21, 1967. Applicant: MORRIS GORELICK AND HERMAN H. GORELICK, a partnership, doing business as THRIFTY SUPPLY COMPANY, 2944 First Avenue South, Seattle, Wash. 98134. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Artificial flowers, artificial foliage, artificial floral designs, artificial sprays and artificial wreaths, and artificial holiday decorations*, and (2) *commodities* the transportation of which would otherwise be exempt from economic regulation pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with the commodities specified in (1) above, from points in Washington, to points in Illinois, Indiana, Iowa, Idaho, Nebraska, Ohio, Pennsylvania, Oregon, and Wyoming; (B) returning from points in following States with mixed loads of the following *plumbing fixtures, related fittings and heating supplies; earthenware water closets, bowls, tanks, urinals, lavatories, drinking fountains*, from points in Pennsylvania, Indiana, and Ohio; *enameled cast iron bathtubs, lavatories, sinks, laundry trays, urinals, pedestals, castings* (sink traps), from points in Ohio, Indiana, and Michigan; *brass plumbers goods faucets, valves, sillcocks, waste and overflows, drains, pipefittings* (copper), from points in Illinois, Indiana, Iowa, Ohio, and West Virginia; *plastic and wood toilet seats*, from points in Wisconsin; *galvanized pipefittings ells, wyes, tees, caps, couplings, unions, plugs*, from points in Ohio, and Pennsylvania; *cast iron pipe and fittings bends, wyes, crosses, cesspools*, from points in Virginia, West Virginia; *copper pipe and fittings ells, wyes, tees, bends, traps, couplings, cleanouts*, from points in Michigan, Ohio; *heating supplies hot water tanks, boilers, radiators*, from points in Michigan, Tennessee, and Ohio, to points in Washington and Oregon, for 180 days. Supporting shippers: G. R. Kirk Co., Post Office Box 340, Puyallup, Wash. 98371; Thrifty Supply Co. of Tacoma, Inc., 2415 South Tacoma Way, Tacoma, Wash. 98409. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 129331 (Sub-No. 1 TA), filed August 23, 1967. Applicant: L-WAYS LEASING, INC., Box 327, Sweet Home, Ark. 72164. Applicant's representative: Harry E. McDermott, Jr., Union Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock* (riprap), in bulk, in dump trucks or trailers with dump bodies, from Sardis Quarry, near Lockesburg, Ark., to U.S. Engineers revetment job on the Red River, approximately 10 miles south of Bossier City, La., for 150 days. Eugene Luhr & Co., contractors, Post Office Box 69, Columbia, Ill. 62236. District Supervisor D. R. Partney, Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark.

No. MC 129343 (Sub-No. 1 TA), filed August 23, 1967. Applicant: A. E. DAHM, JR., doing business as ALLCOUNTY CASKET EXPRESS, Interstate 84, Goldens Bridge, N.Y. 10526. Applicant's representative: E. C. Smith, 26 Broadway, New York, N.Y. 10004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated iron and metal set up, finished burial cases, casket hardware and casket interiors*, between Goldens Bridge, N.Y., and points in Connecticut, for 150 days: Supporting shipper: Batesville Casket Sales Co., Inc., Batesville, Ind. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-10243; Filed, Aug. 30, 1967; 8:50 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during August.

3 CFR

Page

PROCLAMATIONS:

3797 ... 11259
3798 ... 11373
3799 ... 11729
3800 ... 12035
3801 ... 12469
3802 ... 12547

EXECUTIVE ORDERS:

11211 (amended by EO 11368) ... 12549
11248 (amended by EO 11367) ... 12037
11248 (amended by EO 11369) ... 12585
11327 (superseded in part by EO 11366) ... 11411
11365 ... 11111
11366 ... 11411
11367 ... 12037
11368 ... 12549
11369 ... 12585

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Reorganization Plan No. 3 of 1967 ... 11669

4 CFR

20 ... 11313

5 CFR

213 ... 11313, 11375, 11515, 11609, 11770, 11847, 11981, 12383, 12437, 12598.
531 ... 12472
610 ... 12551
713 ... 11847
1001 ... 11113

7 CFR

6 ... 12437
52 ... 11467
201 ... 12155
210 ... 12083
215 ... 12587
319 ... 12471
354 ... 11981
401 ... 11731
407 ... 11755
681 ... 11515
701 ... 11117, 11261
718 ... 11755
724 ... 11203
725 ... 11413
728 ... 11609, 11755, 12083
777 ... 12551
792 ... 11515
793 ... 11515
811 ... 12592
831 ... 12552
850 ... 12553
893 ... 11467
908 ... 11203, 11375, 11467, 11697, 11756, 11984, 12438.
910 ... 11375, 11413, 11697, 11731, 11984, 12046, 12438, 12554.
915 ... 11731
917 ... 11516, 12439
919 ... 12398
921 ... 12083
922 ... 12155
923 ... 12156
924 ... 12472
925 ... 11413
927 ... 11698
944 ... 11756
945 ... 11698
948 ... 12593
953 ... 12555
958 ... 11203, 11261
980 ... 12156
987 ... 11847, 11848, 12594
989 ... 12157, 12555
993 ... 11313, 12472
1002 ... 12596
1004 ... 11204, 11414
1012 ... 11206
1013 ... 11414
1034 ... 12166
1050 ... 11207
1062 ... 12597
1067 ... 12597
1068 ... 11415
1073 ... 11130, 12598
1076 ... 12439
1090 ... 11130
1101 ... 11131
1103 ... 11132
1106 ... 11134, 12598
1125 ... 11925
1126 ... 11134, 12598
1128 ... 11134
1138 ... 11135
1421 ... 11376, 11848, 11928, 12046, 12176
1464 ... 11416
1488 ... 11416
1822 ... 11757, 12398
1823 ... 11417, 11425, 11621
1833 ... 11929
1891 ... 11417

PROPOSED RULES:

27 ... 11278
31 ... 12485
51 ... 12052
81 ... 11279
722 ... 11475
724 ... 11225
729 ... 11957
777 ... 11533
817 ... 11996
906 ... 11887
919 ... 11535
921 ... 11333
922 ... 11333
923 ... 11333
924 ... 11475
926 ... 11801
927 ... 11957
929 ... 12621
931 ... 12562
948 ... 11803
958 ... 11475
971 ... 12189, 12562
980 ... 11281
981 ... 11476, 12444
987 ... 11164
989 ... 11226
991 ... 11736
993 ... 11233, 11476
1004 ... 11334, 12444
1006 ... 12622
1008 ... 12189
1032 ... 12005
1033 ... 11737
1034 ... 11535, 11887
1050 ... 12404
1060 ... 12516
1067 ... 11887
1073 ... 11233, 11566
1076 ... 11888
1099 ... 11709, 12623
1125 ... 11476, 11567, 12059
1133 ... 11476, 11957

8 CFR

100 ... 11628
103 ... 11628
204 ... 11628
211 ... 11516
212 ... 11516, 11628
214 ... 11517, 11628
231 ... 11517
235 ... 11628
238 ... 11628
241 ... 11517
282 ... 11518
292 ... 11517
299 ... 11518
316a ... 11628

9 CFR

72 ... 11518
74 ... 11637
76 ... 11376
97 ... 12441
203 ... 12599
310 ... 11135

PROPOSED RULES:

102 ... 11801
201 ... 11334
318 ... 11385
328 ... 11236

10 CFR

2 ... 11379
8 ... 11379

PROPOSED RULES:

50 ... 11278, 11739
70 ... 11958
115 ... 11278

12 CFR

1 ... 11379, 11944, 11945
19 ... 11136
208 ... 11208, 11262
262 ... 11984, 12473
263 ... 11140
308 ... 11147
545 ... 11848
555 ... 12387
640 ... 12106

PROPOSED RULES:

220 ... 11237

13 CFR

108 ... 12387
120 ... 11770
121 ... 11208, 11732
122 ... 11699

14 CFR

Page

25 ... 11629
37 ... 12106
39 ... 11154, 11209, 11314, 11380, 11381, 11630, 11704, 11849, 12050, 12110, 12387
45 ... 12555
47 ... 12555
71 ... 11154–11156, 11314, 11381, 11429, 11519–11521, 11630–11632, 11772, 11773, 11849, 11850, 12050, 12110–12113, 12388, 12442, 12556.
73 ... 11381, 11521, 11774, 12556
75 ... 11774, 12113, 12388
95 ... 11429
97 ... 11315, 11633, 11732, 11935, 12389
185 ... 12050
187 ... 12050
208 ... 11156
214 ... 11156
221 ... 11938
250 ... 11939
295 ... 11156
378 ... 11986
385 ... 11944, 11987
1209 ... 11209
1240 ... 11262

PROPOSED RULES:

39 ... 11166, 11335, 11336, 11882, 12065, 12066, 12405.
61 ... 11573
71 ... 11167, 11168, 11282, 11385, 11477, 11574–11576, 11643, 11803–11805, 11882, 12119–12121, 12449.
75 ... 11336
91 ... 11958
121 ... 11160, 11477, 12405
202 ... 11170
203 ... 11170
216 ... 11480
217 ... 11337
221 ... 12190
234 ... 11883
375 ... 11480
389 ... 11278

15 CFR

60 ... 12441
230 ... 11765, 12441
370 ... 11766
372 ... 11766
373 ... 11766, 12114
379 ... 11767
385 ... 11767
399 ... 11767

PROPOSED RULES:

10 ... 12059

16 CFR

13 ... 11432, 11467
15 ... 12176, 12557
302 ... 11850

17 CFR

231 ... 11705
240 ... 11637

PROPOSED RULES:

274 ... 11286
275 ... 11288
279 ... 11288

18 CFR

8 ... 11640
300 ... 12177

18 CFR—Continued

Page

PROPOSED RULES:

601 ... 11330

19 CFR

1 ... 11945, 11987
4 ... 12557
8 ... 11763, 12177
9 ... 11764
10 ... 11640, 11733, 11764
11 ... 11764
12 ... 11946
16 ... 11765
17 ... 12177
23 ... 11641

PROPOSED RULES:

8 ... 12116, 12481
25 ... 11803, 12116

20 CFR

405 ... 12599
604 ... 12177

21 CFR

8 ... 11733, 12603
14 ... 11733
17 ... 11733
19 ... 11521
27 ... 11263, 12603
42 ... 12604
120 ... 11157, 11263, 11321, 12473, 12474, 12604, 12605.
121 ... 11157, 11432, 11521, 11734, 11988, 12474, 12605, 12606.
141 ... 11210, 11522
141a ... 11210
141d ... 11851
145 ... 11523
147 ... 11523
148i ... 12475
148n ... 11629, 11988
148z ... 11523
191 ... 11322, 11323, 12475

PROPOSED RULES:

1 ... 12060
3 ... 12404
17 ... 11576
121 ... 11334, 11443

22 CFR

10 ... 11641
42 ... 12607
91 ... 12558
92 ... 11775
201 ... 11264
502 ... 11157

23 CFR

255 ... 11776

24 CFR

7 ... 11157
200 ... 11468, 12475
201 ... 11328
207 ... 11526
221 ... 11526
231 ... 11526
1100 ... 11526

25 CFR

52 ... 11777
53 ... 11779

26 CFR

Page

1 ... 11468
211 ... 11210

PROPOSED RULES:

1 ... 11217, 11533, 12182

28 CFR

0 ... 11160

29 CFR

460 ... 12178
462 ... 11433
463 ... 12607
545 ... 12383
681 ... 12178
1500 ... 11988

PROPOSED RULES:

512 ... 12117

31 CFR

PROPOSED RULES:

306 ... 11216

32 CFR

Ch. I ... 11382
1 ... 12084
2 ... 12097
3 ... 12097
4 ... 12097
5 ... 12098
7 ... 12098
9 ... 12099
10 ... 12099
11 ... 12099
12 ... 12099
16 ... 12101
18 ... 12102
40 ... 12179
163 ... 11949
169 ... 12607
248 ... 11706
267 ... 12608
280 ... 11160
286a ... 12102
289 ... 11780
518 ... 11265
536 ... 11469, 11780
730 ... 11265
732 ... 11851
800 ... 11782
807 ... 12609
819a ... 11782
838 ... 11783
839 ... 12609
874 ... 12611
882 ... 11852
1001 ... 12476
1002 ... 12476
1004 ... 12476
1005 ... 12477
1007 ... 12479
1008 ... 12479
1260 ... 11324
1453 ... 12400

32A CFR

Ch. VI (BDSA):
Reg. 2 ... 11734
Ch. X (OIA):
Reg. 1 ... 11382

PROPOSED RULES:

Ch. X (OIA):
Reg. 1 ... 11225, 11736, 12621
Ch. XVIII (MA):
SMR–5 ... 12625

33 CFR

Page

1 11210
207 12479

36 CFR

7 11988

38 CFR

3 11214
14 11162
17 11382

39 CFR

Ch. I 12252
113 12400
127 12400
142 11328
541 11527
742 ..... 11785, 12115
822 11384

41 CFR

5A-1 ..... 11384, 12558
5A-3 11384
5A-16 11384
5A-73 11384
6-1 12115
6-75 12115
9-1 ..... 11328, 11433
9-8 11328
9-15 11328
9-58 11328
11-3 ..... 11470, 11796
11-5 12442
101-25 12400
101-26 11162
101-27 12401
101-43 12402

PROPOSED RULES:

50-204 12449

42 CFR

Page

53 11875
54 11875
57 11875
59a 11875
77 11990
Ch. IV 11735

43 CFR

PUBLIC LAND ORDERS:

4261 11875
4262 11875
4263 11876
4264 11876

PROPOSED RULES:

23 12059
2244 11996
3170 11996
4120 11192

45 CFR

Page

85 11947
121 11434
801 ..... 11440, 12180, 12620
1100 11215

46 CFR

80 12479
308 11527

47 CFR

0 ..... 11213, 12180
1 11214
2 11991
17 11266
21 12040
64 11274
73 ..... 11214, 11471, 11472, 11531, 11708, 11796, 11876, 11877, 11879, 12402, 12559, 12612.
74 11991
87 11275
91 11992
97 12560

47 CFR—Continued

Page

PROPOSED RULES:

2 12562
15 12563
21 ..... 12005, 12121
73 ..... 11283, 11285, 11338, 11886, 12407, 12564
74 ..... 12121, 12562
87 11884
89 11958
91 12121

49 CFR

1 11276
3 11472
5 11473
100 11214
191 11994
195 ..... 11277, 11948
197 11949
288 12402

PROPOSED RULES:

114 12008
124 11644
239 11477–11480
276 11170
288 12407
293 12190
424 11959

50 CFR

10 ..... 11163, 11642, 12039
28 12615
32 ..... 11163, 11276, 11440, 11441, 11473, 11474, 11528–11531, 11707, 11734, 11735, 11797–11800, 11880, 11811, 11934, 12039, 12040, 12180, 12181, 12442, 12560, 12561, 12615–12620.
33 11531

PROPOSED RULES:

32 ..... 11224, 11801, 12404, 12444
33 12444
80 12481