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Title 3—THE PRESIDENT

Proclamation 3814

HUMAN RIGHTS WEEK AND HUMAN RIGHTS YEAR

By the President of the United States of America

A Proclamation

The year 1968 will mark the twentieth anniversary of the Universal Declaration of Human Rights by the United Nations—an historic document of freedom that expresses man's deepest beliefs about the rights that every human being is born with, and that no government is entitled to deny.

The United Nations has designated 1968 as International Human Rights Year. It has invited its members to intensify their domestic efforts to realize the aims of the Declaration.

Every American should remember, with pride and gratitude, that much of the leadership in the drafting and adoption of the Declaration came from a great American, Mrs. Eleanor Roosevelt. She was our first representative on the UN Commission on Human Rights.

Today, October 11, would have been her 83rd birthday. With the inspiration of her humanitarian concern still before us, I call the attention of our people to the Declaration she helped to author.

To Americans, the rights embodied in the Declaration are familiar, but to many other people, in other lands, they are rights never enjoyed and only recently even aspired to.

The adoption of the Declaration by the United Nations established a common standard of achievement for all peoples and all nations. These principles were incorporated into Human Rights Conventions, to be ratified by the individual nations.

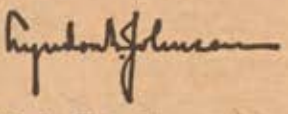
American ratification of these Conventions is long overdue. The principles they embody are part of our own national heritage. The rights and freedoms they proclaim are those which America has defended—and fights to defend—around the world.

It is my continuing hope that the United States Senate will ratify these conventions. This would present the world with another testament to our Nation's abiding belief in the inherent dignity and worth of the individual person. It would speak again of the highest ideals of America.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, in honor of the ratification of the American Bill of Rights, December 15, 1791, and in honor of the adoption by the General Assembly of the United Nations of the Universal Declaration of Human Rights, December 10, 1948, do hereby proclaim the week of December 10 through 17, 1967, to be Human Rights Week and the year 1968 to be Human Rights Year. In so doing, I call upon all

Americans and upon all Government agencies—federal, state and local—to use this occasion to deepen our commitment to the defense of human rights and to strengthen our efforts for their full and effective realization both among our own people and among all the peoples of the United Nations.

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



[F.R. Doc. 67-12179; Filed, Oct. 11, 1967; 1:47 p.m.]

Proclamation 3815

EXTENSION OF INCREASED DUTY ON IMPORTS OF CARPETS AND RUGS

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to Section 7 of the Trade Agreements Extension Act of 1951 and in accordance with Article XIX of the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A58; 8 U.S.T. (pt. 2) 1786), the President by Proclamation No. 3454 of March 19, 1962 (76 Stat. 1452), as modified by Proclamation No. 3458 of March 27, 1962 (76 Stat. 1457), proclaimed, effective after the close of business June 17, 1962, and until the President otherwise proclaimed, an increased duty on imports of certain carpets and rugs and other floor coverings;

2. WHEREAS, after compliance with the requirements of Section 102 of the Tariff Classification Act of 1962 (76 Stat. 73), the President by Proclamation No. 3548 of August 21, 1963 (77 Stat. 1017), proclaimed, effective on and after August 31, 1963, the Tariff Schedules of the United States, which reflected, with modifications, and, in effect, superseded, Proclamation No. 3454 by providing for the increased duty on imports of such floor coverings in item 922.50 in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States;

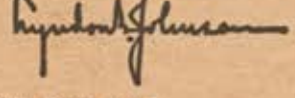
3. WHEREAS the increased duty on imports of floor coverings provided for in item 922.50 will terminate at the close of October 11, 1967, in accordance with Section 351(c)(1)(B) of the Trade Expansion Act of 1962, unless extended under Section 351(c)(2) of that Act;

4. WHEREAS, in relation to the possible extension of such increased duty, I have received and taken into account the advice from the Tariff Commission and the advice of the Secretary of Commerce and Secretary of Labor in accordance with Section 351(c)(2) of the Trade Expansion Act of 1962, recommendations of the Special Representative for Trade Negotiations in accordance with Sections 3(b), 3(j), and 5(c) of Executive Order No. 11075 of January 15, 1963 (48 CFR 1.3(b), 1.3(j), and 1.5(c)), and advice of other interested agencies of the Government; and

5. WHEREAS, pursuant to Section 351(c)(2) of the Trade Expansion Act of 1962 and in accordance with Article XIX of the General Agreement on Tariffs and Trade, I have determined that the extension, as herein proclaimed, of the increased duty on imports of floor coverings provided for in item 922.50 is necessary to prevent serious injury and is in the national interest:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including Section 351(c)(2) of the Trade Expansion Act of 1962, and in accordance with Article XIX of the General Agreement on Tariffs and Trade, do proclaim that the increased rate of duty on imports of floor coverings provided for in item 922.50 in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States is extended to articles entered, or withdrawn from warehouse, for consumption during the period beginning on October 12, 1967, and ending at the close of December 31, 1969, unless the President proclaims otherwise pursuant to Section 351(c)(1) or (2) of the Trade Expansion Act of 1962.

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



[F.R. Doc. 67-12204; Filed, Oct. 11, 1967; 8:23 p.m.]

Proclamation 3816

EXTENSION OF REMAINING INCREASED DUTIES ON IMPORTS OF SHEET GLASS

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to Section 7 of the Trade Agreements Extension Act of 1951 and in accordance with Article XIX of the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A58; 8 U.S.T. (pt. 2) 1786), the President by Proclamation No. 3455 of March 19, 1962 (76 Stat. 1454), as modified by Proclamation No. 3458 of March 27, 1962 (76 Stat. 1457), proclaimed, effective after the close of business June 17, 1962, and until the President otherwise proclaimed, increased duties on imports of certain types of sheet glass;

2. WHEREAS, after compliance with the requirements of Section 102 of the Tariff Classification Act of 1962 (76 Stat. 73), the President by Proclamation No. 3548 of August 21, 1963 (77 Stat. 1017), proclaimed, effective on and after August 31, 1963, the Tariff Schedules of the United States, which reflected, with modifications, and, in effect, superseded, Proclamation No. 3455 by providing for the increased duties on imports of such types of sheet glass in items 923.11 through 923.99 and item 924.00 in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States;

3. WHEREAS, pursuant to Section 351(c)(1)(A) of the Trade Expansion Act of 1962 (19 U.S.C. 1981(c)(1)(A)) and in accordance with Article XIX of the General Agreement on Tariffs and Trade, the President by Proclamation No. 3762 of January 11, 1967 (32 F.R. 361), terminated the increased duties on imports of sheet glass provided for in items 923.11 through 923.25, items 923.42 through 923.67, items 923.92 through 923.99, and item 924.00, and reduced the increased duties provided for in items 923.31 through 923.37, and items 923.71 through 923.77.

4. WHEREAS the remaining increased duties on imports of sheet glass provided for in items 923.31 through 923.77 will terminate at the close of October 11, 1967, in accordance with Section 351(c)(1)(B) of the Trade Expansion Act of 1962, unless extended under Section 351(c)(2) of that Act;

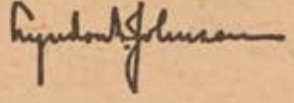
5. WHEREAS, in relation to the possible extension of such remaining increased duties, I have received and taken into account the advice from the Tariff Commission and the advice of the Secretary of Commerce and the Secretary of Labor in accordance with Section 351(c)(2) of the Trade Expansion Act of 1962, recommendations of the Special Representative for Trade Negotiations in accordance with Sections 3(b), 3(j), and 5(c) of Executive Order No. 11075 of January 15, 1963 (48 CFR 1.3(b), 1.3(j), and 1.5(c)), and advice of other interested agencies of the Government; and

6. WHEREAS, pursuant to Section 351(c)(2) of the Trade Expansion Act of 1962 and in accordance with Article XIX of the General Agreement on Tariffs and Trade, I have determined that the extension, as herein proclaimed, of the remaining increased duties on imports of sheet glass provided for in items 923.31 through 923.77 is necessary to prevent serious injury and is in the national interest:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including Section 351(c)(2) of the Trade Expansion Act of 1962, and in accordance with Article XIX of the General Agreement on Tariffs and Trade, do proclaim that the remaining increased rates of duty on imports of sheet glass provided for in items 923.31 through 923.77 in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States are

extended to articles entered, or withdrawn from warehouse, for consumption during the period beginning on October 12, 1967, and ending at the close of December 31, 1969, unless the President proclaims otherwise pursuant to Section 351(c) (1) or (2) of the Trade Expansion Act of 1962.

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



[F.R. Doc. 67-12203; Filed, Oct. 11, 1967; 8:23 p.m.]

Executive Order 11374

ABOLISHING THE MISSILE SITES LABOR COMMISSION AND PROVIDING FOR THE PERFORMANCE OF ITS FUNCTIONS

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. The Missile Sites Labor Commission is hereby abolished, and its functions and responsibilities are transferred to the Federal Mediation and Conciliation Service.

SEC. 2. The Director of the Federal Mediation and Conciliation Service shall establish within the Federal Mediation and Conciliation Service such procedures as may be necessary to provide for continued priority for resolution of labor disputes or potential labor disputes at missile and space sites, and shall seek the continued cooperation of manufacturers, contractors, construction concerns, and labor unions in avoiding uneconomical operations and work stoppages at missile and space sites.

SEC. 3. The Department of Defense, the National Aeronautics and Space Administration, and other appropriate government departments and agencies shall continue to cooperate in the avoidance of uneconomical operations and work stoppages at missile and space sites. They shall also assist the Federal Mediation and Conciliation Service in the discharge of its responsibilities under this order.

SEC. 4. All records and property of the Missile Sites Labor Commission are hereby transferred to the Federal Mediation and Conciliation Service.

SEC. 5. Any disputes now before the Missile Sites Labor Commission shall be resolved by the personnel now serving as members of the Missile Sites Labor Commission under special assignment for such purposes by the Director of the Federal Mediation and Conciliation Service.

SEC. 6. Executive Order No. 10946 of May 26, 1961, is hereby revoked.

Lyndon B. Johnson

THE WHITE HOUSE,
October 11, 1967.

[F.R. Doc. 67-12202; Filed, Oct. 11, 1967; 4:38 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that the position of Associate Administrator, Office of the Administrator, Consumer and Marketing Service is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (4) is added to paragraph (m) of § 213.3313 as set out below.

§ 213.3313 **Department of Agriculture.**

* * * * *

(m) *Consumer and Marketing Service.* * * *

(4) Associate Administrator.

* * * * *

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

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

[F.R. Doc. 67-12117; Filed, Oct. 12, 1967; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency and Department of Housing and Urban Development

Sections 213.3344 and 213.3384 are amended to show that a number of positions formerly in the Housing and Home Finance Agency are transferred to the Department of Housing and Urban Development. Effective on publication in the FEDERAL REGISTER the following amendments are made.

§ 213.3344 **Housing and Home Finance Agency.**

(a) *Office of the Administrator.* * * *

(20) [Revoked]

* * * * *

(27) [Revoked]

* * * * *

(29) [Revoked]

* * * * *

(38) [Revoked]

(39) [Revoked]

* * * * *

(46) [Revoked]

* * * * *

(b) *Federal Housing Administration.* * * *

(2) [Revoked]

* * * * *

(4) [Revoked]

(5) [Revoked]

(6) [Revoked]

* * * * *

(8) [Revoked]

* * * * *

(10) [Revoked]

(11) [Revoked]

* * * * *

(15) [Revoked]

(16) [Revoked]

* * * * *

§ 213.3384 **Department of Housing and Urban Development.**

(a) *Office of the Secretary.* * * *

(24) One Special Counsel and Assistant to the Under Secretary.

(b) *Office of the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner.*

* * * * *

(10) One General Counsel.

(11) One Assistant Commissioner for Programs.

(12) One Assistant to the Commissioner (Special Projects).

(13) One Assistant to the Commissioner (Intergroup Relations).

(14) One Assistant to the Commissioner.

(15) One Confidential Assistant to the Assistant Commissioner for Programs.

(16) One Special Assistant for Home Improvement Plans and Mortgage Servicing.

(17) One Special Assistant for Elderly Housing.

(18) One Special Assistant for Nursing Homes.

(c) *Office of the Assistant Secretary for Renewal and Housing Assistance.* * * *

(8) One Chief Counsel, Renewal Assistance Administration.

(d) *Office of the Assistant Secretary for Metropolitan Development.* * * *

(9) One Deputy Director, Office of Transportation.

(10) One Chief Counsel, Metropolitan Development.

(11) One Special Assistant to the Assistant Secretary.

(12) One Private Secretary to the Director, Urban Transportation Administration.

* * * * *

(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. 67-12118; Filed, Oct. 12, 1967; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that the position of Deputy Assistant Director for Research, Plans, Programs, and Evaluation is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER subparagraph (8) of paragraph (a) of § 213.3373 is 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. 67-12119; Filed, Oct. 12, 1967; 8:47 a.m.]

Title 7—AGRICULTURE

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

[Grapefruit Reg. 34]

PART 909—GRAPEFRUIT GROWN IN THE STATE OF ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became

available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on September 28, 1967, to consider recommendation for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received on October 4, 1967; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on the date hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

§ 909.334 Grapefruit Regulation 34.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period October 15, 1967, through August 30, 1968, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purpose of this regulation shall include the requirement that the grapefruit be well colored, instead of slightly colored, and free from peel that is more than 1 inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided,* That grapefruit having any amount of light or fairly light colored scarring may be handled if they otherwise grade at least U.S. No. 2: *Provided further,* That the tolerances prescribed for the U.S. No. 2 grade shall be the tolerance applicable to the requirements of this subparagraph except that not more than 5 percent shall be allowed for grapefruit having peel more than 1 inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than $3^{11}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than $3^{11}/_{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised U.S. Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{2}/_{16}$ inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3^{11}/_{16}$ inches in diameter directly to a destination in Zone 4, Zone 3, or Zone 2; and if the grapefruit is so handled directly to Zone 2 the grapefruit does not measure less than $3^{6}/_{16}$ inches in diameter: *Provided,* That a tolerance of percent, by count, of grapefruit smaller than $3^{6}/_{16}$ inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than $3^{6}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are $3^{13}/_{16}$ inches in diameter and smaller.

(b) As used herein, "handler," "grapefruit," "handle," "Zone 2," "Zone 3," and "Zone 4" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "well colored" shall have the same meaning as when used in the aforesaid revised U.S. Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

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

Dated: October 10, 1967.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-12109; Filed, Oct. 12, 1967; 8:46 a.m.]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Expenses and Rate of Assessment

On September 20, 1967, notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 13292) regarding proposed expenses, the rate of assessment for the fiscal period July 1, 1967, through June 30, 1968, pursuant to the marketing agreement and Order No. 925 (7 CFR Part 925) regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 925.207 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee during the fiscal period July 1, 1967, through June 30, 1968, will amount to $6,545.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 925.41, is fixed at $0.005 per one-half bushel or equivalent quantity of fresh prunes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of fresh prunes grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable prunes handled during the aforesaid period; and (3) such period began on July 1, 1967, and said rate of assessment will automatically apply to all such prunes beginning with such date.

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

Dated: October 9, 1967.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-12110; Filed, Oct. 12, 1967; 8:46 a.m.]

PART 932—OLIVES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

On September 20, 1967, notice of rule making was published in the FEDERAL REGISTER (32 F.R. 13292) regarding proposed expenses and the related rate of assessment for the fiscal year ending August 31, 1968, and carryover of unexpended assessment funds in excess of expenses incurred during the fiscal year ended August 31, 1967, pursuant to the marketing agreement and Order No. 932 (7 CFR Part 932), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Olive Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 932.204 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Olive Administrative Committee during the fiscal year ending August 31, 1968, will amount to $55,000.

(b) *Rate of assessment.* The rate of assessment for said year, payable by each first handler in accordance with § 932.39, is fixed at $2.50 per ton, or equivalent quantity, of olives.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal year ended August 31, 1967, shall be carried over as a reserve in accordance with § 932.40 of the said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable olives from the beginning of such year; and (2) such year began on September 1, 1967, and the rate of assessment herein fixed will automatically apply to all assessable olives beginning with such date.

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

Dated: October 9, 1967.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-12111; Filed, Oct. 12, 1967; 8:46 a.m.]

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

Subpart—Administrative Rules and Regulations

DIVERSION OR DISPOSITION OF RESTRICTED AND OTHER MARKETABLE DATES

The Date Administrative Committee has recommended an amendment of Subpart—Administrative Rules and Regulations. This subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 32 F.R. 12594), regulating the handling of dates produced in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

As provided in § 987.155(a)(1), restricted dates, to be exported to approved countries other than Mexico, must meet the applicable grade requirements in effect pursuant to §§ 987.39 and 987.40 for dates packed for handling. These requirements are set forth in §§ 987.202 and 987.203(a). For dates of the Deglet Noor variety, § 987.203(a) provides, among other requirements, that not more than 20 percent, by weight of the dates, may be damaged by broken skin. Current inventories of Deglet Noor dates of otherwise sound quality contain some with more than the allowable 20 percent damaged by broken skin and hence may not be so exported as restricted dates or handled as free dates in domestic markets.

The total quantity of Deglet Noor dates now meeting all grade requirements is less than that required for trade demand in the domestic markets and for such export. The dates with broken skin are satisfactory as to eating quality and acceptable in some export markets. Hence, an increase in the allowance for broken skin from 20 percent to 40 percent for restricted Deglet Noor dates to be exported to approved countries will permit sales to some of the export markets which now cannot be supplied. Also, since the return from such export outlets is higher than the alternative outlets for such restricted dates, the amendment is expected to increase overall returns to producers.

Based on the foregoing, the recommendation of the Committee, the information submitted therewith, and other available information, it is hereby found that amendment of the administrative rules and regulations, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, Subpart—Administrative Rules and Regulations (7 CFR 987.100 to 987.174) is hereby amended by revising subdivision (i) of § 987.155(a)(1) to read:

§ 987.155 Diversion or disposition of restricted and other marketable dates.

(a) *By export.* (1) * * *

(i) Be inspected and certified prior to export as meeting all of the applicable grade and size requirements in effect pursuant to §§ 987.39 and 987.40 for dates packed for handling, except that, for the factor of absence of defects for Deglet Noor dates, not more than 40 percent, by weight of the dates, may be damaged by broken skin;

* * * * *

It is further found that it is impracticable, unnecessary, and contrary to public interest to give preliminary notice and engage in the public rule making procedure, and that good cause exists for making this action effective as hereinafter specified and for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action increases the allowance for a particular grade defect, applicable to certain exports of Deglet Noor dates, and hence relieves restrictions on handlers; and (2) handlers are aware of the Date Administrative Committee's recommendation in regard to this action and need no additional notice or time to adjust their operations to the change in grade requirements.

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

Dated October 9, 1967, to become effective upon publication in the FEDERAL REGISTER.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-12112; Filed, Oct. 12, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 3]

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation, published in 31 F.R. 9679, 32 F.R. 10249, and 32 F.R. 11416, with respect to the tobacco price support loan program are herein amended as follows:

1. In § 1464.1756 paragraph (d) is amended to (1) provide price support on 1967 crop flue-cured tobacco which is security for a farm storage loan obtained pursuant to Part 1421 of this chapter and which is delivered directly to the association, and (2) remove the limitation on the time during which price support will be available on 1967 crop untied tobacco if the tobacco is security for such a farm storage loan. The amended paragraph reads as follows:

§ 1464.1756 Availability of price support.

* * * * *

(d) Price support to eligible producers will be made available on eligible tobacco in the following manner:

(1) *Through auction warehouses.* (i) Price support will be available for tobacco offered for auction sale at auction warehouses which have contracted with an association, on a form of agreement approved by CCC, to make price support advances to producers on behalf of the association. Producers will deliver their tobacco to auction warehouses to be displayed and offered for sale at auction. The association's contracts with auction warehouses will require the auction warehouses to see that producers are informed that price support advances are available and to make price support advances to eligible producers on eligible tobacco. For flue-cured tobacco the association's contracts with auction warehouses will also require the auction warehouse to mark any Tobacco Sale Bill "No Price Support" if the marketing of the pounds of tobacco covered by that bill will result in the producer marketing in excess of 110 percent of his farm marketing quota. Producers will generally receive the price support advances from the warehouseman for any tobacco to be consigned to the association at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any 1 day's auction market. The warehouseman will, in turn, be reimbursed by the association with funds borrowed from CCC.

(ii) Price support will be available only at warehouses where tobacco inspection service is provided by the Consumer and Marketing Service, USDA. Inspection and price support services may be extended to new markets or to additional

sales on established markets in accordance with this part and Subpart A of 7 CFR Part 29. These regulations provide that such additional services may be extended only after a formal public hearing establishes the need for the services and the adequacy of the buying power that will participate.

(iii) CCC reserves the right to direct the association to withhold a contract under the price support program from any auction warehouse for one or more years if, based on previous performance of similar contracts, or other evidence there is substantial reason to expect that such warehouse will not fulfill the contract obligations.

(iv) In the case of flue-cured tobacco, price support will be available on flue-cured tobacco markets in the Georgia-Florida belt only if such tobacco is in untied form. During the first 95 hours of scheduled selling time for each flue-cured belt, other than the Georgia-Florida belt, price support will be available on eligible tobacco of all grades of tied and untied tobacco. Beginning with the 96th hour of scheduled selling time for each such belt, price support will be available on untied tobacco only if there is outstanding on such tobacco a farm storage loan which was requested, pursuant to regulations published in Part 1421 of this chapter, not later than October 6, 1967, if the tobacco was produced in the type 13 belts, and if produced in any other belt, not later than the date of completion of the first 95 hours of scheduled selling time for the belt in which produced. Except for such untied tobacco, price support will be available after the first 95 hours of scheduled selling time only on eligible tobacco offered for sale in tied form. For the purposes of this subsection the markets located in the type 13 area shall be considered two belts as follows: Markets located in the area commonly known as the border North Carolina marketing area shall be considered a belt, and the markets located in the State of South Carolina shall be considered a belt, except that the markets of Loris, S.C., and Mullins, S.C., shall be considered a part of whichever of the two belts that their respective scheduled selling time corresponds.

(2) *Upon direct delivery to the Association.* Eligible producers in nonauction market areas and flue-cured tobacco producers, to the extent provided in this subsection, may deliver eligible tobacco to central receiving points designated by the appropriate association. After the tobacco has been graded by USDA inspectors, the producer will receive the price support advance directly from the association for any tobacco to be pledged as security for loans. Flue-cured producers who after the close of all flue-cured auction markets, including clean up sales, have 1967 crop flue-cured tobacco on which a farm storage loan is outstanding may deliver such tobacco to the designated central receiving points for price support.

(3) *Period of price support.* Price support will be available to eligible producers on eligible tobacco only during each year's normal marketing season for each kind of tobacco for which support is provided. Price support for flue-cured tobacco delivered directly to the association will be available only after the close of all flue-cured auction markets for the 1967 crop, including clean up sales, and not later than January 15, 1968.

2. In § 1464.1758 paragraph (c) is added to provide for collection of 1967 crop flue-cured tobacco farm storage loans by deductions from price support advances. The added paragraph is as follows:

§ 1464.1758 Deductions from advances.

* * * * *

(c) If any producer of 1967 crop flue-cured tobacco is indebted to the United States for a farm storage loan obtained pursuant to Part 1421 of this chapter, the principal amount of such loan will be deducted from the price support advance paid the producer by the association and will be applied to repayment of the farm storage loan.

3. Section 1464.1759 is amended to provide that interest charges, applicable to farm storage loans made on tobacco which was later pledged for price support advances, shall be added to the accrued interest on the loan made to the association. The amended section reads as follows:

§ 1464.1759 Interest rate and general provisions.

The loans made to the associations will bear interest at the rate announced by CCC for each crop and will be nonrecourse both as to principal and interest except in the case of misrepresentation, fraud or failure to carry out the loan agreement. In instances where the loan to the association is made on a quantity of tobacco on which a farm storage loan had been made, any unpaid interest applicable to the farm storage loan on such quantity of tobacco will not be collected from the producer who obtained the farm storage loan but will be added to the accrued interest of the loan made to the association. Tobacco loses its identity as to original ownership through commingling in the packing process, and individual producers may not redeem their tobacco once it has been pledged as security for the loan. Associations will sell the loan tobacco as provided in the loan agreements for each crop, and all proceeds of sales of the loan collateral of each crop will be applied to the loan account for such crop until the loan is repaid in full.

4. Section 1464.1763 is amended to include in the definition of eligible tobacco, 1967 crop flue-cured tobacco which is delivered directly to the association, and a requirement for grading. The amended section reads as follows:

§ 1464.1763 Eligible tobacco.

Eligible tobacco shall be United States and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) which (a) is of a kind and crop for which price support is available; (b) if marketing quotas are in effect, has been properly identified in accordance with applicable tobacco Marketing Quota Regulations by (1) a valid memorandum of sale issued from a Within Quota Marketing Card, if other than flue-cured tobacco, or (2) a Marketing Card which does not bear the words "No Price Support", if flue-cured tobacco; (c) if flue-cured tobacco, (1) is offered for marketing on a Tobacco Sale Bill which is not marked "No Price Support", and is for a number of pounds which, when added to the pounds of flue-cured tobacco previously marketed, does not exceed 110 percent of the applicable farm marketing quota or (2) is 1967 crop tobacco delivered directly to the association and is a quantity which, when added to the previous marketings, does not exceed 110 percent of the applicable farm marketing quota; (d) has been delivered to the association by the producer, either directly or through an auction warehouse, prior to sale to any other person; (e) has been delivered to the association by the producer, either directly or through an auction warehouse, in lots identified by not more than one marketing card for each lot; (f) is in sound and merchantable condition; (g) was not produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco; (h) has been graded by USDA official tobacco inspectors in a grade for which price support is available.

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c)

Effective date: Date of filing with Office of the Federal Register.

Signed at Washington, D.C. on October 9, 1967.

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

[F.R. Doc. 67-12144; Filed, Oct. 12, 1967; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-239]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of August 1967, of approved fruit products and other approved products containing sugar amounted to Australian $113.70 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in

Australia is hereby ascertained, determined, and declared to be Australian $113.70 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

In view of the change in the periods to be covered by countervailing duty orders relating to the sugar content of certain articles from Australia, only the three last Treasury decisions publishing such orders will be listed at any one time in the table in § 16.24(f) of the Customs Regulations.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action."

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

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

Approved: October 4, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-12126; Filed, Oct. 12, 1967; 8:48 a.m.]

[T.D. 67-240]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of September 1967, of approved fruit products and other approved products containing sugar amounted to Australian $121 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian $121 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

In view of the change in the periods to be covered by countervailing duty orders relating to the sugar content of certain articles from Australia, only the three last Treasury decisions publishing such orders will be listed at any one time in the table in § 16.24(f) of the Customs Regulations.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 67-174 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

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

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

Approved: October 4, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-12127; Filed, Oct. 12, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS

Identity Standards; Order Listing Fumaric Acid as Optional Ingredient

In the matter of amending the standards of identity for fruit jelly (21 CFR 29.2); fruit preserves or jams (21 CFR 29.3); artificially sweetened fruit jelly (21 CFR 29.4), and artificially sweetened fruit preserves or artificially sweetened fruit jams (21 CFR 29.5) to provide for the use of fumaric acid as an optional acidifying ingredient:

No comments were received in response to the notice of proposed rule making in the above-identified matter published in the FEDERAL REGISTER of June 23, 1967 (32 F.R. 8975), based on a petition filed by The National Preservers Association, 23 East Chestnut Street, Chicago, Ill. 60610.

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 §§ 29.2(a)(2), 29.3(a)(2), 29.4(a)(2), and 29.5(a)(2) be amended to read as follows:

§ 29.2 Fruit jelly; identity; label statement of optional ingredients.

(a) * * *

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, fumaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit juice ingredient.

* * * * *

§ 29.3 Preserves, jams; identity; label statement of optional ingredients.

(a) * * *

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, fumaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit ingredient.

* * * * *

§ 29.4 Artificially sweetened fruit jelly; identity; label statement of optional ingredients.

(a) * * *

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, fumaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit juice ingredient.

* * * * *

§ 29.5 Artificially sweetened fruit preserves, artificially sweetened fruit jams; identity; label statement of optional ingredients.

(a) * * *

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, fumaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit ingredient.

* * * * *

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: October 6, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-12130; Filed, Oct. 12, 1967; 8:48 a.m.]

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

Linuron

A petition (PP 7F0542) was filed with the Food and Drug Administration by E. I. du Pont de Nemours and Co., Wilmington, Del. 19898, proposing the establishment of tolerances for residues of the herbicide linuron (3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea) in or on the raw agricultural commodities barley, oats, rye, and wheat (each in grain form and in form of forage, hay, and straw); corn in grain or ear form from field corn, sweet corn, and popcorn; cottonseed; parsnips (with or without tops) and parsnip tops; and sorghum (milo) in grain form and in form of fodder and forage, at 1 part per million.

Data in the petition show that tolerances are not needed higher than 0.5 part per million on parsnips (with or without tops) and parsnip tops, and barley, oats, rye, and wheat (each in form of hay, forage, and straw); nor higher than 0.25 part per million on corn in grain or ear form, including sweet corn, field corn, and popcorn, cottonseed, grain sorghum (milo), and barley, oats, rye, and wheat (each in grain form).

The Secretary of Agriculture has certified that this herbicide is useful for the purposes for 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), § 120.184 is revised to read as follows:

§ 120.184 Linuron; tolerances for residues.

Tolerances for residues of the herbicide linuron (3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea) in or on raw agricultural commodities are established as follows:

1 part per million in or on carrots (with or without tops) and carrot tops; corn fodder or forage from field corn, sweet corn, and popcorn; potatoes; sorghum fodder and forage; soybeans (dry or succulent); soybean forage and hay; meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

0.5 part per million in or on parsnips (with or without tops) and parsnip tops; the forage, hay, and straw of barley, oats, rye, and wheat.

0.25 part per million in or on corn in grain or ear form from field corn, sweet corn, and popcorn, cottonseed, the grain of barley, oats, rye, sorghum (milo), and wheat.

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: October 6, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-12131; Filed, Oct. 12, 1967; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Toppenish National Wildlife Refuge, Wash.

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.

WASHINGTON

TOPPENISH NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and gallinules on Toppenish National Wildlife Refuge, Wash., is permitted from October 14, 1967 through January 21, 1968, and for geese from October 14, 1967, through January 11, 1968, but only on the area designated by signs as open to hunting. This open area, comprising 600 acres, is delineated on a map available at refuge headquarters, Toppenish National Wildlife Refuge, Toppenish, Wash., 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.

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 21, 1968.

CLAY E. CRAWFORD,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 10, 1967.

[F.R. Doc. 67-12092; Filed, Oct. 12, 1967; 8:45 a.m.]

PART 32—HUNTING

Toppenish National Wildlife Refuge, Wash.

On page 13720 of the FEDERAL REGISTER of September 30, 1967, there was published a notice of a proposed amendment to 50 CFR 32.11 and 32.21. The purpose of this amendment is to provide public hunting of migratory game birds and upland game on the Toppenish National Wildlife Refuge, Wash., as legislatively permitted.

Interested persons were given 10 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

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

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

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

WASHINGTON

TOPPENISH NATIONAL WILDLIFE REFUGE

* * * * *

2. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized:

§ 32.21 List of open areas; upland game.

* * * * *

WASHINGTON

TOPPENISH NATIONAL WILDLIFE REFUGE

* * * * *

J. P. LINDUSKA,
Acting Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 10, 1967.

[F.R. Doc. 67-12093; Filed, Oct. 12, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-CE-117]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Omaha, Nebr. (Offutt Air Force Base, control zone and the Omaha, Nebr., transition area.

As a result of the modification of the VOR and TACAN instrument approach procedures at Offutt Air Force Base, it is necessary to make minor changes in the Omaha, Nebr. (Offutt Air Force Base), control zone and the Omaha, Nebr., transition area in order to protect aircraft executing these altered approach procedures. Action is taken herein to effect these changes.

Since the aforementioned changes are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective December 7, 1967, as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

OMAHA, NEBR. (OFFUTT AFB)

Within a 5-mile radius of Offutt AFB (latitude 41°07'20" N., longitude 95°54'35" W.); within 2 miles each side of the Offutt AFB TACAN 307° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN; within 2 miles each side of the Offutt AFB VOR 310° radial, extending from the 5-mile radius zone to 1 mile northwest of the VOR; and within 2 miles each side of the Offutt AFB ILS localizer southeast course, extending from the 5-mile radius zone to the OM.

(2) In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

OMAHA, NEBR.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Eppley Field (latitude 41°18'00" N., longitude 95°53'35" W.); within 2 miles each side of the Omaha VORTAC 318° radial extending from the 10-mile radius area to the VORTAC; within 2 miles each side of the Eppley Field ILS localizer southeast course, extending from the 10-mile radius area to 15 miles southeast of the airport; and within 5 miles northeast and 8 miles southwest of the Eppley Field ILS localizer northwest course, extending from the 10-mile radius area to 12 miles northwest of the OM; and within a 10-mile radius of Offutt AFB (latitude 41°-07'20" N., longitude 95°54'35" W.); within 6 miles northeast and 8 miles southwest of the Offutt AFB VOR 310° and 130° radials, extending from the 10-mile radius area to 12 miles southeast of the VOR; and within 2 miles each side of the Offutt AFB TACAN 307° radial, extending from the 10-mile radius area to 8 miles northwest of the TACAN; and that airspace extending upward from 1,200 feet above the surface within the area beginning southeast of Omaha at the north edge of V-216 and longitude 95°00'00" W.; thence north along longitude 95°00'00" W. to and east along the north edge of V-6, to and north along longitude 94°42'00" W., to and west along the south edge of V-172, to and north along longitude 95°18'00" W., to and west along latitude 41°43'00" N., to and south along longitude 96°25'00" W., to and east along latitude 41°30'00" W., to and south along longitude 96°23'00" W., to and east along the north edge of V-216 to the point of beginning.

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

Issued in Kansas City, Mo., on September 29, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-12105; Filed, Oct. 12, 1967; 8:46 a.m.]

[Airspace Docket No. 67-CE-93]

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

Alteration of Transition Area

On page 11575 of the FEDERAL REGISTER dated August 10, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Springfield, Mo.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0001 e.s.t., December 7, 1967.

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

Issued in Kansas City, Mo., on September 29, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

SPRINGFIELD, MO.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Springfield, Mo., Municipal Airport (latitude 37°14'35" N., longitude 93°23'20" W.); within 2 miles each side of the 324° bearing from the Springfield RBN, extending from the 7-mile radius area to 8 miles northwest of the RBN; within 5 miles west and 8 miles east of the Springfield ILS localizer south course, extending from 1 mile north to 12 miles south of the OM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius area of the Springfield Municipal Airport; within 7 miles northwest and 10 miles southeast of the Springfield VORTAC 210° radial, extending from the 25-mile radius area to 44 miles southwest of the VORTAC; within 7 miles northwest and 10 miles southeast of the Springfield VORTAC 240° radial, extending from the 25-mile radius area to 37 miles southwest of the VORTAC; within 7 miles south and 10 miles north of the Springfield VORTAC 261° radial, extending from the 25-mile radius area to 51 miles west of the VORTAC; within a 26-mile radius area of the Springfield VORTAC, within 7 miles northeast and 10 miles southwest of the Springfield VORTAC 337° radial, extending from the 26-mile radius area to 40 miles northwest of the VORTAC; within 7 miles southeast and 10 miles northwest of the Springfield VORTAC 028° radial, extending from the 26-mile radius area to 41 miles northeast of the VORTAC; within 7 miles southeast and 10 miles northwest of the Springfield VORTAC 058° radial, extending from the 26-mile radius area to 44 miles northeast of the VORTAC; and within 8 miles southeast and 11 miles northwest of the Dogwood, Mo., VORTAC 053° and 233° radials, extending from 7 miles northeast to 14 miles southwest of the VORTAC.

[F.R. Doc. 67-12106; Filed, Oct. 12, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-78]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Continental Control Area and Revocation of Restricted Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to revoke Restricted Area R-4402 Pascagoula, Miss., and to delete R-4402 from the designation of restricted areas included in the continental control area.

The Department of the Air Force has advised the Federal Aviation Administration that R-4402 is no longer required and has recommended that this restricted area be rescinded. For this reason, action is taken herein to revoke R-4402.

Since these amendments will restore airspace to the public use, notice and public procedure is unnecessary and these amendments may be made effective on less than 30 days notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

1. In § 71.151 (32 F.R. 2061), R-4402 Pascagoula, Miss., is deleted.

2. In § 73.44 (32 F.R. 2316), R-4402 Pascagoula, Miss., is revoked.

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

Issued in Washington, D.C., on October 5, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-12107; Filed, Oct. 12, 1967; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8425; Amdt. 558]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 28 OCT. 1967.

City, Cape Spencer Lighthouse; State, Alaska; Airport name, USCG Marine Radio Beacon and Light Beacon—no airport or seadrome; Elev., none; Fac. Class., HW; Ident., T; Procedure No. 1, Amdt. 1; Eff. date, 13 Aug. 55; Sup Amdt. No. Orig.; Dated, 26 July 54

EGG VOR	EKV RBn	Direct	1500	T-dn	300-1	300-1	300-1½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 134° Outbnd, 314° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'
Crs and distance, facility to airport, 323°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles of EKV RBn, climb to 1500', left turn, returning direct to EKV RBn.
NOTE: Holding pattern when required. One minute on 134° M crs of EKV RBn, 134° Outbnd, 314° Inbnd, right turns, 1500'.
CAUTION: (1) R-5310 E of procedure turn and holding pattern area. (2) R-5303 S of procedure turn and holding pattern area.
MSA within 25 miles of facility: 000°-180°—1300'; 180°-270°—2100'; 270°-360°—1400'.

City, Elizabeth City; State, N.C.; Airport name, Coast Guard Air Station; Elev., 12'; Fac. Class., HW; Ident., EKV; Procedure No. NDB(ADF)-1, Amdt. Orig.; Eff. date, 28 Oct. 67

ODI VOR	LSE RBn	Direct	2800	T-d	*400-1	*400-1	#400-1
				T-n	*400-1½	*400-1½	#400-1½
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 301° Outbnd, 121° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs 1800'.
Crs and distance, facility to airport, 142°-4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing RBn, make immediate right climbing turn to RBn, then continue climb to 2800' on 301° bearing from RBn within 10 miles, return to RBn.
NOTES: (1) Final approach from holding pattern at RBn not authorized. Procedure turn required. (2) When weather is below 1200-2 for southwestbound aircraft departing Runways 13, 31, 18, and 21, flight below 2300' beyond 2 miles of airport is prohibited between radials 167° and 270° of LSE VOR. Restriction due to 1837' tower, 5.6 miles SW of airport. (3) When weather is below 800-2 aircraft departing Runways 13, 18, 21, flight below 1900' beyond 2 miles of airport is prohibited between radials 040° and 270° of the LSE VOR. Restriction due to 1444' tower, 4 miles SE of airport.
*300-1 authorized on Runways 31 and 36.
#200-½ authorized on Runways 31 and 36.
MSA within 25 miles of facility: 270°-000°—3500'; 000°-270°—2900'.

City, La Crosse; State, Wis.; Airport name, La Crosse Municipal; Elev., 653'; Fac. Class., SBH; Ident., LSE; Procedure No. NDB (ADF) Runway 13, Amdt. 4; Eff. date, 28 Oct. 67; Sup. Amdt. No. NDB (ADF) Runway 13, Amdt. 3; Dated, 16 Sept. 67

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
STJ VOR	ST LOM	Direct	2300	T-dn	300-1	300-1	*200-½
Troy Int	ST LOM	Direct	2600	C-dn	600-1	600-1	600-1½
Plattsburg Int	ST LOM	Direct	2800	S-dn-35	400-1	400-1	400-1
New Market Int	ST LOM (final)	Direct	2300	A-dn	800-2	800-2	800-2
Huron Int	ST LOM	Direct	2600				

Procedure turn W side of crs, 172° Outbnd, 352° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 352°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing LOM, climb to 2700' on bearing 340° from LOM and proceed to STJ VOR or, when directed by ATC, make left turn, climbing to 2300' and return to LOM, or make left turn, climbing to 2600', intercept STJ VOR R 203 and proceed to Troy Int.
NOTE: Sliding scale not authorized.
CAUTION: 300' bluffs W, NW, and E of airport. 1792' tower, 4.5 miles E of airport. Unlighted obstruction (trees) in final approach area 2200' from threshold Runway 35 to a height of 886'.
*300-1 required on Runway 31.
MSA within 25 miles of facility: 000°-090°—2800'; 090°-360°—2500'.

City, St. Joseph; State, Mo.; Airport name, Rosecrans Memorial; Elev., 826'; Fac. Class., LOM; Ident., ST; Procedure No. NDB (ADF) Runway 35, Amdt. 18; Eff. date, 28 Oct. 67; Sup. Amdt. No. ADF 1, Amdt. 17; Dated, 3 Dec. 66

Vernon Int	SG LOM	Direct	2800	T-dn	300-1	300-1	200-½
Billings Int	SG LOM	Direct	2800	C-dn	400-1	500-5	500-1½
Crane Int	SG LOM	Direct	2800	S-dn-1	400-1	400-1	400-1
Miller Int	SG LOM	Direct	2800	A-dn	800-2	800-2	800-2
Plano Int	SG LOM	Direct	2800				
SGF NDB	SG LOM	Direct	2600				
SGF VOR	SG LOM	Direct	2600				

Procedure turn E side of crs, 195° Outbnd, 015° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 015°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 2800' on crs 015°, proceed to SGF VOR.
MSA within 25 miles of facility: 000°-090°—4200'; 090°-180°—2700'; 180°-360°—2600'.

City, Springfield; State, Mo.; Airport name, Springfield Municipal; Elev., 1267'; Fac. Class., LOM; Ident, SG; Procedure No. NDB (ADF) Runway 1, Amdt. 7; Eff. date, 28 Oct. 67; Sup. Amdt. No. NDB (ADF) Runway 1, Amdt. 6; Dated, 26 Aug. 67

TLH VORTAC	TL RBn (OM)	Direct	1800	T-dn	300-1	300-1	200-½
Bristol Int	TL RBn (OM)	Direct	1900	C-dn	400-1	500-1	500-1½
Helen Int	TL RBn (OM)	Direct	1900	S-dn-36	400-1	400-1	400-1
Creek Int	TL RBn (OM)	Direct	1800	A-dn	800-2	800-2	800-2
Newport Int	TL RBn (OM)	Direct	1800				
Teresa Int	Ivan Int	Direct	1800				
Ivan Int	TL RBn (OM) (final)	Direct	1200				
Cody Int	TL RBn (OM)	Direct	1800				
GEF VOR	TL RBn (OM)	Direct	1800				

Procedure turn E side of crs, 178° Outbnd, 358° Inbnd, 1300' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 358°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb straight ahead to 1800' on a crs of 358° from LOM within 15 miles or, turn left, climbing to 1800' and proceed direct to TL RBn (OM).
MSA within 25 miles of facility: 000°-090°—2300'; 090°-180°—1400'; 180°-270°—1900'; 270°-360°—1900'.

City, Tallahassee; State, Fla.; Airport name, Municipal; Elev., 81'; Fac. Class., H-SAB/LOM; Ident., TL; Procedure No. NDB (ADF) Runway 36, Amdt. 8; Eff. date, 28 Oct. 67; Sup. Amdt. No. NDB (ADF) Runway 36, Amdt. 7; Dated, 27 May 67

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Scotland VOR	BMG VOR	Direct	2400	T-dn	300-1	300-1	200-½
Spencer Int	BMG VOR	Direct	2400	C-dn*	500-1	500-1	500-1½
Paragon Int	BMG VOR	Direct	2400	S-dn-6*	500-1	500-1	500-1
Wilbur Int	BMG VOR	Direct	2400	A-dn*	800-2	800-2	800-2

Procedure turn S side of crs, 235° Outbnd, 055° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 1340'.
Crs and distance, breakoff point to Runway 6, 060°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of BMG VOR, climb to 2400' on R 055° and return to BMG VOR.
NOTES: (1) Use Indianapolis, Ind., altimeter setting when control zone not effective. (2) Circling and straight-in ceiling minimums are raised 200' and alternate minimums are not authorized when control zone not effective.
*These minimums apply at all times for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°-090°—3100'; 090°-180°—2400'; 180°-360°—2200'.

City, Bloomington; State, Ind.; Airport name, Monroe County; Elev., 840'; Fac. Class., L-BVOR; Ident., BMG; Procedure No. VOR Runway 6, Amdt. 4; Eff. date, 28 Oct. 67; Sup. Amdt. No. TerVOR-6, Amdt. 3; Dated, 11 Dec. 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Scotland VOR	BMG VOR	Direct	2400	T-dn	300-1	300-1	200-½
Spencer Int	BMG VOR	Direct	2400	C-dn*	600-1	600-1	600-1½
Paragon Int	BMG VOR	Direct	2400	S-dn-24*	600-1	600-1	600-1
Wilbur Int	BMG VOR	Direct	2400	A-dn*	800-2	800-2	800-2

Procedure turn N side of crs, 071° Outbnd, 251° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 1440'.
Crs and distance, breakoff point to Runway 24, 251°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing BMG VOR, climb to 2400' southwestbound on BMG VOR, R 251° and return to BMG VOR.
NOTES: (1) Use Indianapolis, Ind., altimeter setting when control zone not effective. (2) Circling and straight-in ceiling minimums are raised 200' and alternate minimums are not authorized when control zone not effective.
*These minimums apply at all times for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°-090°—3100'; 090°-180°—2400'; 180°-360°—2200'.

City, Bloomington; State, Ind.; Airport name, Monroe County; Elev., 840'; Fac. Class., L-BVOR; Ident., BMG; Procedure No. VOR Runway 24, Amdt. 3; Eff. date, 28 Oct. 67; Sup. Amdt. No. TerVOR-24, Amdt. 2; Dated, 11 Dec. 65

LSE VOR	Midway Int	Direct	2900	T-d¢	*400-1	*400-1	¢400-1
ONA VOR	Holman Int	Direct	2900	T-n¢	*400-1½	*400-1½	¢400-1½
ODI VOR	Midway Int	Direct	2900	C-d	500-1	500-1	500-1½
Holman Int	Midway Int (final)	Direct	2100	C-n	500-2	500-2	500-2
				S-dn-13$	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2900' within 10 miles of Midway Int.
Minimum altitude over Midway Int on final approach crs, 2100'.
Facility on airport.
Crs and distance, Midway Int to VOR, 138°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing VOR, make immediate right-climbing turn, climb to 2900' on VOR R 318° within 10 miles, return to VOR.
NOTES: (1) Dual VOR receivers required. (2) Final approach from holding pattern at Midway Int not authorized. Procedure turn required. (3) When weather is below 1200-2 for southwestbound aircraft departing Runways 13, 31, 18, and 21, flight below 2300' beyond 2 miles of airport is prohibited between radials 167° and 270° of LSE VOR. Restriction due to 1837' tower, 5.6 miles SW of airport.
*300-1 authorized on Runways 31 and 36.
¢200-½ authorized on Runways 31 and 36.
$When weather is below 800-2 aircraft departing Runways 13, 18, and 21, flight below 1900' beyond 2 miles of airport is prohibited between radials 040° and 270° of the LSE VOR. Restriction due 1444' tower, 4 miles SE of airport.
¢400-½ authorized, with operative HIRL except for 4-engine turbojets.
MSA within 25 miles of facility: 270°-090°—3500'; 090°-270°—2900'.

City, La Crosse; State, Wis.; Airport name, La Crosse Municipal; Elev., 653'; Fac. Class., T-BVOR; Ident., LSE; Procedure No. VOR Runway 13, Amdt. 10; Eff. date, 28 Oct. 67; Sup. Amdt. No. VOR Runway 13, Amdt. 9; Dated, 16 Sept. 67

ODI VOR	LSE VOR	Direct	2800	T-d¢	*400-1	*400-1	¢400-1
Westby Int	LSE VOR	Direct	2800	T-n¢	*400-1½	*400-1½	¢400-1½
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-dn-36	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 181° Outbnd, 001° Inbnd, 2800' within 10 miles of Ronnie Int.
Minimum altitude over Ronnie Int on final approach crs, 2500'.
Facility on airport.
Crs and distance, Ronnie Int to VOR, 001°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing VOR, make left-climbing turn, climb to 2900' on R 318° within 10 miles, return to VOR.
NOTES: (1) Dual VOR receivers required. (2) When weather is below 1200-2 for southwestbound aircraft departing Runways 13, 31, 18, and 21, flight below 2300' beyond 2 miles of airport is prohibited between radials 167° and 270° of LSE VOR. Restriction due to 1837' tower, 5.6 miles SW of airport.
*300-1 authorized on Runways 31 and 36.
¢200-½ authorized on Runways 31 and 36.
$When weather is less than 800-2 aircraft departing Runways 13, 18, and 21, flight below 1900' beyond 2 miles of airport is prohibited between radials 040° and 270° of the LSE VOR. Restriction due 1444' tower, 4 miles SE of airport.
MSA within 25 miles of facility: 270°-090°—3500'; 090°-270°—2900'.

City, La Crosse; State, Wis.; Airport name, La Crosse Municipal; Elev., 653'; Fac. Class., T-BVOR; Ident., LSE; Procedure No. VOR Runway 36, Amdt. 12; Eff. date, 28 Oct. 67; Sup. Amdt. No. VOR Runway 36, Amdt. 11; Dated, 16 Sept. 67

Union Int	TNU VOR	Direct	3000	T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-d-13	600-1	600-1	600-1
				S-n-13	600-2	600-2	600-2
				A-dn	NA	NA	NA

Radar available.
Procedure turn W side of crs, 323° Outbnd, 143° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2600'.
Crs and distance, facility to airport, 143°—7.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing TNU VOR, make left turn, climbing to 2800'. Return to TNU VOR, hold NE on R 020°, 1-minute right turns.
NOTES: Use Des Moines, Iowa, altimeter setting. (2) Runways 13/31 only lighted.
MSA within 25 miles of facility: 000°-180°—2300'; 180°-270°—2800'; 270°-360°—2400'.

City, Newton; State, Iowa; Airport name, Newton Municipal; Elev., 953'; Fac. Class., L-BVOR; Ident., TNU; Procedure No. VOR Runway 13, Amdt. 1; Eff. date, 28 Oct. 67; Sup. Amdt. No. VOR-1, Orig.; Dated, 18 July 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Union Int	TNU VOR	Direct	3000	T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-dn-31	500-1	500-1	500-1
				A-dn	NA	NA	NA

Procedure turn not authorized. Radar required. Final approach crs, 322° Inbnd.
Minimum altitude over 6-mile Radar Fix on final approach crs, 2700'.
Crs and distance, Radar Fix to airport, 322°—6 miles; breakoff point to runway, 304°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing Radar Fix, climb to 2800' on TNU VOR, R 142° and proceed to TNU VOR, hold NE on R 020° 1-minute right turns.
NOTES: (1) Use Des Moines, Iowa, altimeter setting. (2) Runways 13/31 only lighted.
MSA within 25 miles of facility: 000°180°—2300'; 180°-270°—2800'; 270°-360°—2400'.

City, Newton; State, Iowa; Airport name, Newton Municipal; Elev., 953'; Fac. Class., L-BVOR; Ident., TNU; Procedure No. VOR Runway 31, Amdt. 1; Eff. date, 28 Oct. 67; Sup. Amdt. No. VOR-2, Orig.; Dated, 18 Sept. 65

Reno Int	TLH VORTAC (final)	Direct	2000	T-dn	300-1	300-1	200-½
R 288°, TLH VORTAC clockwise	R 353°, TLH VORTAC	Via 8-mile arc TLH, R 339° lead radial.	2000	C-dn	700-1	700-1	700-1½
				S-dn-18*	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2
R 080°, TLH VORTAC counterclockwise	R 353°, TLH VORTAC	Via 8-mile arc TLH, R 007° lead radial.	2000	DME minimums:			
				C-dn	500-1	500-1	500-1½
				S-dn-18#	500-1	500-1	500-1
Bristol Int	TLH VORTAC	Direct	2000				
Helen Int	TLH VORTAC	Direct	2000				
Creek Int	TLH VORTAC	Direct	2000				
TLH LOM	TLH VORTAC	Direct	2000				
8-mile DME Fix, R 353°	TLH VORTAC (final)	R 353°	2000				

Procedure turn W side of crs, 353° Outbnd, 173° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'; over 5-mile DME Fix, R 173°, 781'.
Crs and distance, facility to airport, 173°—8.7 miles; 5-mile DME Fix to airport, 173°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing 5-mile DME Fix, R 173° or 8.7 miles after passing TLH VORTAC, climb to 2000' on R 173° within 15 miles and return to TLH VORTAC or, when directed by ATC, proceed direct to TL LOM at 2000'.
*700-¾ authorized with operative HIRL, except for 4-engine turbojets.
#500-¾ authorized with operative HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°-090°—2300'; 090°-180°—1600'; 180°-270°—1900'; 270°-360°—1700'.

City, Tallahassee; State, Fla.; Airport name, Municipal; Elev., 81'; Fac. Class., H-BVORTAC; Ident., TLH; Procedure No. VOR Runway 18, Amdt. Orig.; Eff. date, 28 Oct. 67

YK LFR	YAK VORTAC	Direct	1800	T-dn	300-1	300-1	200-½
29-mile DME Fix, R 343°	YAK VORTAC	Direct	1800	C-dn	500-1	500-1	500-1½
29-mile DME Fix, R 110°	YAK VORTAC	Direct	1800	S-dn-11	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 262° Outbnd, 082° Inbnd, 1200' within 10 miles.
Minimum altitude over 3-mile DME Fix, or SW crs YK LFR, 500'; over facility, 437'.
Crs and distance, breakoff point to approach end of Runway 11, 106°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of YAK VORTAC, turn right, climb to 1700' on YAK VORTAC, R 118° within 15 miles.
NOTE: When authorized by ATC, DME may be used to position aircraft for final approach at 1200' between radials 110° clockwise to 262° within 10 miles, with the elimination of procedure turn.
MSA within 25 miles of facility: 000°-090°—6700';090°-180°—2000'; 180°-270°—2000'; 270°-360°—8000'.

City, Yakutat; State, Alaska; Airport name, Yakutat; Elev., 37'; Fac. Class., H-BVORTAC; Ident., YAK; Procedure No. VOR Runway 11, Amdt. 5; Eff. date, 28 Oct. 67; Sup. Amdt. No. VOR Runway 11, Amdt. 4; Dated, 16 Sept. 67

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 28 OCT. 1967.

City, Fitchburg; State, Mass.; Airport name, Fitchburg Municipal; Elev., 350'; Fac. Class., BVORTAC; Ident., GDM; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date 23 Oct. 65; Sup. Amdt. No. 1; Dated, 21 Mar. 64

PROCEDURE CANCELED, EFFECTIVE 28 OCT. 1967.

City, Yakutat; State, Alaska; Airport name, Yakutat; Elev., 37'; Fac. Class., BVORTAC; Ident., YAK; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 28 May 66; Sup. Amdt. No. 1; Dated, 14 Nov. 64

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MEM VORTAC	Stadium Int	Direct	1800	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-17#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 1800' within 10 miles of Stadium Int.
Minimum altitude over Stadium Int/Radar Fix on final approach crs, 1800'.
Crs and distance, Stadium Int/Radar Fix to airport, 174°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing Stadium Int/Radar Fix, climb to 1900' and proceed direct to TS LOM. Contact approach control.
#400-¾ authorized with operative HIRL, except for 4-engine turbojets.

City, Memphis; State, Tenn.; Airport name, Memphis Metropolitan; Elev., 331'; Fac. Class., ILS; Ident., I-TSE; Procedure No. LOC(BC) Runway 17, Amdt. Orig.; Eff. date, 28 Oct. 67

St Joseph VOR	ST LOM	Direct	2300	T-dn	300-1	300-1	*200-½
Troy Int	ST LOM	Direct	2800	C-dn	600-1	600-1	600-1½
Plattsburg Int	ST LOM	Direct	2800	S-dn-35#	400-1	400-1	400-1
New Market Int	ST LOM (final) (via LOC crs)	Direct	2300	A-dn	600-2	600-2	600-2
Huron Int	ST LOM	Direct	2600				

Procedure turn W side S crs, 172° Outbnd, 352° Inbnd, 2300' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2300'.
Altitude of glide slope and distance to approach end of runway at OM, 2261'—5.2 miles; at MM, 1066'—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing ST LOM, climb to 2700' on N crs ILS and proceed to STJ VOR or, when directed by ATC, make left turn, climbing to 2300' and return to ST LOM, or make left turn, climbing to 2600', intercept STJ VOR, R 203° and proceed to Troy Int.
CAUTION: 300' bluffs W, NW, and E of airport. 1792' tower, 4.5 miles E of airport. Unlighted obstruction (trees) in final approach area 2200' from threshhold Runway 35 to a height of 886'.
*300-1 required on Runway 31.
#Reduction not authorized.
MSA within 25 miles of ST LOM: 000°-090°—2800'; 090°-360°—2500'.

City, St. Joseph; State, Mo.; Airport name, Rosecrans Memorial; Elev., 826'; Fac. Class., ILS; Ident., I-STJ; Procedure No. ILS Runway 35, Amdt. 19; Eff. date, 28 Oct. 67; Sup. Amdt. No. ILS-35, Amdt. 18; Dated, 3 Dec. 66

Sioux Falls LOM	Renner Int	Direct	2800	T-dn%	300-1	300-1	200-½
Sioux Falls VOR	Renner Int	Direct	2700	C-dn	500-1	500-1	500-1½
Baltic Int	Renner Int (final)	Direct	2500	S-dn-21*	400-1	400-1	400-1
Sherman Int	NE crs ILS (final)	Via R 046°, FSD VOR.	2500	A-dn	800-2	800-2	800-2
R 260°, FSD VOR clockwise	R 050°, FSD VOR	Via 9-mile DME Arc.	3000				
9-mile DME Fix, R 050°, FSD VOR	Renner Int (final)	Via FSD LOC	2500				

Procedure turn N side of crs, 026° Outbnd, 206° Inbnd, 2700' within 10 miles of Renner Int.
No glide slope. Minimum altitude over Renner Int, 2500'. No Outer Marker. No Middle Marker.
Crs and distance, Renner Int to airport, 206°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Renner Int, climb to 3200' on SW crs ILS, proceed to FS LOM.
Dual VOR receivers required.
%300-1 required for takeoff Runway 15.
%For southeastbound aircraft, when weather is below 2100-2, flight below 3900' beyond 5 miles E and SE of airport is prohibited between R 095° and R 135° of the FSD VOR. Restriction due to 3444' tower, 10 miles SE of airport.
*400-¾ authorized, with operative HIRL except for 4-engine turbojets. Reduction below ¾ not authorized.

City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev. 1428'; Fac. Class., ILS; Ident., I-FSD; Procedure No. LOC(BC) Runway 21, Amdt. 10; Eff. date, 28 Oct. 67; Sup. Amdt. No. LOC(BC) Runway 21, Amdt. 9; Dated, 28 Jan. 67

Vernon Int	SG LOM	Direct	2800				
Billings Int	SG LOM	Direct	2800	T-dn	300-1	300-1	200-½
Crane Int	SG LOM	Direct	2800	C-dn	400-1	500-1	500-1½
SGF VOR	SG LOM	Direct	2800	S-dn-16%	200-½	200-½	200-½
Miller Int	SG LOM	Direct	2800	A-dn	600-2	600-2	600-2
Plano Int	SG LOM	Direct	2800				
SGF RBn	SG LOM	Direct	2600				
SGF VOR, R 269° counterclockwise	SGF VOR, R 194°	Via 18-mile DME Arc.	3000				
SGF VOR, R 125° clockwise	SGF VOR, R 189°	Via 18-mile DME Arc.	3000				
SGF VOR, R 189°	SGF LOC	MC 285°	3000				
DR position SGF LOC	SG LOM (final)	Direct	2500				

Procedure turn E side of crs, 195° Outbnd, 015° Inbnd, 2600' within 10 miles.
Minimum altitude of glide slope interception Inbnd, 2500'.
Altitude of glide slope and distance to approach end of runway at OM, 2440'—3.6 miles; at MM, 1465'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing SG LOM, climb to 2800' on N crs of ILS and proceed to SGF VOR.
@400-¾ authorized when glide slope not utilized. 400-½ authorized with operative ALS's, except for 4-engine turbojets.
MSA within 25 miles of SG LOM: 000°-090°—4200'; 090°-180°—2700'; 180°-360°—2600'.

City, Springfield; State, Mo.; Airport name, Springfield Municipal; Elev., 1267'; Fac. Class., ILS; Ident., I-SGF; Procedure No. ILS Runway 1, Amdt. 7; Eff. date, 28 Oct. 67; Sup. Amdt. No. ILS Runway 1, Amdt. 6; Dated, 26 Aug. 67

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
RBn (OM)	Joseph Int	Direct	2000	T-dn	300-1	300-1	200-½
Reno Int	Havana Int	Direct	2000	C-dn	400-1	500-1	500-1½
GEF VOR	Joseph Int	Direct	2000	S-dn-18#	400-1	400-1	400-1
Havana Int	Joseph Int (final)	Direct	1300	A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 358° Outbnd, 178° Inbnd, 2000' within 10 miles of Joseph Int.
Minimum altitude over Joseph Int on final approach crs, 1300'.
Crs and distance, Joseph Int to airport, 178°—6.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing Joseph Int, climb straight ahead to 1600' on the S crs of the ILS within 15 miles.
#400-½ authorized, with operative high-intensity runway lights, except for 4-engine turbojets.

City, Tallahassee; State, Fla., Airport name, Municipal; Elev., 81'; Fac. Class., ILS; Ident., I-TLH; Procedure No. LOC (BC) Runway 18, Amdt. 5; Eff. date, 28 Oct. 67; Sup. Amdt. No. ILS-18 (BC), Amdt. 4; Dated, 31 Dec. 66

TLH VORTAC	TL RBn (OM)	Direct	1800	T-dn	300-1	300-1	200-½
Bristol Int	TL RBn (OM)	Direct	1900	C-dn	400-1	500-1	500-1½
GEF VOR	TL RBn (OM)	Direct	1800	S-dn-36#	200-½	200-½	200-½
Creek Int	TL RBn (OM)	Direct	1800	A-dn	600-2	600-2	600-2
Newport Int	TL RBn (OM)	Direct	1800				
Helen Int	TL RBn (OM)	Direct	1900				
Teresa Int	Ivan Int	Direct	1800				
Ivan Int	TL RBn (OM) (final)	Direct	1200				
Cody Int	TL RBn (OM)	Direct	1800				

Procedure turn E side of crs, 178° Outbnd, 358° Inbnd, 1300' within 10 miles.
Crs and distance, facility to airport, 358°—4.1 miles.
Minimum altitude at glide slope intercept Inbnd, 1200'.
Altitude of glide slope and distance to approach end of runway at OM, 1200'—4.1 miles; at MM, 255'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 2000' on N crs of ILS and proceed to TLH VORTAC, or left turn, climbing to 1800' and proceed direct to TL RBn (OM).
NOTE: Glide slope unusable below 160'.
#400-¾ required when glide slope inoperative. 400-½ authorized, with operative AL's, except for 4-engine turbojets.
MSA within 25 miles of TL RBn (OM): 000°-090°—2300'; 090°-180°—1400'; 180°-270°—1900'; 270°-360°—1900'.

City, Tallahassee; State, Fla.; Airport name, Municipal; Elev., 81'; Fac. Class., ILS; Ident., I-TLH; Procedure No. ILS Runway 36, Amdt. 9; Eff. date, 28 Oct. 67; Sup. Amdt. No. ILS Runway 36, Amdt. 8; Dated, 27 May 67.

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., on September 21, 1967.

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

[F.R. Doc. 67-11465; Filed, Oct. 12, 1967; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 40]

PART 373—LICENSING POLICIES AND RELATED PROVISIONS

Part 373 of the Code of Federal Regulations is amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-63 Comp; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-63 Comp.)

Effective date: October 5, 1967.

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

1. Section 373.18 *Nickel commodities* is revised to read as follows:

§ 373.18 Nickel commodities.

(a) *Requirement of export order.* An application for a license to export any of the following commodities shall be accompanied by a copy of the export order placed, or the contract entered into, by the foreign consignee or purchaser with the U.S. exporter or with his order party (see § 373.4(a)(2) regarding order party provisions).

Export Control Commodity Number and Commodity Description	
28200	Alloy steel scrap containing 5 percent or more nickel by weight.
28401	Nickel bearing residues and dross.
28403	Other nickel or nickel alloy waste and scrap.
51369	Nickel oxide.
51470	Nickel sulfate.
67160	Ferronickel containing 90 percent or less nickel.
68310	Nickel based magnetic materials, unwrought.
68310	Other nickel or nickel alloys, unwrought.
68324	Nickel or nickel alloy electroplating anodes.

(b) *Validity period.* Any outstanding license to export the commodities listed in paragraph (a) of this section that was issued on or before June 9, 1967, shall expire on September 6, 1967, unless the license bears an earlier termination date. This limitation applies regardless of any later termination date that may be shown on the license. All licenses to export these commodities issued after June 9, 1967, will bear an expiration date ending 90 days after the date of issuance.

(c) *Export clearance.* An extra copy of the Shipper's Export Declaration shall be filed with the Customs Office for each shipment under a validated license to export any of the commodities listed in paragraph (a) of this section. The Declaration shall bear in the upper right corner the notation "862."

NOTE: See §§ 373.20(b) and 373.39 for special provisions covering other nickel commodities.

2. The note following § 373.20 is amended by adding the following point 2.:

§ 373.20 Copper ores.

* * * * *

2. See §§ 373.18 and 373.39 for special provisions covering other nickel commodities.

3. Section 373.21 is revised to read as follows:

§ 373.21 Molybdenum commodities.

(a) *Scope.* The following commodities are subject to the provisions of this § 373.21:

Export Control Commodity Number and Commodity Description

28393 Molybdenum ores or concentrates.
51369 Molybdenum oxide.
51470 Molybdenum disulfide, 86 percent content or higher.
51470 Ammonium, calcium, potassium, and sodium molybdates.
67160 Ferromolybdenum.
68942 Molybdenum or molybdenum alloys, unwrought.
68942 Molybdenum or molybdenum alloy waste and scrap.
68942 Molybdenum or molybdenum alloy metal powders.

(b) *Certification by supplier.* An application for a license to export any of the commodities listed in paragraph (a) of this section, shall include or be accompanied by the following certification by the supplier of the commodities, regardless of whether the supplier is the applicant:

I (We) certify that the following molybdenum commodities, which are available to (*name of applicant*) for export, have not been and will not be supplied from commodities released from the U.S. National Stockpile:

Export Control Commodity No.	*Commodity Description*	*Quantity*

Name of supplier _____

NOTE: 1. As used in this certification, a commodity is "available" only if the supplier or the applicant has present legal title to the commodities and has access to such commodities for export purposes.

2. If the applicant is not the producer of the commodities, the certification shall be signed by the supplier shown on the application in the space entitled "If applicant is not the producer of commodity to be exported, give name and address of supplier."

4. Section 373.38 is revised to read:

§ 373.38 Nickel oxide and nickel sulfate.

Nickel oxide, Export Control Commodity No. 51369, and nickel sulfate, Export Control Commodity No. 51470, are subject to the provisions set forth in §§ 373.18 and 373.39.

NOTE: See § 373.20(b) for special provisions covering other nickel commodities.

5. Section 373.39 is added to read:

§ 373.39 Commodities supplied from National Stockpile.

(a) *Scope.* The following commodities are subject to the provisions of this § 373.39:

Export Control Commodity Number and Commodity Description

51369 Nickel oxide
51470 Nickel sulfate
67160 Ferronickel containing 90 percent or less nickel
68310 Nickel based magnetic materials, unwrought
68310 Other nickel or nickel alloys, unwrought

(b) *Licensing policy.* Except in unusual circumstances, an application for a license to export any of the commodities set forth in paragraph (a) of this section which are supplied from the U.S. National Stockpile will be denied.

(c) *Information on application.* Any application for a license to export any commodity set forth in paragraph (a) of this section shall specify whether the commodity described on the application has been, or will be, supplied from the U.S. National Stockpile. This information shall be entered on the application in the space entitled "Additional Information," or on an attachment thereto, as follows:

(1) If the commodity has not been, or will not be, supplied from the U.S. National Stockpile, the exporter shall enter the following certification:

I (We) certify that the (name of commodity) described in this application has not been, and will not be, supplied from the U.S. National Stockpile.

(2) If the application covers a commodity supplied from the U.S. National Stockpile, the exporter shall so indicate, naming the commodity and specifying the date on which it was purchased from the National Stockpile.

(3) If the exporter does not know, or is unable to determine, whether the commodity has been, or will be supplied from the U.S. National Stockpile, he shall so indicate, naming the commodity and including the reason(s) why this information is not available.

NOTE: See §§ 373.18 and 373.20(b) for special provisions covering other nickel commodities.

[F.R. Doc. 67-12022; Filed, Oct. 12, 1967; 8:45 a.m.]

[10 Gen. Rev. of Export Regs., Amdt. C.C.L. 11]

PART 399—COMMODITY CONTROL LIST

Part 399 of the Code of Federal Regulations is amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

Effective date: October 5, 1967.

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

Section 399.1 *Commodity Control List* is amended as follows:

The Commodity Control List is amended as set forth below, effective October 5, 1967. Exporters are advised that only the items listed below opposite the specific Export Control Commodity Numbers are affected by these changes. The unnumbered captions serve only to identify the broad categories of commodities within which these items are to be found in Schedule B.

Two types of explanatory numerical references are used at the end of a commodity description:

(a) A numerical reference enclosed in parentheses to indicate the entry being revised. For example, where a revised entry is followed by "(1)," this indicates that the new entry revises the first entry or only entry presently on the Commodity Control List under the same Export Control Commodity Number; if the entry is followed by a "(2)," it revises the second entry on the Commodity Control List, etc.

(b) A footnote reference referring to the footnote below which explains the effect of the revision.

Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups				*Special provisions list
				S	T	V	X	
Feeding-stuff for animals, excluding unmilled cereals								
081 Feeding-stuff for animals, excluding unmilled cereals. (1 through 6) [1]	S. Ton	208	SZ	500	-----	-----	-----	B.
Oil seeds, oil nuts, and oil kernels, and flour and meal of oil seeds, nuts, and kernels								
22140 Soybeans. (1) [2]	Bu.	208	SZ	500	-----	-----	-----	B.
Manufactures of metal, n.e.c.								
69887 Molybdenum or molybdenum alloy welding rods and electrodes, including brazing rods, containing 90 percent or more molybdenum. (Specify by name.) (5) [3]	Lb.	261	STVWXYZ	500	500	500	-----	AE-8.
69891 Articles of iron or steel, as follows: Cargo hooks; cotton bale ties and buckles; floor drains; hose swivels; manhole covers; pipe saddles; roof drains; and steel storage tanks, unlined. [Report containers, iron or steel, with a capacity of 80 gallons or more in No. 69211.] (7 and 8) [4]	-----	208	SZ	500	-----	-----	-----	B.
Machinery, other than electric								
71189 Windmills and parts, n.e.c. (2) [4]	-----	408	SZ	-----	-----	-----	-----	B.
71189 Hydrojet propulsion units for watercraft; and parts, n.e.c. (3) [4] [5]	-----	438	SXYZ	-----	-----	-----	100	B.
71923 Laboratory centrifuges, n.e.c., and parts, n.e.c. (12) [4]	-----	628	SZ	-----	-----	-----	-----	B.

See footnotes at end of table.

Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups				*Special provisions list
				S	T	V	X	
71923 Filters and filter cartridges or elements for filtering air or liquids on aircraft, motor vehicles, watercraft, and industrial engines; and parts, n.e.c. (13) [3] [4]		438	SXYZ				100	B.
71931 Other construction jacks; drill jacks; overhead hoists, pendant type; casket lowering devices; elevators and moving stairways; and fishing boat winches; and parts and attachments, n.e.c. (8 and 12) [4]		408	SZ					B.
71931 Automobile lifts; jacks for automotive vehicles or aircraft; and parts, n.e.c. (9) [4]		438	SZ					B.
71931 Other hand-operated mechanical or hydraulic jacks; farm elevators; and parts, n.e.c. (10 and 11) [4] [5]		218	SZ					B.
71980 Windshield wipers, nonelectric, and parts, n.e.c. (32) [4]		438	SZ					B.
71980 Shock absorbers, mechanical or hydraulic; and carpet sweepers, hand. (33 and 34) [4]		218	SZ					B.
71980 Watercraft controls, nonelectric (for example, steering equipment, excluding rudders, and remote engine controls); and parts, n.e.c. [7]		438	SYZ					B.
71992 Other taps, cocks, valves, and similar appliances, n.e.c., and parts. (16) [4]	Lb.	418	SZ					B.
71993 Watercraft power transmission equipment (for example, gears, clutches, drives, and propeller shafts); and parts, n.e.c. [Report copper alloy propeller shafting in No. 68221.] [3] [7]		438	SYZ					B.
71994 Other gaskets (joints), laminated metal and nonmetal material, or set of gaskets of two or more materials. (3) [4]		218	SZ					B.
71999 Propellers and paddle wheels for watercraft; and parts, n.e.c. (1) [3] [8]		438	SYZ					B.
Transport equipment								
73402 Other rotors, rotor blades, tilt and pitch fans, and propellers for helicopters, aircraft and airships; and parts. (Specify make and model.) (5) [9]		432	STVWXYZ		1000	1000		E-2.

[3] A validated license is no longer required for export to Country Group Y of oilseed cake, meal, and other residues.

[4] A validated license is no longer required for export of these commodities to Country Group Y.

[5] An Import Certificate is no longer required in support of an application to export wires containing 90 percent or more molybdenum to the countries specified in § 373.2.

[6] A validated license is no longer required for export to East Germany of any commodities included in this entry which previously required a license to this destination.

[7] The Processing Number is changed.

[8] A separate entry is established.

[9] These commodities are transferred from No. 71999, first entry, to correspond with Schedule B classification.

[10] Boat parts, n.e.c., previously included in this entry, are transferred to Nos. 71980 and 71993, to conform with Schedule B classification.

[11] The commodity description is revised with no change in controls.

[F.R. Doc. 67-12021; Filed, Oct. 12, 1967; 8:48 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

[Dept. Circular No. 176 (Second Rev.)]

PART 202—DEPOSITARIES AND FINANCIAL AGENTS OF THE GOVERNMENT

Part 202,[1] Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations (also appearing as Treasury Department Circular No. 176 (Revised), dated Dec. 21, 1945, as amended) is hereby revised effective December 1, 1967, to read as follows:

Sec.
202.1 Scope of regulations.
202.2 Designation.
202.3 Authorization.
202.4 Contract of deposit.
202.5 Previously designated depositaries.
202.6 Collateral security.
202.7 Maintenance of balances within authorizations.

AUTHORITY: The provisions of this Part 202 issued under sec. 10, 56 Stat. 356, as amended; 12 U.S.C. 265.

§ 202.1 Scope of regulations.

The regulations in this part govern the designation of Depositaries and Financial Agents of the Government (hereinafter referred to as depositaries), and their authorization to accept deposits of public money and to perform other services as provided for in section 10 of the Act of June 11, 1942, as amended (12 U.S.C. 265). Public Money includes, without being limited to, revenue and funds of the United States, and any funds the deposit of which is subject to the control or regulation of the United States or any of its officers, agents, or employees. The designation and authorization of Special Depositaries of Public Money for the receipt of deposits representing payments for certain U.S. obligations and of internal revenue taxes are governed by the regulations in Part 203 of this chapter.

§ 202.2 Designation.

Every bank insured by the Federal Deposit Insurance Corporation is designated as a Depositary and Financial Agent.

§ 202.3 Authorization.

(a) *To accept deposits covered by FDIC insurance.* Every depositary is authorized, without further action, to accept a deposit of public money in an official account, other than an account in the name of the Treasurer of the United States, in which the maximum balance does not exceed the insurance coverage provided by the Federal Deposit Insurance Corporation.

(b) *To perform other services.* (1) Upon the request of a Government agency, the Secretary of the Treasury may authorize a depositary to perform other services specifically requested by the agency, including:

(i) The maintenance of official accounts in which balances will be in excess of the insurance coverage provided by the Federal Deposit Insurance Corporation;

(ii) The maintenance of accounts in the name of the Treasurer of the United States;

(iii) The acceptance of deposits for credit of the Treasurer of the United States;

(iv) The furnishing of bank drafts in exchange for collections.

(2) To obtain authorization to perform services specifically requested by a Government agency, a depositary must:

(i) File with the Secretary of the Treasury an appropriate agreement and resolution of its board of directors authorizing the agreement (both on forms prescribed by and available from the Bureau of Accounts), and

(ii) Pledge collateral security as provided for in § 202.6.

§ 202.4 Contract of deposit.

A depositary which accepts a deposit under this part enters into a contract of deposit with the Treasury Department. The terms of the contract include all the provisions of this part and the provisions prescribed in section 202 of Executive Order 11246, entitled "Equal Employment Opportunity".

§ 202.5 Previously designated depositaries.

A depositary previously designated will, by the acceptance or retention of deposits, be presumed to have assented to all the terms and provisions of this part

[1] The regulations, which previously appeared in this part, governing payment of checks drawn on the Treasurer of the United States now appear in revised form in Part 360 of this chapter (Department Circular 21 (Second Revision)).

and to the retention of collateral security theretofore pledged.

§ 202.6 Collateral security.

(a) *Requirement.* Prior to receiving deposits of public money, a depositary authorized to perform services under § 202.3(b) must pledge collateral security in the amount required by the Secretary of the Treasury.

(b) *Acceptable security.* Unless otherwise specified by the Secretary of the Treasury, collateral security pledged under this section may be transferable securities of any of the following classes:

(1) Obligations issued or fully insured or guaranteed by the United States or any U.S. Government agency: A face value.

(2) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development or the Inter-American Development Bank: At face value.

(c) *Deposits of securities.* Collateral security under this part must be deposited with (1) the Federal Reserve Bank or Branch of the district in which the depositary is located (depositaries located in Puerto Rico, the Virgin Islands, and the Panama Canal Zone will be considered as being located in the New York Federal Reserve district), or with a custodian or custodians within the United States designated by the Federal Reserve Bank, under terms and conditions prescribed by the Federal Reserve Bank, or (2) the Treasurer of the United States, Securities Division, Washington, D.C. 20220. Securities deposited with a Federal Reserve Bank or the Treasurer of the United States must be accompained by a letter stating specifically the purpose for which the securities are being deposited.

(d) *Assignment.* A depositary that pledges securities which are not negotiable without its endorsement or assignment may, in lieu of placing its unqualified endorsement on each security, furnish an appropriate resolution and irrevocable power of attorney authorizing the Federal Reserve Bank or the Treasurer of the United States, as the case may be, to assign the securities. The resolution and power of attorney shall conform to such terms and conditions as the Federal Reserve Banks or the Treasurer of the United States, as the case may be, shall prescribe.

§ 202.7 Maintenance of balances within authorizations.

Government agencies having control or jurisdiction over public money on deposit in accounts with depositaries are responsible for the maintenance of balances in such accounts within the limits of the authorizations specified by the Secretary of the Treasury.

Dated: October 9, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 67-12123; Filed, Oct. 12, 1967; 8:47 a.m.]

[Dept. Circular No. 92 (Second Rev.)]

PART 203—SPECIAL DEPOSITARIES OF PUBLIC MONEY

Part 203, Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations (also appearing as Treasury Department Circular No. 92 (Revised), dated Nov. 10, 1949, as amended) is hereby revised effective December 1, 1967, to read as follows:

Sec.
203.1 Scope of regulations.
203.2 Designation.
203.3 Treasury Tax and Loan Accounts.
203.4 Contract of deposit.
203.5 Previously qualified special depositaries.
203.6 Discontinuance of special depositaries.
203.7 Deposits.
203.8 Collateral security.
203.9 Withdrawal of deposits.

AUTHORITY: The provisions of this Part 203 issued under sec. 8, 40 Stat. 291, as amended; 31 U.S.C. 771; and sec. 6302(c), Internal Revenue Code of 1954, unless otherwise noted.

§ 203.1 Scope of regulations.

The regulations in this part govern the designation of Special Depositaries of Public Money (hereinafter referred to as special depositaries), and their authorization to maintain Treasury Tax and Loan Accounts in which they may credit funds representing payments for certain U.S. obligations and of internal revenue taxes. The designation of Depositaries and Financial Agents of the Government and their authorization to accept deposits of public money and to perform other services are governed by the regulations in Part 202 of this chapter.

§ 203.2 Designation.

Every incorporated bank and trust company in the United States, Puerto Rico, the Virgin Islands, and the Panama Canal Zone, and every U.S. branch of a foreign banking corporation authorized by the State in which it is located to transact commercial banking business, is hereby designated as a special depositary.

§ 203.3 Treasury Tax and Loan Accounts.

(a) *Authorization.* Every special depositary is authorized, upon approval by the Federal Reserve Bank of its district, to maintain for that Federal Reserve Bank, as Fiscal Agent of the United States, a separate account, for deposits to be made under this part, to be known as the Treasury Tax and Loan Account.

(b) *Qualification.* To obtain approval for a Treasury Tax and Loan Account a special depositary must (1) file with the Federal Reserve Bank of its district an application accompanied by a resolution of its board of directors authorizing the application (both on forms prescribed by and available from the Federal Reserve Bank), and (2) pledge collateral security as provided for in § 203.8.

(c) *Maximum balance.* The balance in a Treasury Tax and Loan Account with a special depositary may not exceed an amount determined by the Federal Reserve Bank of its district.

(d) *Particular locations.* For the purposes of this part, special depositaries located in Puerto Rico, the Virgin Islands, and the Panama Canal Zone will be considered as being located in the New York Federal Reserve district.

§ 203.4 Contract of deposit.

A special depositary which accepts a deposit under this part enters into a contract of deposit with the Treasury Department. The terms of the contract include all the provisions of this part and the provisions prescribed in section 202 of Executive Order 11246, entitled "Equal Employment Opportunity."

§ 203.5 Previously qualified special depositaries.

A special depositary previously qualified will, by the acceptance or retention of deposits, be presumed to have assented to all the terms and provisions of this part and to the retention of collateral security theretofore pledged.

§ 203.6 Discontinuance of special depositaries.

The authority to maintain a Treasury Tax and Loan Account of a special depositary which has received an allotment on a subscription for obligations of the United States and refuses to accept the allotment and to make payment, or otherwise fails to comply with the provisions of this part, will be discontinued.

§ 203.7 Deposits.

(a) *Sources.* A special depositary may credit in its Treasury Tax and Loan Account funds representing:

(1) Payments for U.S. Savings Bonds and U.S. Savings Notes issued by the special depositary;

(2) Payments for U.S. Savings Bonds and U.S. Savings Notes which are applied for through the special depositary on behalf of its customers but which may be issued only by Federal Reserve Banks and the Treasurer of the United States;

(3) Payments made by or through the special depositary for allotments on subscriptions for other obligations of the United States issued under authority of the Second Liberty Bond Act, as amended, when this method of payment is permitted under the terms of the offering circulars;

(4) Payments of such internal revenue taxes as the Secretary of the Treasury may from time to time authorize to be paid through Treasury Tax and Loan Accounts.

(b) *Procedures.* In order to make payment by credit to its Treasury Tax and Loan Account, a special depositary must:

(1) In the case of payments described in paragraph (a) (1), (2), and (3) of this section, comply with terms and conditions prescribed by the Federal Reserve Bank of its district;

(2) In the case of payments described in paragraph (a)(4) of this section, comply with such requirements as the Secretary of the Treasury may prescribe.

§ 203.8 Collateral security.

(a) *Requirement.* Prior to crediting deposits to its Treasury Tax and Loan

Account, a special depositary must pledge collateral security in an amount, taken at the values provided in paragraph (b) of this section, at least equal to the portion of the balance in the account that will be in excess of the insurance coverage provided by the Federal Deposit Insurance Corporation.

(b) *Acceptable securities.* Unless otherwise specified by the Secretary of the Treasury, collateral security pledged under this section may be transferable securities of any of the following classes:

(1) Obligations issued or fully insured or guaranteed by the United States or any U.S. Government agency: At face value.

(2) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development or the Inter-American Development Bank: At face value.

(3) Obligations partially insured or guaranteed by any U.S. Government agency: At a value equal to the amount of the insurance or guaranty.

(4) Notes representing loans to students in colleges or vocational schools which are insured either by Federal insurance or by a State agency or private nonprofit institution or organization administering a student loan insurance program in accordance with a formal agreement with the Commissioner of Education under the provisions of the Higher Education Act of 1965 or the National Vocational Student Loan Insurance Act of 1965: At face value.

(5) Obligations issued by States of the United States: At 90 percent of face value.

(6) Obligations of Puerto Rico: At 90 percent of face value.

(7) Obligations of counties, cities, and other governmental authorities and instrumentalities which are not in default as to payments on principal or interest: At 80 percent of face value.

(8) Obligations of domestic corporations which may be purchased by banks as investment securities under the requirements of Federal bank regulatory agencies: At 80 percent of face value.

(9) Commercial and agricultural paper and bankers' acceptances approved by the Federal Reserve Bank of the district and having a maturity at the time of pledge of not to exceed 6 months: At 80 percent of face value.

(c) *Deposit of securities.* Collateral security under this part must be deposited with the Federal Reserve Bank or Branch of the district in which the special depositary is located, or with a custodian or custodians within the United States designated by the Federal Reserve Bank, under terms and conditions prescribed by the Federal Reserve Bank.

(d) *Assignment of securities.* A special depositary that pledges securities which are not negotiable without its endorsement or assignment may, in lieu of placing its unqualified endorsement on each security, furnish an appropriate resolution and irrevocable power of attorney authorizing the Federal Reserve Bank to assign the securities. The resolution and power of attorney shall conform to such terms and conditions as the Federal Reserve Bank shall prescribe.

§ 203.9 Withdrawal of deposits.

All deposits will be payable on demand without previous notice. Calls for withdrawals of deposits with special depositaries will be made by direction of the Secretary of the Treasury through the Federal Reserve Banks, and depositaries will be required to arrange for payments of the calls in funds that will be immediately available on the payment date.

Dated: October 9, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 67-12124; Filed, Oct. 12, 1967; 8:48 a.m.]

SUBCHAPTER C—OFFICE OF THE TREASURER OF THE UNITED STATES

[Dept. Circular No. 21 (Second Rev.)]

PART 360—INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES

Part 360,[1] Subchapter C, Chapter II of Title 31 of the Code of Federal Regulations (also appearing as Treasury Department Circular No. 21 (Revised), dated Sept. 5, 1946, as amended) is hereby revised effective December 1, 1967, to read as follows:

GENERAL PROVISIONS

AUTHORITY: The provisions of this Part 360 issued under 5 U.S.C. 301, unless otherwise noted.

GENERAL PROVISIONS

§ 360.1 Scope of regulations.

The regulations in this part prescribe the requirements for indorsement, and the conditions for payment, of checks drawn on the Treasurer of the United States.

§ 360.2 Definitions.

As used in this part, the term:

"Check" or "checks" mean a check or checks drawn on the Treasurer of the United States.

"Federal Reserve Bank" means a Federal Reserve Bank or branch thereof.

"Person" or "persons" mean an individual or individuals, or an organization or organizations whether incorporated or not, including all forms of banking institutions.

"Presenting bank" means (a) a bank or depositor which presents checks to, and receives credit therefor from, a Federal Reserve Bank, or (b) a depositary which is authorized to charge checks to the Treasurer's General Account and present them directly to the Treasurer for payment, or (c) a bank which, under special arrangements with the Treasurer, presents checks directly to the Treasurer for payment.

"Reclamation" means the action taken by the Treasurer to obtain refund of the amounts of paid checks.

"Treasurer" means the Treasurer of the United States.

"U.S. securities" mean securities of the United States and securities of Federal agencies and wholly or partially Government-owned corporations for which the Treasury acts as transfer agent.

PAYMENT OF CHECKS

§ 360.3 Generally.

All checks heretofore or hereafter drawn on the Treasurer are payable without limitation of time. The Treasurer shall have the usual right of a drawee to examine checks presented for payment and refuse payment of any checks, and shall have a reasonable time to make such examination. Checks shall be deemed to be paid by the Treasurer only after first examination has been fully completed. If the Treasurer is on notice of a doubtful question of law or fact when a check is presented for payment, payment will be deferred pending settlement by the General Accounting Office.

(Sec. 1, 71 Stat. 464; 31 U.S.C. 132)

§ 360.4 Guaranty of indorsements.

The presenting bank and the indorsers of a check presented to the Treasurer for payment are deemed to guarantee to the Treasurer that all prior indorsements are genuine, whether or not an express guaranty is placed on the check. When the first indorsement has been made by one other than the payee personally, the presenting bank and the indorsers are deemed to guarantee to the Treasurer, in addition to other warranties, that the person who so indorsed had unqualified capacity and authority to indorse the check in behalf of the payee.

§ 360.5 Reclamation of amounts of paid checks.

The Treasurer shall have the right to demand refund from the presenting bank of the amount of a paid check if after payment the check is found to bear a forged or unauthorized indorsement or an indorsement by another for a deceased payee where the right to the proceeds of such check terminated upon the death of the payee, or to contain any other material defect or alteration

[1] The regulations which previously appeared in Part 202 of this chapter (Department Circular 176 (Revised)) governing payment of checks drawn on the Treasurer of the United States now appear in revised form in this part.

which was not discovered upon first examination. If refund is not made, the Treasurer shall take such action against the proper parties as may be necessary to protect the interests of the United States.

§ 360.6 Processing of checks.

(a) *Federal Reserve Banks.* (1) Federal Reserve Banks shall make arrangement to cash checks for Government disbursing officers when such checks are drawn by the disbursing officers to their own order. Federal Reserve Banks may ascertain from the Treasurer that the balances to the credit of the disbursing officers are sufficient and thereafter payment of such checks shall not be refused except for alteration or forged signature of the drawer.

(2) Federal Reserve Banks shall not be expected to cash Government checks presented direct to them by the general public.

(3) As a depositary of public funds each Federal Reserve Bank shall (i) receive checks from its member banks, nonmember clearing banks, or other depositors, when indorsed by such banks or depositors who guarantee all prior indorsements thereon, (ii) give immediate credit therefor in accordance with their current Time Schedules and charge the amount of the checks cashed or otherwise received to the account of the Treasurer, subject to examination and payment by the Treasurer, and (iii) forward the checks to the Treasurer. The Treasurer shall return to the forwarding Federal Reserve Bank a photocopy of any check the payment of which is refused upon first examination. Federal Reserve Banks shall give immediate credit therefor in the Treasurer's account, thereby reversing the previous charge to the account for such check.

(b) *Depositaries outside of the mainland of the United States.* Banks outside of the mainland of the United States designated as depositaries of public money and permitted to charge checks to the Treasurer's General Account shall be governed by the operating instructions contained in the letter of authorization to them from the Fiscal Assistant Secretary and shall assume the obligations of presenting banks set forth in §§ 360.4 and 360.5. Checks charged to the Treasurer's General Account shall be shipped to the Treasurer with the daily transcript of account in which they are charged. The Treasurer shall return to the presenting depositary bank a photocopy of any check the payment of which is refused. The depositary bank shall give immediate credit therefor in the Treasurer's General Account, thereby reversing the previous charge to the Account for such check.

(c) *Banks processing checks under special arrangements.* Certain banks in the Washington, D.C., area are authorized under special arrangements to present checks directly to the Treasurer for payment. The terms of such arrangements shall apply to such checks so presented. As to matters not specifically covered by such arrangements, the provisions of this part shall apply. The Treasurer shall return to the presenting bank a photocopy of any check the payment of which is refused. That bank shall refund the amount of each such check to the Treasurer before the close of the next business day. If refund is not made, the Treasurer shall deduct the amount from any amount that is due or may become due to the presenting bank.

§ 360.7 Release of original checks.

An original check may be released to a responsible indorser only upon receipt of a properly authorized request showing the reason it is required.

INDORSEMENT OF CHECKS

§ 360.8 Indorsement by payees.

(a) *General requirements.* Checks shall be indorsed by the payee or payees named, or by another on behalf of such payee or payees as set forth in this part. The forms of indorsement shall conform to those recognized by general principles of law and commercial usage for the negotiation, transfer, or collection of negotiable instruments.

(b) *Indorsement of checks by a bank under the payee's authorization.* When a check is credited by a bank to the payee's account under his authorization, the bank may use an indorsement substantially as follows:

Credit to the account of the within-named payee in accordance with payee's or payees' instructions. Absence of indorsement guaranteed.

XYZ Bank.

A bank using this form of indorsement shall be deemed to guarantee to all subsequent indorsers and to the Treasurer that it is acting as an attorney in fact for the payee or payees, under his or their, authorization. This form of indorsement may also be used by trust companies, savings and loan associations, and credit unions.

(c) *Indorsement of checks drawn in favor of financial organizations.* All checks drawn in favor of financial organizations as defined in Part 209 of this chapter, for credit to the accounts of persons designating payment so to be made, shall be indorsed in the name of the financial organization as payee in the usual manner. Financial organizations receiving and indorsing such checks shall comply fully with Part 209 of this chapter.

(R.S. 3620, as amended, 79 Stat. 582; 31 U.S.C. 492)

(d) *Social Security benefit checks issued jointly to individuals of the same family.* A Social Security benefit check issued jointly to two or more individuals of the same family shall, upon the death of one of the joint payees prior to the negotiation of such check, be returned to the Social Security District Office or to the Treasury Disbursing Office. Payment of the check to the surviving payee or payees may be authorized by placing on the face of the check a stamped legend signed by an official of the Social Security Administration or the Treasury Disbursing Office, redesignating such survivor or survivors as the payee or payees of the check. A check bearing such stamped legend, signed as herein prescribed, may be indorsed and negotiated by the person or persons named as if such check originally had been drawn payable to such person or persons.

(Sec. 330, 79 Stat. 401; 42 U.S.C. 405(n))

§ 360.9 Checks issued to incompetent payees.

(a) *Classes of checks which may be indorsed by guardian or fiduciary.* Where the payee of a check of any class listed in § 360.10(a) has been declared incompetent:

(1) If the check is indorsed by a legal guardian or other fiduciary and presented for payment by a bank, it will be paid by the Treasurer without submission to the Treasurer of documentary proof of the authority of the guardian or other fiduciary.

(2) If a guardian has not been or will not be appointed, and if the check (i) was issued in payment of goods and services, tax refunds or redemption of currency, it shall be forwarded for advice to the Treasurer of the United States, Check Claims Division, Washington, D.C. 20226, or (ii) was issued in payment of principal or interest on U.S. securities, it shall be forwarded to the Bureau of the Public Debt, Division of Loans and Currency, Washington, D.C. 20226, with a full explanation of the circumstances.

(b) *Classes of checks which may not be indorsed by guardian or fiduciary.* Where the payee of a check of any other class has been declared incompetent, the check shall not be indorsed by a guardian or other fiduciary. The check shall be returned to the Government agency for which issued with information as to the incompetency of the payee and submission of documentary evidence showing the appointment of the guardian or other explanation in order that a replacement check, and others to be issued subsequently, may be drawn in favor of the guardian.

§ 360.10 Checks issued to deceased payees.

(a) *Classes of checks which may be indorsed by an executor or administrator.* Checks issued for the following classes of payments, the right to which under law does not terminate with the death of the payee, will, when indorsed by an executor or administrator and presented for payment by a bank, be paid by the Treasurer without the submission of documentary proof of the authority of the executor or administrator:

(1) Payments for the redemption of currencies or for principal or interest on U.S. securities.

(2) Payments for tax refunds.

(3) Payments for goods and services.

If an executor or administrator has not been appointed, persons claiming as owners shall return the checks for appropriate handling to the Government agency for which issued. If there is doubt

as to whether the proceeds of the check or checks pass to the estate of the deceased payee, the checks shall be handled in accordance with paragraph (b) of this section.

(b) *Classes of checks which may not be indorsed by an executor or administrator.* Checks issued for classes of payment other than those specified in paragraph (a) of this section may not be negotiated after the death of the payee but must be returned to the Government agency for which issued for determination whether, under applicable laws, payment is due and to whom it may be made.

§ 360.11 Checks issued to minor payees in certain cases.

Checks issued to minors in payment of principal or interest on U.S. securities may be indorsed by either parent with whom the minor resides, or, if the minor does not reside with either parent, by the person who furnishes his chief support. The parent or other person indorsing in behalf of the minor shall present with the check his signed statement giving the minor's age, stating that the payee either resides with the parent or receives his chief support from the person indorsing in his behalf, and that the proceeds of the checks will be used for the minor's benefit.

§ 360.12 Powers of attorney.

(a) *Specific powers of attorney.* Any check may be negotiated under a specific power of attorney executed after the issuance of the check and describing it in full.

(b) *General powers of attorney.* Checks issued for the following classes of payments may be negotiated under a general power of attorney in favor of an individual, bank or other entity:

(1) Payments for the redemption of currencies or for principal or interest on U.S. securities.

(2) Payments for tax refunds.

(3) Payments for goods and services.

(c) *Special powers of attorney.* Under rules established by the Comptroller General of the United States, classes of checks other than those specified in paragraph (b) of this section may be negotiated under a special power of attorney (i) naming a banking institution or trust company as attorney in fact, (ii) limited to a period not exceeding 12 months, and (iii) reciting that it is not given to carry into effect an assignment of the right to receive payment, either to the attorney in fact or to any other person.

(d) *Proof of authority.* Checks indorsed by an attorney in fact and presented for payment by a bank, will be paid by the Treasurer without the submission to him of documentary proof of the authority of the attorney in fact.

(e) *Revocation of powers of attorney.* Powers of attorney are revoked by the death of the grantor and may also be revoked by notice from the grantor to the parties known, or reasonably expected, to be acting on the power of attorney. Notice of revocation into the Treasurer will not ordinarily serve to revoke the power.

(f) *Acknowledgment of powers of attorney.* Powers of attorney shall be acknowledged before a notary public or other officer authorized by law to administer oaths generally. In foreign countries, the acknowledgment shall be made before a U.S. diplomatic or consular representative. If such a representative is not available, the acknowledgment shall be made before a notary or other officer authorized to administer oaths, but his official character and jurisdiction must be certified by a U.S. diplomatic or consular officer, under the seal of his office. Persons subject to military jurisdiction may acknowledge powers of attorney before officers specially designated for that purpose pursuant to law or regulations. See 10 U.S.C. 936.

(g) *Seal or certificate of attesting officer.* Seals of attesting officers shall be impressed upon the power of attorney form, or the power of attorney shall be accompanied by a certificate from an appropriate official showing that the officer was in commission on the date of acknowledgment. In either case, the date of expiration of the attesting officer's commission shall be indicated.

(h) *Forms.* Power of attorney forms issued under this part are listed in the appendix to this part. They may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20401.

Dated: October 9, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

APPENDIX—STANDARD FORMS FOR POWER OF ATTORNEY AND THEIR APPLICATION

Standard Form 231. A general power of attorney on this form may be executed by an individual, firm, or sole owner, for checks drawn on the Treasurer of the United States, in payment (1) for redemption of currencies or for principal or interest on U.S. securities, (2) for tax refunds, and (3) for goods and services.

Standard Form 232. A specific power of attorney on this form, which must be executed after the issuance of the check, describing the check in full, may be used to authorize the indorsement of any class of check drawn on the Treasurer.

Standard Form 233. A special power of attorney on this form naming a responsible banking institution or trust company as attorney in fact, limited to a period not to exceed 12 months and reciting that it is not given to carry into effect an assignment of the right to receive the payment, either to the attorney in fact or to any other person, may be used for classes of payments other than those shown under Standard Form 231.

Standard Form 234–5. A general power of attorney may be executed by a corporation for the classes of payment listed under Standard Form 231.

Standard Form 236–7. A specific power of attorney may be executed on this form by a corporation to cover a specific check for any class of payment.

[F.R. Doc. 67-12125; Filed, Oct. 12, 1967; 8:48 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER A—ORGANIZATION AND ADMINISTRATION

PART 9—ORGANIZATION, FUNCTIONS AND AVAILABILITY OF INFORMATION—PANAMA CANAL COMPANY

Effective upon publication in the FEDERAL REGISTER, Title 35, Chapter 1, Subchapter A, Code of Federal Regulations, is amended by adding a new Part 9 reading as follows:

Sec.
9.1 Organization.
9.2 Functions.
9.3 Availability of information.
9.4 Availability of records.

AUTHORITY: The provisions of this Part 9 are issued pursuant to 5 U.S.C. 552, 81 Stat. 54.

NOTE: This part is not applicable to the Canal Zone Government. See 5 U.S.C. 551 (1) (C). For statutory provisions concerning public records of that agency, see 2 C.Z.C. 451–453, 76A Stat. 28, and 5 C.Z.C. 3102, 76A Stat. 403.

§ 9.1 Organization.

The principal office of the Panama Canal Company is located at Balboa Heights, C.Z. The office of the Secretary of the Company is located at Room 312, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004. The Company also maintains a procurement office at 4400 Dauphine Street, New Orleans, La. 70140.

§ 9.2 Functions.

(a) The Panama Canal Company, known as the Panama Railroad Company prior to July 1, 1951, was reincorporated by the act of June 29, 1948, as amended (2 C.Z.C. 61–75, 76A Stat. 8–14), as an agency and instrumentality of the United States, for the purpose of maintaining and operating the Panama Canal and of conducting business operations incident to such maintenance and operation and incident to the civil government of the Canal Zone. As provided in section 3.2 of this title, the United States, in its capacity as owner of the corporation, is represented by the Secretary of the Army, who is referred to as the "stockholder".

(b) As provided in 2 C.Z.C. 63, 76A Stat. 19, the management of the corporation is vested in a board of directors appointed by and holding office at the pleasure of the stockholder. The President of the corporation, who is also the Governor of the Canal Zone, is the chief executive officer of the corporation.

(c) The Company maintains and operates the Panama Canal and facilities and appurtenances related thereto, including a railroad; the cargo docks and piers and harbor terminal facilities; an oil handling plant; commissary stores, including cold storage plants; electric power, water, and telephone systems; procurement and storehouse facilities;

motor transportation services; a printing plant; restaurants, theaters, bowling alleys, and miscellaneous merchandising activities; marine and general repair shops; and an employees' housing system.

§ 9.3 Availability of information.

Information concerning the Panama Canal Company and copies of its publications, such as the agency's annual reports, may be obtained from the Company's Information Officer, Balboa Heights, C.Z.

§ 9.4 Availability of records.

Subject to the exceptions set forth in 5 U.S.C. 552(b), all records of the Panama Canal Company are available for public inspection and copying in the offices of the Administrative Services Division, Administration Building, Balboa Heights, C.Z., during normal business hours. Appropriate fees for the furnishing and copying of records under this part will be charged in accordance with section 501 of the Act of August 31, 1951, 65 Stat. 290 (5 U.S.C. [1964 ed.] 140).

Date signed: September 29, 1967.

W. P. LEBER,
President, Panama Canal Company.

[F.R. Doc. 67-12100; Filed, Oct. 12, 1967; 8:46 a.m.]

Title 46—SHIPPING

Chapter III—Coast Guard (Great Lakes Pilotage), Department of Transportation

[CGFR 67-64]

CONFORMING AMENDMENTS AND REVISIONS SHOWING TRANSFER OF FUNCTIONS TO COAST GUARD

1. There was transferred to and vested in the Secretary of Transportation all functions, powers, and duties of the Secretary of Commerce and other offices and officers of the Department of Commerce relating to the Great Lakes Pilotage Act of 1960, as amended (Public Law 86-555, 74 Stat. 259-262; 46 U.S.C. 216-216i) by subsection 6(a)(4) of the Department of Transportation Act (Public Law 89-670, 80 Stat. 931-950; 49 U.S.C. 1651-1659). Effective April 1, 1967, the Secretary of Transportation by Department of Transportation Order 1100.1, dated March 31, 1967 (49 CFR 1.4(a)(1), 32 F.R. 5606), delegated to and authorized the Commandant, U.S. Coast Guard, to exercise the functions, powers, and duties relating to Great Lakes Pilotage vested in the Secretary except those relating to the establishment or revision of fees under section 5 of the Great Lakes Pilotage Act (46 U.S.C. 216c).

2. It has been determined that over-all administration of the Great Lakes Pilotage Act would be improved and facilitated by relocating its administrative facilities closer to the geographical area and the people it is intended to serve. The Great Lakes Pilotage Staff (CCS-3) is disestablished as a staff component under the Commandant effective October 1, 1967, and concurrently reestablished as a staff element, Commander, 9th Coast Guard District (dgp), under the direction and supervision of the Commander, 9th Coast Guard District, Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

3. The comments of this document amend 46 CFR Chapter III to reflect both the transfer of functions to the Coast Guard and the movement of facilities to Cleveland.

4. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, United States Code, and Department of Transportation Order 1100.1, dated March 31, 1967 (49 CFR 1.4(a)(1), 32 F.R. 5606), to promulgate rules and regulations in accordance with the laws cited with the regulations below, the following amendments are prescribed and shall be effective on and after the date of publication of this document in the FEDERAL REGISTER.

PART 401—GREAT LAKES PILOTAGE REGULATIONS

5. The authority for Part 401 is amended to read as follows:

AUTHORITY: The provisions of this Part 401 issued under sec. 4, 74 Stat. 260, sec. 6(a)(4), 80 Stat. 938; 46 U.S.C. 216b, 49 U.S.C. 1655(a)(4); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(1), 32 F.R. 5606; unless otherwise noted.

Subpart A—General

6. Section 401.110(a) is amended by revising subparagraphs (1), (2), (3), (7), and (8) and by adding a new subparagraph (9), which read as follows:

§ 401.110 Definitions.

(a) * * *

(1) "Act" means the Great Lakes Pilotage Act of 1960, as amended (Public Law 86-555, 74 Stat. 239-262; 46 U.S.C. 216-216i).

(2) "Commandant" means Commandant, U.S. Coast Guard, Department of Transportation, Washington, D.C. 20591.

(3) "Canadian Registered Pilot" means a person, other than a member of the regular complement of a vessel, who holds a master's certificate or equivalent license authorizing navigation on the Great Lakes and suitably endorsed for pilotage on routes specified therein, issued by an appropriate agency of Canada, and is registered by a designated agency of Canada on substantially the same basis as registration under the provisions of Subpart B of this part.

(7) "Secretary" means the Secretary of Transportation or any person to whom he has delegated his authority in the matter concerned.

(8) "U.S. registered pilot" means a person, other than a member of the regular complement of a vessel, who holds an unlimited master's license authorizing navigation on the Great Lakes and suitably endorsed for pilotage on routes specified therein, issued by the Coast Guard, and who is also registered under the provisions of Subpart B of this part.

(9) "Director" means Director, Great Lakes Pilotage Staff, on the Staff of the Commander, 9th Coast Guard District (dgp), Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

Subpart B—Registration of Pilots

7. Section 401.200 is amended to read as follows:

§ 401.200 Application for registration.

(a) An application for registration as a U.S. Registered Pilot shall be made on Form CG-4509, which shall be submitted together with a completed fingerprint chart and two full-face photographs, 1½ inches by 2 inches, signed on the face. These forms may be obtained from the Director.

(b) A registration fee of five dollars ($5) by check or money order, drawn to the order of the "U.S. Coast Guard," shall accompany an application for registration. This registration fee will be refunded if applicant is not registered.

8. Section 401.210(a) is amended by revising subparagraphs (1), (4), and (7), which read as follows:

§ 401.210 Requirements and qualifications for registration.

(a) * * *

(1) He holds an unlimited master's license authorizing navigation on the Great Lakes and suitably endorsed thereon for pilotage on routes specified therein, issued under the provisions of 46 CFR Part 10.

* * * * *

(4) He is physically competent to perform the duties of a U.S. Registered Pilot and meets the medical requirements prescribed by the Commandant.

* * * * *

(7) He agrees that he will be continuously available for service under the terms and conditions as may be approved or prescribed by the Commandant.

* * * * *

9. Section 401.211 is amended in paragraph (a) by changing in the first sentence, and in subparagraph (3) (three times) the word from "Administrator" to "Director", and by revising paragraphs (c) and (d), which read as follows:

§ 401.211 Requirements for training of Applicant Pilots.

* * * * *

(c) Persons desiring to be considered as an Applicant Pilot shall file with the Director a completed Application Form, CG-4509, in duplicate, together with the two full-face photographs, 1½ inches by 2 inches, signed on the face, and a completed fingerprint chart. The $5 registration fee is not to be submitted until such time as the applicant makes application pursuant to § 401.200 after completion of the requirements of § 401.220(b).

(d) Individuals selected as Applicant Pilots by the Director shall be issued a U.S. Coast Guard Applicant Pilot Identification Card, which shall be valid until such time as (1) the applicant is registered as a pilot under § 401.210; (2) the applicant withdraws from the training

program; or (3) upon withdrawal by the Director.

§ 410.220 [Amended]

10. Section 401.220 *Registration of pilots* is amended by changing the word from "Administrator" to "Director" where the word appears in the section except in paragraph (b)(1) where the phrase is changed from "prescribed by the Administrator" to "prescribed by the Commandant." (Word "Administrator" is in paragraph (a), paragraph (b)(4), two times, paragraph (c), and paragraph (e)).

§ 401.230 [Amended]

11. Section 401.230 *Certificates of Registration* is amended by changing in paragraph (b) the word from "Administrator" to "Director"; by changing in paragraph (c) the name from "Great Lakes Pilotage Administration" to "U.S. Coast Guard," and the word "Administrator" to "Director"; by changing in paragraph (d) the word from "Administrator" to "Director" two times and the name "U.S. Department of Commerce" to "U.S. Coast Guard"; by changing in paragraph (e) the word from "Administrator" to "Director" two times; and by cancelling paragraph (f).

§ 401.240 [Amended]

12. Section 401.240 *Renewal of Certificates of Registration* is amended by changing in paragraph (a) the form reference from "Form SEC-315" to "Form CG-4509," the word from "Administrator" to "Director" (first sentence), the phrase from "Great Lakes Pilotage Administration, U.S. Department of Commerce, Washington, D.C. 20230" to "Director" (second sentence) and the name from "U.S. Department of Commerce" to "U.S. Coast Guard" (third sentence); by changing in paragraph (c) the word from "Administrator" to "Director"; by changing in paragraph (d) the word from "Administration" to "Commandant"; and by changing in paragraph (e) the word from "Administrator" to "Director."

13. Section 401.250 is amended to read as follows:

§ 401.250 Suspension and revocation of Certificates of Registration.

(a) Certificate of Registration issued pursuant to the provisions of this part may be suspended or revoked upon a determination on the record, after opportunity for a hearing in accordance with the Administrative Procedure Act, as amended (5 U.S.C. 551–559), that the pilot (holder) has violated any provision of this chapter or is no longer eligible for registration.

(b) When a Certificate of Registration which is about to expire is suspended, the renewal of such certificate may be withheld until the expiration of the period of suspension.

(c) In cases of willfulness or those in which the public health, interest, or safety requires a pilot registered pursuant to the provisions of this part may be denied dispatch for a period not in excess of thirty (30) days pending investigation by the U.S. Coast Guard or appropriate agency having jurisdiction in the matter.

(d) Every U.S. Registered Pilot shall, whenever his license is revoked or suspended under the provisions of Part 137 of this title, deliver his Certificate of Registration simultaneously with his license to the U.S. Coast Guard. If the license is suspended, the Certificate of Registration will be held with the suspended license and returned to the holder upon expiration of the suspension period.

§ 401.260 [Amended]

14. Section 401.260 *Reports* is amended by changing in paragraphs (a) and (b) the word from "Administrator" to "Director"; and by changing in paragraph (c) the word from "Administration" to "Director."

Subpart C—Establishment of Pools by Voluntary Associations of U.S. Registered Pilots

§ 401.300 [Amended]

15. Section 401.300 *Authorization for establishment of pools* is amended by changing in paragraphs (a) and (b) the word from "Administrator" to "Director".

§ 401.310 [Amended]

16. Section 401.310 *Application for establishment of pools* is amended by changing in the introductory sentence the phrase from "prescribed by the Administrator" to "obtained from the Director."

§ 401.320 [Amended]

17. Section 401.320 *Requirements and qualifications for authorization to establish pools* is amended by changing in paragraph (a) the word from "Administrator" to "Director"; by changing in paragraph (d) in subparagraphs (2) and (3) the word from "Administrator" to "Commandant", and in subparagraphs (4) and (5) the word from "Administrator" to "Director."

§ 401.330 [Amended]

18. Section 401.330 *Certificates of Authorization* is amended by changing in paragraphs (a) and (b) the word from "Administrator" to "Director".

§ 401.340 [Amended]

19. Section 401.340 *Compliance with working rules of pools* is amended by changing in paragraph (c) the phrase from "executed on SEC-315, Application for Registration as a U.S. Registered Pilot," to "executed on the 'Application for Registration as a U.S. Registered Pilot,'."

Subpart D—Rates, Charges, and Conditions for Pilotage Services

§ 401.430 [Amended]

20. Section 401.430 *Prohibited charges* is amended by changing the word from "Administrator" to "Director."

§ 401.431 [Amended]

21. Section 401.431 *Disputed charges* is amended by changing in paragraphs (a), (d), and (f) the word from "Administrator" to "Director"; and by changing in paragraph (e) the word from "Administration" to "Director."

§ 401.440 [Amended]

22. Section 401.440 *Advance payment of charges* is amended by changing in the first sentence the word from "Administrator" to "Director."

Subpart E—Penalties: Operations Without Registered Pilots

§ 401.500 [Amended]

23. Section 401.500 *Penalties for violations* is amended by changing the name from "Secretary" to "Commandant."

24. Section 401.510 is amended to read as follows:

§ 401.510 Operation without Registered Pilots.

(a) A vessel may be navigated in the U.S. waters of the Great Lakes without a United States or Canadian Registered Pilot when the vessel or its cargo is in distress or jeopardy.

(b) A vessel may be navigated in the U.S. waters of the Great Lakes without a United States or Canadian Registered Pilot when the Director, with the concurrence of the Commander, 9th Coast Guard District, notifies the master that a United States or Canadian Registered Pilot is not available.

(1) Notification to the master that a pilot is not available will be made by the Director through the appropriate pilotage pool, either orally or in writing as the circumstances admit, and shall not be deemed given until the notice is actually delivered to the vessel by the pilotage pool.

(2) The determination that a pilot is not available will be made on an individual basis and only when a vessel has given proper notice of its pilotage service requirements to the pilotage pool having dispatching jurisdiction at the time. The vessel has no obligation or responsibility with respect to such notification other than properly informing the pilotage pool of its pilotage requirements. However, the failure or delay by the pool in processing a pilotage service request, or refusal or delay by the Coast Guard in notifying the vessel that a pilot is not available, does not constitute constructive notice that a pilot is not available, and the vessel is not relieved by such failure or delay from compliance with the Great Lakes Pilotage Act of 1960.

(3) Upon receipt of proper notice of a vessel's pilotage requirements, the pilotage pool shall then determine from the tour de role the availability of a pilot to render the service required. If no pilot is reasonably expected to be available for service within 6 hours of the time the pilotage services are required by the vessel, the pilotage pool shall promptly inform the Director through the U.S. Coast Guard communications system in the manner as may be prescribed from time to time by the Commandant. The Director shall be informed of:

(i) Name and flag of the vessel;

(ii) Route of vessel for which a pilot is not available;

(iii) Time elapsing before a pilot is reasonably expected to become available;

(iv) Whether vessel has an "other officer" on board;

(v) Familiarity of master with route to be transited by the vessel;

(vi) Draft of vessel; and

(vii) Any circumstances of traffic or weather, or condition of the vessel or its cargo which would adversely affect the safety of the vessel in transiting without a pilot.

(4) When a pilot is expected to become available within 6 hours of the time his services are required, the vessel shall be informed that a pilot is available and the approximate time he will report on duty. However, should any unusual circumstance or condition exist which may justify notification that a pilot is not available in less than 6 hours, the pilotage pool shall inform the Director as in subparagraph (3) of this paragraph, along with the circumstances involved. Every reasonable effort is to be made to prevent delay to the vessel consistent with the intent and purpose of the Great Lakes Pilotage Act of 1960.

(5) Any vessel which requires the services of a pilot and is navigated without a pilot or proceeds prior to receipt of a message that a pilot is not available pursuant to subparagraph (1) of this paragraph shall be reported as in violation of section 7 of the Great Lakes Pilotage Act of 1960 by the pilotage pool to the local Coast Guard unit having jurisdiction. If the message is received after the vessel proceeds, such message shall not be delivered without concurrence of the Coast Guard officer to whom the violation was reported.

(6) U.S. pilotage pools informing the Director that a pilot is not available for a vessel shall also obtain notice that a pilot is not available from the appropriate Canadian Supervisor of Pilots for those portions of the route which are in Canadian waters in the manner prescribed by them. The notice for Canadian District No. 1 waters shall be obtained from the Supervisor of Pilots, Department of Transport, Cornwall, Ontario, and the notice for Canadian District No. 2 waters shall be obtained from the Supervisor of Pilots, Department of Transport, Port Weller, Ontario. Authority to issue notice for Canadian waters of District No. 3 has been granted to the Director by the Department of Transport, Ottawa, and separate notice from Canada for this District is not required until such time as separate Canadian pilotage dispatch facilities may be established.

(7) Notice that a pilot is not available shall not be delivered to any vessel unless the message contains the concurrence of the Commander, 9th Coast Guard District, and notice for Canadian waters of Districts No. 1 and No. 2, if required, has been obtained from the appropriate Canadian authority.

(8) In the event of an emergency or any other compelling circumstance, the Director may issue, without the specific request for service as provided under subparagraph (2) of this paragraph individual or general notification that a pilot or pilots are not available. Pilotage pools shall advise the Director of any condition or circumstance coming to their attention which may warrant such a determination.

Subpart F—Procedure Governing Revocation or Suspension of Registration and Refusal To Renew Registration

§ 401.600 [Amended]

25. Section 401.600 *Right to hearing* is amended by changing in paragraph (a), first sentence, the name from "Great Lakes Pilotage Administration" to "U.S. Coast Guard"; and in paragraphs (a) (three times) and (b) (one time) the word from "Administration" to "Director."

26. Section 401.605 is amended to read as follows:

§ 401.605 Notice.

(a) The Director, upon receipt of notice that a U.S. Registered Pilot elects to exercise his rights to a hearing, shall arrange for a hearing and notify the pilot of the time, date and place it is to be held.

27. Section 401.610 is amended to read as follows:

§ 401.610 Hearing.

(a) The hearing shall be held at the time and place designated with due regard to the convenience and necessity of the parties.

(b) The hearing shall be held on the record before an Examiner appointed as provided by section 11 of the Administrative Procedure Act (5 U.S.C. 3105). Hearings shall be conducted in accordance with sections 5, 7, and 8 of the Administrative Procedure Act, as amended (5 U.S.C. 554, 556, 557).

§ 401.615 Representation.

(a) The U.S. Registered Pilot, designated "respondent" in a suspension or revocation hearing or "applicant" in a refusal-to-renew-registration hearing, may be represented before the Examiner by any person who is a member in good standing of the bar of the highest court of any State, Commonwealth, Territory, Possession, or the District of Columbia, upon filing with the Examiner a written declaration that he is currently qualified and is authorized to represent the particular party in whose behalf he acts.

(b) Whenever a person acting in a representative capacity appears in person or signs a paper in practice before the Examiner, Director, the Commandant, or other official of the Coast Guard, his personal appearance or signature shall constitute a representation that under the provisions of this subpart and applicable law he is authorized and qualified to represent the particular person in whose behalf he acts.

(c) When any Registered Pilot is represented by an attorney at law, any notice or other written communication required or permitted to be given to or by such a U.S. Registered Pilot shall be given to or by such attorney. If a U.S. Registered Pilot is represented by more than one attorney, service by or upon any one of such attorneys shall be sufficient.

29. Section 401.620 is amended to read as follows:

§ 401.620 Burden of proof.

(a) In a suspension or revocation hearing, the Director shall have the burden of establishing, by substantial evidence, the grounds for a suspension or revocation of a Certificate of Registration held by a pilot, as stated in the letter addressed to such pilot notifying him of the Coast Guard's intention to suspend or revoke the pilot's registration.

(b) In a refusal-to-renew-registration hearing, the Director shall have the burden of establishing the grounds for the Director's determination under § 401.240(c) to deny renewal of the Certificate of Registration.

30. Section 401.630 is amended to read as follows:

§ 401.630 Appearance, testimony, and cross-examination.

(a) The U.S. Registered Pilot may appear in person or by counsel and may testify at the hearing, call witnesses in his own behalf, and cross-examine witnesses appearing in behalf of the Director.

(1) In any case in which the U.S. Registered Pilot, after being duly served with the notice of the time and place of the hearing, fails to appear at the time and place specified for the hearing, a notation to that effect shall be made in the record and the hearing may then be conducted "in absentia."

(2) The Examiner shall also cause to be placed in the record all the facts concerning the issuance and service of the notice of hearing and the allegations against the U.S. Registered Pilot.

(b) The Director through counsel shall appear, present evidence, call witnesses, and cross-examine the witnesses called on behalf of the U.S. Registered Pilot.

(c) In the discretion of the Examiner, other witnesses may testify at the hearing.

§ 401.645 [Amended]

31. Section 401.645 *Examiner's decision; exceptions thereto* is amended by changing in the second sentence the phrase from "Administrator of the Great Lakes Pilotage Administration" to "Director."

32. Section 401.650 is amended to read as follows:

§ 401.650 Review of Examiner's initial decision.

(a) The Commandant may, on his own motion, or on the basis of a petition filed by the U.S. Registered Pilot in the proceedings or the Director, review any initial decision of the Examiner by entering a written order stating that he elects to review the action of the Examiner. Copies of all orders for review,

replies, and decisions shall be served on all parties.

(b) A petition for review shall be in writing and shall state the grounds upon which the petition relies. A petition for review shall be limited to the record before the Examiner. Five (5) copies of such a petition for review, together with proof of service on all parties, shall be filed with the Commandant (CL) within fifteen (15) days after the date of service of the initial decision of the Examiner. Parties may file replies, in writing, to a petition for review, with proof of service on other parties in the same manner and number of copies as is provided for filing of a petition for review and within ten (10) days after the date the petition for review is timely filed. A reply shall be limited to the record before the Examiner and the petition for review.

(c) If a petition for review is filed within the time prescribed, the initial decision of the Examiner shall be final fifteen (15) days after expiration of the time prescribed for filing a reply thereto unless the Commandant prior to expiration of the fifteen (15) days after expiration of the time prescribed for filing a reply thereto enters a written order granting the petition for review. If no petition for review is filed within the time prescribed and the Commandant does not elect to review on his own motion, the initial decision of the Examiner shall be final twenty (20) days after the date of service of the decision.

(d) If the Commandant reviews the initial decision as provided in this section, he shall issue a written order affirming, amending, overruling, or remanding the initial decision of the Examiner within thirty (30) days after the date on which he takes review.

(e) Except in the case of revocation, when the respondent may appeal the Commandant's decision on the review of the Examiner's initial decision to the National Transportation Safety Board, there shall be no other administrative remedy within the Department of Transportation.

PART 402—GREAT LAKES PILOTAGE RULES AND ORDERS

Subpart A—General

§ 402.100 [Amended]

33. Section 402.100 *Purpose* is amended by changing the word from "Administrator" to "Commandant".

Subpart B—Registration of Pilots

§ 402.210 [Amended]

34. Section 402.210 *Requirements and qualifications for registration* is amended by changing in paragraph (a) the form number from "(SEC–315)" to "(CG–4509)" and the name from "Great Lakes Pilotage Administration" to "Director".

Subpart C—Establishment of Pools by Voluntary Associations of United States Registered Pilots

§ 402.320 [Amended]

35. Section 402.320 *Working rules* is amended by changing in paragraph (a) (two times) the word from "Administrator" to "Director".

(Sec. 4, 74 Stat. 260, sec. 6(a)(4), 80 Stat. 936; 46 U.S.C. 216b, 49 U.S.C. 1655(a)(4); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(1), 32 F.R. 5606)

PART 403—GREAT LAKES PILOTAGE UNIFORM ACCOUNTING SYSTEM

36. The authority for Part 403 is amended to read as follows:

AUTHORITY: The provisions of this Part 403 issued under secs. 4 and 5, 74 Stat. 260, 261, sec. 6(a)(4), 80 Stat. 936; 46 U.S.C. 216b, 216c, 49 U.S.C. 1655(a)(4); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(1), 32 F.R. 5606.

General Accounting Provisions

1. INTRODUCTION TO SYSTEM OF ACCOUNTS AND REPORTS

37. Item "1. *Applicability of System of Accounts and Reports*" in section 1 is amended by changing in the first sentence the name from "Great Lakes Pilotage Administrator" to "Director"; and by changing in the second sentence the name from "Administration" to "Commandant".

38. Item "2. *Waivers from this System of Accounts and Reports*" in section 1 is amended by changing in the first sentence the name from "Administrator" to "Director".

39. Item "5. *Records*" in section 1 is amended by changing in paragraph (c) the phrase from "representatives of the Great Lakes Pilotage Administration" to "representatives of the U.S. Coast Guard," and the name from "Administration" to "Commandant."

40. Item "7. *Interpretation of accounts*" in section 1 is amended by changing the name from "Administrator" to "Director."

41. Item "8." in section 1 is amended to read as follows:

8. *Address for reports and correspondence.* Reports, statements, and correspondence submitted in accordance with or relating to instructions and requirements contained in this part shall be addressed to the Commander, 9th Coast Guard District (dgp), Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

42. Item "9. *Conversion to this system of accounts and reports*" in section 1 is canceled.

2. GENERAL ACCOUNTING POLICIES

43. Item "2. *Accounting period*" in section 2 is amended by changing in paragraph (a) the name from "Administration" to "Director."

6. DESCRIPTION AND CLASSIFICATION OF BALANCE SHEET ACCOUNTS DEFERRED CREDITS

44. Description and classification item "2340 *Deferred Federal income taxes*" in section 6 is amended by changing in paragraph (e) the name from "Administrator" to "Director".

Interassociation Settlements

10. GENERAL

45. Item "1." in section 10 is amended by striking out the words "the Secretary of Commerce of" and by striking out the words "the Minister of Transport of".

Financial Reporting

11. REPORTING REQUIREMENTS

46. Item "1." in section 11 is amended by changing the name from "Great Lakes Pilotage Administration" to "Director."

47. Item "3." in section 11 is amended by changing the name from "Administrator" to "Director."

48. Item "4." in section 11 is amended by changing the name from "Great Lakes Pilotage Administration" to "Director."

49. Item "5." in section 11 is amended by changing the name from "Great Lakes Pilotage Administration" to "Director" and the name from "Administrator" to "Director."

Bonds

12. FIDELITY BONDS

50. The third undesignated paragraph in section 12 is amended by changing the name from "Administration" to "Director."

Budgets

13. OPERATING BUDGETS

51. The first undesignated paragraph in section 13 is amended by changing the name from "Administrator" to "Director."

Accounting Records

14. UNIFORM PILOTS SOURCE FORM

52. Section 14 is amended by changing in the first undesignated paragraph the name from "Great Lakes Pilotage Administration" to "Director"; and by changing in the fourth undesignated paragraph the name from "Administration" to "Director."

Dated: October 9, 1967.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 67-1216; Filed, Oct. 12, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 145, 146, 147]

NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS AND AUXILIARY PROVISIONS

Notice of Proposed Rule Making

Notice is hereby given, under the administrative procedure provisions of 5 U.S.C. 553, that the Department of Agriculture has under consideration proposed amendments of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions recommended by the General Conference Committee representing the State agencies cooperating in the administration of the Plans, and that, pursuant to section 101(b) of the Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429), it is proposed to amend Parts 145, 146, and 147 of Title 9, Chapter I, Subchapter F, Code of Federal Regulations, to incorporate such recommended amendments and to make incidental changes for clarity and consistency. Said Parts 145, 146, and 147 would be amended in the following respects:

1. Section 145.5 would be amended by revising paragraph (c) to read:

§ 145.5 Specific provisions for participating flocks.

* * * * *

(c) A flock shall be deemed to be a participating flock at any time only if its freedom from pullorum and typhoid has been demonstrated by one of the following criteria:

(1) It has been officially blood tested within the past 12 months and qualified for the U.S. Pullorum-Typhoid Clean classification as provided in § 145.10(f)(1). (See § 145.14 relating to the official blood test.);

(2) It is a multiplier breeding flock meeting the following specifications:

(i) The flock is located in a State in which all diagnostic laboratories within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isloated;

(ii) The flock is composed entirely of birds that originated (a) from flocks that qualified as U.S. Pullorum-Typhoid Clean on the basis of an official blood test of all birds in the flock as provided in § 145.10(f)(1), or (b) from flocks that met equivalent blood testing requirements under official supervision; and

(iii) A sample comprised of 25 percent of the birds in the flock has been officially blood tested within the past 12 months with no reactors: *Provided*, That the percentage of the flock included in the sample may be reduced by 5 percentage points following each year in which there is no evidence of infection on the premises: *And provided further*, That the sample tested for the qualification of a flock under this subparagraph shall include at least 500 birds the first year, 400 the second year, 300 the third year, 200 the fourth year, and 100 the fifth year. The sample of birds tested shall be a representative sample drawn on a pro-rata basis from all pens or units of the flock. When reactors are found in the sample, all birds in the flock shall be tested and the qualification of the flock and any other flock on the same premises during the next 2 years shall be based on the testing of all birds; or

(3) It is a multiplier breeding flock composed entirely of birds that originated from flocks qualified as U.S. Pullorum-Typhoid Clean as provided in § 145.10(f)(1) or from flocks that met equivalent blood testing requirements under official supervision in a State in which it has been determined by the AH Division that:

(i) All chicken and turkey hatcheries within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision;

(ii) All chicken and turkey hatchery supply flocks within the State are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for blood testing under official supervision;

(iii) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;

(iv) All diagnostic laboratories within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated;

(v) All reports of S. pullorum or S. gallinarum isolation are promptly followed by an Official State Agency investigation to determine the origin of the infection;

(vi) All flocks found to be infected with pullorum or typhoid (*a*) are quarantined until marketed under the supervision of the Official State Agency, or (*b*) have been subsequently blood tested and all birds in such flocks failed to demonstrate pullorum or typhoid infection. (The use of eggs produced by a quarantined flock for hatching purposes is prohibited. The quarantined flock or any other flock on the same premises during the next 2 years may qualify as a U.S. Pullorum-Typhoid Clean flock only on the basis of official blood tests conducted by or directly supervised by a State inspector on all birds in the flock);

(vii) All chickens and turkeys going to public exhibition come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition; and

(viii) A monitoring program, including official blood tests of at least 25 percent of the birds in the hatchery supply flocks in the State, is systematically conducted each year. The samples tested are selected to be representative of all hatchery supply flocks in the State. The minimum requirement as to the percentage of birds tested in the monitoring program may be reduced by 5 percent of the total number of birds in all flocks following each year in which no infected birds are detected.

* * * * *

2. Section 145.10 would be amended by revising paragraphs (f) and (g) (1) and (2) (ii) to read:

§ 145.10 Terminology and classification; flock and products.

* * * * *

(f) *U.S. Pullorum-Typhoid Clean* Flocks meeting one of the following specifications:

(1) Flocks in which no pullorum or typhoid reactors were found on the first official blood test provided for in § 145.5(c)(1): *Provided*, That if a reactor or reactors are found on the first test, the flock may qualify with two consecutive official negative tests;

(2) Flocks maintained under the conditions prescribed in § 145.5(c)(2); or

(3) Flocks maintained under the conditions prescribed in § 145.5(c)(3).

(g) *U.S. M. Gallisepticum Tested.* (1) Flocks in which all birds have been blood tested for M. gallisepticum when they were more than 5 months of age or samples comprising 10 percent of the birds in the flock have been tested twice between the ages of 8 weeks and 22 weeks, with an interval of not less than 60 days between the two tests, in accordance with the procedures prescribed in subparagraph (2) of this paragraph, and in which no M. gallisepticum reactors were found, and which are maintained in accordance with the conditions and procedures prescribed in § 147.36 of this chapter: *Provided*, That in order to retain this classification, freedom from M. gallisepticum shall be demonstrated by one of the following procedures: (i) At intervals of not more than 60 days a random sample of 5 percent of the flock, or a number specified by the Official State Agency, shall be tested; or (ii) at intervals of not more than 30 days a sample of 25 cull chicks produced from the flock shall be subjected to approved laboratory procedures for the detection and recovery of M. gallisepticum; or (iii) at intervals of not more than 60 days serum samples obtained from at least 100-day-old chicks produced from the flock shall be examined for M. gallisepticum antibodies.

* * * * *

(2) * * *

(ii) The tests shall be conducted in accordance with the recommendations of the producer of the M. gallisepticum antigen.

* * * * *

3. Section 146.10 would be amended by revising subdivision (iii) of subparagraph (1) of paragraph (c) to read:

§ 146.10 Terminology and classification; flocks and products.

* * * * *

(c) * * *

(1) * * *

(iii) The tests shall be conducted in accordance with the recommendations of the producer of the M. gallisepticum antigen.

* * * * *

4. Section 147.23 would be amended by revising paragraph (b) to read:

§ 147.23 Submitting, compiling and distributing proposed changes.

* * * * *

(b) Except as provided in § 147.25 (d) (1), proposed changes shall be submitted in writing so as to reach the AH Division not later than 150 days prior to the opening date of the conference, and participants in a Plan shall submit their proposed changes through their Official State Agency.

* * * * *

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions may do so by filing them with the Director, Animal Husbandry Research Division, Agricultural Research Center, Beltsville, Md. 20705, within 60 days after publication hereof in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 9th day of October 1967.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 67-12113; Filed, Oct. 12, 1967; 8:47 a.m.]

[9 CFR Parts 160, 161, 162]

NOTICE OF PROPOSED STANDARDS FOR ACCREDITED VETERINARIANS AND RULES OF PRACTICE

The Department of Agriculture accredits veterinarians to perform certain functions under the regulations of the Department relating to the cooperative control and eradication of livestock and poultry diseases, the interstate transportation of certain animals and poultry, and the exportation and importation of certain animals and poultry and products (9 CFR, Chapter I, Subchapters B, C, and D). Copies of the standards of conduct required of such veterinarians are furnished to each veterinarian upon his accreditation. These standards of conduct and the rules of practice with respect to proceedings for removing the accreditation of a veterinarian for violation of such standards are being reconsidered by the Department. Therefore, notice is hereby given that pursuant to the provisions of sections 3, 4, 5, 6, 11, and 13 of the Act of May 29, 1884, as amended, section 10 of the Act of August 30, 1890, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, the Act of March 4, 1907, the Act of July 24, 1919, the Act of May 31, 1920, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 80–86, 89, 96, 105, 111–113, 114, 114a, 114a–1, 115, 116, 120, 121, 125, 134b, and 134f), it is proposed to add a new Subchapter I to Chapter I of Title 9, Code of Federal Regulations, reading as follows:

SUBCHAPTER I—ACCREDITATION OF VETERINARIANS AND REVOCATION OF SUCH ACCREDITATION

PART 160—DEFINITION OF TERMS

§ 160.1 Definitions.

For the purposes of this subchapter the following words, phrases, names, and terms shall be construed, respectively, to mean:

(a) *Division.* The Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture.

(b) *Director.* The Director of the Division, or any other official of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *State.* Any State, Territory, the District of Columbia or the Commonwealth of Puerto Rico.

(d) *Accredited veterinarian.*[1] A veterinarian approved by the Director in accordance with the provisions of Part 161 of this subchapter to perform functions specified in Subchapters B, C, and D of this chapter.

(e) *Veterinarian-in-Charge.* The veterinary official of the Division who is assigned by the Director to supervise and perform the official work of the Division in the State where the veterinarian concerned is accredited or wishes to be accredited.

(f) *State Livestock Sanitary Official.* The livestock sanitary official responsible for the livestock and poultry disease control and eradication programs of the State in which the veterinarian is accredited or wishes to be accredited.

[1] The provisions of Subchapters B, C, and D of this chapter authorize Federal and State veterinarians and accredited veterinarians to perform specified functions. Full time Federal (including military) and State veterinary employees are authorized to perform such functions without specific accreditation under the provisions of this subchapter.

PART 161—REQUIREMENTS AND STANDARDS FOR ACCREDITED VETERINARIANS AND REVOCATION OF SUCH ACCREDITATION

§ 161.1 Requirements for accreditation.[1]

(a) The Director is hereby authorized to accredit a veterinarian when he determines that such veterinarian (1) is a graduate of a college of veterinary medicine; (2) is licensed to practice veterinary medicine in the State in which he wishes to be accredited; (3) has made formal application for accreditation; (4) has passed an examination administered by the Division; and (5) has been jointly recommended by the State Livestock Sanitary Official and the Veterinarian-in-Charge in the State in which the veterinarian wishes to be accredited.

(b) The Director is hereby authorized to accredit a veterinarian whose accreditation has been revoked when he determines that such veterinarian (1) is licensed to practice veterinary medicine in the State in which he wishes to be accredited; (2) has made formal application for accreditation; and (3) has been jointly recommended by the State Livestock Sanitary Official and the Veterinarian-in-Charge in the State in which the veterinarian wishes to be accredited.

§ 161.2 Standards for accredited veterinarians.

Accredited veterinarians shall perform official duties in accordance with the following standards:

(a) Prior to completing and signing a certificate with respect to animals or poultry, the accredited veterinarian shall individually inspect such animals or poultry in accordance with professionally accepted procedures.

(b) Certificates, forms, and reports shall be accurately and fully completed, including identification of animals, and shall be distributed according to instructions issued to him by the State Livestock Sanitary Official or the Veterinarian-in-Charge, or both.

(c) Official tests and vaccinations shall be applied according to procedures and standard techniques prescribed by the State Livestock Sanitary Official or the Veterinarian-in-Charge, or both.

(d) Certificates issued by an accredited veterinarian that reflect results of tests performed by another accredited veterinarian shall clearly indicate the name of the veterinarian conducting the tests, the place where the tests were conducted, and the date and results of the tests.

(e) Reactor animals disclosed by tests shall be identified within prescribed time limitations and according to State-Federal instructions issued to him by the State Livestock Sanitary Official or the Veterinarian-in-Charge, or both.

(f) All diagnosed or suspected cases of diseases of livestock and poultry named in § 71.3 (a) and (b) of Part 71, Subchapter C, of this chapter, including any vesicular conditions, shall be reported

immediately to the appropriate State Livestock Sanitary Official or the Veterinarian-in-Charge.

(g) Professionally accepted sanitary procedures shall be followed to minimize the danger of spread of disease between animals and between premises.

(h) The accredited veterinarian shall keep himself currently informed on State and Federal policies, regulations, and procedures concerning livestock disease control and eradication and shall advise livestock owners, shippers and other interested parties accordingly.

(i) Official duties and activities of an accredited veterinarian in a State shall be performed subject to supervision and direction of the appropriate State Livestock Sanitary Official and the Veterinarian-in-Charge.

§ 161.3 Revocation of veterinary accreditation.

The Director is authorized to revoke the accreditation of a veterinarian when he determines that the accredited veterinarian has not complied with the "Standards for Accredited Veterinarians" as set forth in § 161.2. Any such revocation of accreditation shall be applicable in all States in which the veterinarian is accredited.

PART 162—RULES OF PRACTICE

§ 162.1 Institution of proceedings.

(a) *Complaint.* A complaint in writing shall be issued by the Veterinarian-in-Charge and served on the accredited veterinarian, whenever there is reason to believe that he has not complied with the "Standards for Accredited Veterinarians" as contained in § 161.2 of this subchapter. The complaint shall state briefly and clearly the allegations of fact which constitute the basis for the proceeding and shall specify the "Standards" alleged to have been violated. At any time prior to the close of the hearing the complaint may be amended; but, at the request of the accredited veterinarian, the hearing shall be adjourned for a period not exceeding 15 days.

(b) *Answer.* The accredited veterinarian shall file with the Veterinarian-in-Charge an answer to the complaint within 20 days after service of the complaint. Such answer shall be signed by the accredited veterinarian or his attorney. Upon request by the accredited veterinarian and where the circumstances warrant, the Director may extend the period of time for filing of the answer. The answer shall contain a statement of the facts which constitute the grounds of defense and shall specifically admit, deny, or explain each of the allegations of the complaint. The answer may be supported by such affidavits, depositions or other documents which the accredited veterinarian desires to submit. Failure to file an answer to or plead specifically to any allegation of fact in the complaint shall constitute an admission of such allegation.

(c) *Suspension of accreditation pending final determination.* When the Director deems such action necessary in order to adequately protect the public health, interest, or safety, he may suspend the accreditation of an accredited veterinarian pending final determination in the matter.

(d) *Informal conference and consent orders.* At the request of the accredited veterinarian, the Veterinarian-in-Charge, with the concurrence of the State Livestock Sanitary Official, will arrange an informal conference to discuss the matter, at the time and place designated by the Veterinarian-in-Charge. The accredited veterinarian may bring with him to the conference any representative or other person whom he desires. If the accredited veterinarian, in writing, admits the facts alleged in the complaint, or states that he neither admits nor denies the facts alleged in the complaint, and consents to the issuance of an order revoking his accreditation, such an order will be issued without further procedure.

§ 162.2 Hearing; request for formal hearing; hearing procedure; procedure upon admission of facts and waiver of hearing; hearing officer's report; exceptions to hearing officer's report; preparation and issuance of final order.

(a) *Request for formal hearing.* An accredited veterinarian may request a formal hearing on the allegations set forth in the complaint by including such request in the answer or by a separate request in writing filed with the Director. Failure to request a formal hearing at the conclusion of an informal appearance referred to in § 162.1(d) or within the time allowed for the filing of the answer, shall constitute a waiver of such hearing.

(b) *Hearing procedure.* Upon request by the accredited veterinarian for a formal hearing, a hearing within 30 days shall be arranged. The following shall apply to such hearing:

(1) Notice of the time and place of such hearing shall be given to the accredited veterinarian in writing at least 10 days prior to the hearing.

(2) Such hearing shall be held before a hearing officer appointed by the Director.

(3) The parties may appear in person or by counsel or other representative.

(4) A representative of the Division shall proceed first at the hearing to present the facts upon which the complaint was based.

(5) The hearing officer shall be authorized to administer oaths and affirmations, examine witnesses at such hearing, and rule upon motions and requests.

(6) All testimony of witnesses at the hearing shall be upon oath or affirmation and subject to cross-examination. Any witness may, in the discretion of the hearing officer, be examined separate and apart from all other witnesses except the interested parties.

(7) The hearing officer may exclude obviously immaterial or irrelevant evidence, but the party offering such evidence may state what he expects to prove thereby.

(8) The hearing officer may postpone or adjourn a hearing for good cause shown.

(9) Oral argument will be permitted before the hearing officer at the close of the hearing and any argument advanced will be embodied in the record.

(10) A transcript shall be made of the hearing to which the hearing officer shall attach his certificate stating that the transcript is a true transcript of the hearing, except in such particulars as he shall specify, and that the exhibits accompanying the transcript are all the exhibits introduced at the hearing, with such exceptions as he shall specify.

(11) Written briefs or arguments may be submitted and made a part of the record if received by the hearing officer within 15 days after the close of the hearing. This period may be extended by the hearing officer for good cause shown.

(12) If the accredited veterinarian, after being duly notified, fails to appear at the hearing, he will have waived the right to a hearing.

(c) *Procedure upon admission of facts; waiver of hearing.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission of facts, the hearing officer, without further procedure, shall prepare his report, in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint.

(d) *The hearing officer's report.* The hearing officer, within a reasonable time after the termination of the period allowed for the filing of written briefs or arguments following the hearing, shall prepare upon the basis of the record and submit to the Director his report together with the record of the proceeding. Such report shall include recommended findings of fact and conclusions. A copy of the report shall be served upon the parties.

(e) *Exceptions to the hearing officer's report.* Within 15 days after the receipt of the hearing officer's report, exceptions thereto, and written arguments or a brief in support of such exceptions, may be filed with the Director. The Director may extend such period for good cause shown.

(f) *Preparation and issuance of order.* As soon as practicable after the termination of the period allowed for the filing of exceptions to the hearing officer's report, the Director, upon the basis of and after due consideration of the record, shall prepare his decision and order in the proceeding. Such decision and order shall be issued and served upon the parties and shall be the final and conclusive order in the proceeding.

§ 162.3 Service and proof of service.

Copies of all documents served upon a veterinarian whose accreditation is the subject of the proceeding shall be served in person or by certified mail. Proof of service shall be made by the affidavit of the person who actually made the service: *Provided*, That if the service is made by certified mail, proof of service shall be made by the return post office receipt.

Such proof of service shall be made a part of the record of the proceeding.

Any person who wishes to submit written data, views, or arguments concerning the proposed standards and rules of practice may do so by filing them with the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Room 356, Federal Center Building, Hyattsville, Md. 20782, within 45 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 9th day of October 1967.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 67-12140; Filed, Oct. 12, 1967; 8:49 a.m.]

Consumer and Marketing Service

[7 CFR Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Proposed Expenses of Walnut Control Board and Rates of Assessment for 1967–68 Marketing Year

Notice is hereby given of a proposal regarding expenses of the Walnut Control Board and rates of assessment for the 1967–68 marketing year beginning August 1, 1967, pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Board has recommended a budget of expenses in the total amount of $125,550 and, based on the volume of merchantable inshell walnuts handled or declared for handling and merchantable shelled walnuts handled or declared for handling during the 1967–68 marketing year, assessment rates of 0.10 cent per pound and 0.20 cent per pound, respectively, is expected to provide sufficient funds to meet the estimated expenses of the Board.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should 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 8th day after 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)).

The proposal is as follows:

§ 984.319 Expenses of the Walnut Control Board and rates of assessment for the 1967–68 marketing year.

(a) *Expenses.* The expenses in the amount of $125,550 are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1967, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for said marketing year, payable by each handler in accordance with § 984.69, is fixed at 0.10 cent per pound for merchantable inshell walnuts and 0.20 cent per pound for merchantable shelled walnuts.

Dated: October 10, 1967.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-12141; Filed, Oct. 12, 1967; 8:49 a.m.]

[7 CFR Part 1040]

[Docket No. AO-225-A19]

MILK IN SOUTHERN MICHIGAN MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions 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), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Southern Michigan marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. 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)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Lansing, Mich., on May 17–19, 1967, pursuant to notice thereof which was issued May 9, 1967 (32 F.R. 7182).

The material issues of the record of the hearing relate to:

1. Revision of location differentials, including the direct-delivery differential.
2. Deletion of a portion of Allegan County from the marketing area.
3. Revision of the definition of "fluid milk product".
4. Reclassification of inventory.
5. Modification of Class I prices:
(a) Level of Class I price differential,
(b) Supply-demand adjustor, and
(c) Class I price for milk distributed in another Federal order area.
6. Revision of the Class II price formula, including a separate price for skim milk used to produce cottage cheese.

This decision covers only issues 1 and 2, with respect to marketing area and location differentials. Other issues of the hearing will be considered in a further decision.

The cooperative association representing a majority of producers on the market requested separate and immediate consideration of the proposals relating to location differentials, including the direct-delivery differential. Although the changes proposed herein are closely related to the various proposals relative to the pricing of Class I milk, an early decision on their individual merit is warranted for reasons hereinafter stated. Therefore, they should not be delayed until all issues considered at the hearing can be settled.

One other issue is covered by this decision, i.e., the deletion of certain townships in Allegan County from the marketing area. This is a matter which affects primarily the operation of one handler. The deletion of such townships from the marketing area is of immediate concern to the handler involved and can be done at this time without jeopardizing the positions of other interested parties on other issues considered at the hearing.

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. *Location differentials (including direct-delivery differential).* (a) The plant location area in which the present 4-cent direct-delivery differential applies on milk received directly from producer farms should be enlarged to include all of Wayne County in addition to Royal Oak and Southfield townships in Oakland County. The differential in such area should be increased to 8 cents. Two additional directly related changes in location adjustments should be made so that (1) producer milk delivered to plants in Genesee County and in the remaining townships in Oakland County not in the present direct-delivery differential area would be subject to a 4-cent direct-delivery differential, and (2) the territory in Zone IV (minus 7-cent location adjustment) in the upper "Thumb" area (Huron County and certain townships of Tuscola and Sanilac Counties) would be merged with the Zone III (minus 5 cents) area in the lower "Thumb".

Plants in the townships of Northville, Plymouth, Canton, Van Buren, Sumpter, Livonia, Nankin, Romulus, Huron, Taylor, Brownstown, Monguagon, and Grosse

Isle in Wayne County are not presently subject to a direct-delivery differential. A large producer organization proposed expansion of the present direct-delivery differential area to include such 13 townships. They were supported in this proposal by several handlers and certain other cooperatives.

Expansion of the direct-delivery differential area was proposed for the purpose of applying the differential to two newly established processing plants located in this section of Wayne County. Proponent contended that the demand for direct-delivery milk not only will continue but also will substantially increase at these and other plants presently located in and near Metropolitan Detroit.

The minor distance that the new processing plants referred to by proponents are located beyond the present boundary of the direct-delivery differential area does not alter substantially the location value of milk received at such plants relative to other Metropolitan Detroit plants or to plants in other parts of the market. The commercial and residential development which has taken place in the presently excluded thirteen townships of Wayne County represents a normal extension of Metropolitan Detroit. The new plants are in close proximity to other plants currently subject to the direct-delivery differential and the minimum price provisions should be devised so as to induce the needed milk deliveries to these plants as well as to other nearin plants.

Expansion of the present direct-delivery differential area thus will insure comparable pricing treatment for plants similarly located. It is therefore concluded that the present direct-delivery differential area should consist of Wayne County in its entirety and Royal Oak and Southfield Townships, including the cities located therein, in Oakland County. As discussed herein below, a second direct-delivery differential area with a 4-cent differential rate also should be established.

It was proposed further that the direct-delivery differential applied to the above-described area of Metropolitan Detroit be set at 8 cents. The general purpose of such differential would be to induce an additional 15 to 18 million pounds of direct-delivered milk necessary to meet the current and expected requirements of all such plants.

Proponent testified that an additional 5 cents per hundredweight above the present 4-cent differential already is being paid on relatively large volumes of direct-ship milk to offset the additional handling charges involved for producers to ship to city plants as compared to country plants. It was pointed out that principal sources of new milk supplies for Metropolitan Detroit are the heavy milk production area of the Michigan "Thumb" area and certain more distant areas in central and western Michigan where transportation cost differences exceed current differences in present zone prices.

Certain handlers and other cooperative associations either opposed an increase in the direct-delivery differential or submitted substitute proposals for rather general revision of location adjustment zones or rates. Objections were raised to any increase in the direct-delivery differential for the principal purpose of adding supplies to meet the requirements of individual handlers opening new plants. While such handlers and cooperatives suggested alternative proposals, they basically supported continuation of the current direct-delivery differential of 4 cents per hundredweight and the present zone price adjustments. They disputed proponent's projected supply requirements for plants in the direct-delivery differential area. It was contended that an adequate supply of direct-delivered milk is available for all Metropolitan Detroit handlers under present pricing arrangements.

A cooperative association with a fluid milk plant at Flint and a standby manufacturing plant at Chesaning opposed a higher differential on the basis that it would tend to drain milk supplies away from zero zone plants at Flint, Saginaw, and Bay City and from plants in the Lansing market (Zone II). This association stated that any additional supply requirements for Metropolitan Detroit plants should be induced on a uniform basis from all parts of the production area and contended that an increase in the differential to 8 cents would not produce this result.

This cooperative proposed, as alternatives to an 8-cent differential, that the minus location adjustments for Zones III through Zone VII be increased, or that such zones be modified so as to increase the rate of adjustment for certain localities. In its brief, however, the association offered a further proposition for adoption in the event of an increase in the present direct-delivery differential to 8 cents: (1) The institution of a new direct-delivery differential at a 4-cent rate for all plants in Genesee and Oakland Counties, in five townships and at Saginaw in Saginaw County, in five townships and Bay City in Bay County; (2) a reduction in location adjustment for Zone II (present 3 cents) to zero; (3) the addition of two townships in Saginaw County and eight townships in Shiawassee County in Zone III (present 5 cents) to Zone I (zero); and (4) consolidation of the "Thumb" territory located in Zones III and IV (5 and 7 cents, respectively) as a new Zone II (3 cents).

Such association also contended that since the basic hauling rate averages about 25 cents from farms in the nearby "Thumb" area to plants in either the zero zone or in Metropolitan Detroit, many high-volume producers would be lost by Flint, Bay City-Saginaw, and Lansing handlers to Detroit handlers if the only action were to increase the direct-delivery differential to 8 cents. This would occur because Detroit haulers could use the additional 4 cents to attract the high-volume producers.

The cooperative stated that it was the intent of its proposals to maintain as nearly as possible the present competitive relationship in procurement among milk handlers in the several consuming centers of Detroit, Flint, Saginaw, Bay City, and Lansing.

A cooperative association operating the only plant (manufacturing) at Sebewaing in the upper "Thumb" area also proposed that one rate of location adjustment (3 cents) apply throughout the "Thumb" area if the 8-cent direct-delivery differential were adopted. The association contended that with current zone pricing and the present 4-cent direct-delivery differential, substantial supplies of milk have shifted from their standby manufacturing plant to other plants where lesser location adjustments apply. They alleged that any further loss of supplies could result in the closing of the plant and thus the loss to the market of an important standby operation. Also, that such a change in zone pricing would maintain the present price relationship between milk delivered to the local plant and that delivered to Metropolitan Detroit plants under the condition of an 8-cent direct-delivery differential.

A cooperative association supplying a large number of handlers in the western portion of the market where greater minus location adjustments apply and a handler suggested elimination of all location adjustments within the Southern Michigan marketing area. This association objected to the relatively lower prices applicable in the western portion of the marketing area, stating that distributing plants are in diverse locations throughout the marketing area, that many of them distribute fluid milk products over the entire area, and that, therefore, all producers should receive a similar price irrespective of farm location. The handler recommended a system under which dairy farmers delivering milk to Metropolitan Detroit plants would be paid, as reimbursement for the greater hauling cost to Detroit, in increasing amounts as their distance from Detroit increases. Such payments to dairy farmers would be made directly to the producer by the receiving handler.

In general, the various proposed changes previously described in the zone rates of location adjustment, or in the areas included in individual zones, were offered as alternatives to or made contingent on the adoption of an 8-cent direct-delivery differential for Metropolitan Detroit.

Since August 1965 the order has provided for a direct-delivery differential of 4 cents per hundredweight for all milk received from farms at plants located in the major portion of Wayne County and in two townships of Oakland County. Adoption of this provision, together with a general structuring of location adjustment zones and rates, recognized the significant changes which had taken place in the transportation of milk to the Detroit market up to the time of the hearing in 1964. Receiving stations had practically been eliminated in the Southern Michigan production area. With the growth of bulk tank delivery handlers operating plants in Metropolitan Detroit have preferred more economical direct-ship milk. The general basis for the direct-delivery differential

was discussed in a previous decision on amendments to the Southern Michigan order issued on June 15, 1965 which was based on the record of the 1964 hearing; therefore, such basis is not repeated here.

While the present 4-cent direct-delivery differential has had beneficial effect in attracting milk to near-in plants, it does not provide sufficient incentive for the delivery of the volumes necessary for current and expected needs. In August 1965 when the direct-delivery differential provisions were first instituted, direct producer receipts at plants in the Metropolitan Detroit area were about 2.7 million pounds per day. Such receipts gradually increased to a peak daily average of about 3.4 million pounds in September 1966.

In recent months, however, a decrease has occurred with average daily deliveries during the period October 1966 through April 1967, being less than the volume reached in September 1966. Based on April 1967 data, Metropolitan Detroit fluid milk requirements still exceeded direct producer receipts. Further, the major share of the additional supplies of 15–18 million pounds will be used in the Metropolitan Detroit area plants to fulfill fluid requirements of the market not previously served from plants in Metropolitan Detroit.

Moreover, even the present level of direct-delivered milk volumes cannot be fully attributed to the pricing incentive provided by the 4-cent direct-delivery differential. One large handler pays a 5-cent per hundredweight hauling subsidy over and above the direct-delivery differential on several million pounds of milk delivered to his Metropolitan Detroit plant. The handler pays the cooperative association an additional 4 cents per hundredweight for the development of this supply and the field service performed in connection with it. These additional payments have been made since May 1966 when the handler changed his operation to receive all direct-ship milk from producers rather than country supply plant milk.

To attract adequate supplies to meet the fluid milk requirements of Metropolitan Detroit plants, the direct-delivery differential rate should be increased to 8 cents. Although the present 4-cent rate undoubtedly has had desirable effects in inducing the delivery of increased supplies to Detroit plants, some haulers have delayed conversion to the type of equipment which is required to move milk long distances and in large volumes since producer returns have not been adequate to offset the extra cost of hauling to Detroit. Consequently, many producers continue to elect to have their milk delivered to plants (sometimes a manufacturing plant) nearer their farms rather than receive a lesser net return for delivery to Metropolitan Detroit plants.

A second direct-delivery differential area with a rate of 4 cents should be established consisting of Genesee County and those townships in Oakland County not included in the 8-cent direct-delivery differential area.

Hauling rates from farms to plants located in Pontiac and Flint, from the immediate area surrounding such markets are from 20–25 cents per hundredweight. The rate approaches 15 cents when the volume moved is substantial. Producers with farms located in the area north of the present zero zone pay about 28 cents on milk moved to Flint.

Plants in the present zero zone, including those in the present direct-delivery differential area, utilize a high percentage of their producer receipts in Class I milk. In April 1967, producer receipts of about 143 million pounds at all plants in such area exceeded Class I milk by only 2 million pounds. There is considerable competition for supplies in the nearby production area among Metropolitan Detroit, Flint and Pontiac plants. As additional producer milk is moved directly to plants in Metropolitan Detroit, plants in the immediate surrounding areas of Flint and Pontiac also will find it necessary to reach farther for supplies with associated additional transportation costs. Therefore, the relationship of location pricing between plants in the Metropolitan Detroit area and the Flint and Pontiac area should be maintained so as to assure continued adequate supplies to all such plants. Such 4-cent difference would maintain the current price relationship between plants at Flint and Pontiac in the present zero zone and those in Metropolitan Detroit.

To achieve an adequate level of supply at Metropolitan Detroit it will be necessary to draw a substantial portion of the additional milk from territory encompassed in Zone III and from that part of Zone IV in the "Thumb". Nearly one-half of all producer receipts for the market in December 1966 originated from farms in counties in the two areas. Because of the greater distance from farms in central Michigan (Zone III), higher hauling costs prevail for moving milk directly to Metropolitan Detroit plants. Likewise, in the major milk production areas in the "Thumb" there are higher hauling costs on milk moved to Detroit plants because of the lack of speed highways in the "Thumb".

The five counties which make up the "Thumb" area are among the most concentrated milk production counties in Michigan. In December 1966, over 76 million pounds or more than 25 percent, of producer receipts on the Southern Michigan market were from producers' farms in these counties. Similarly, about 20 percent of total producer receipts in December 1966, originated from farms in the central Michigan counties included in Zone III.

The present zone pricing arrangement does not cover the cost of hauling from the Thumb and certain areas in the central Michigan counties in Zone III. This is evidenced by the fact that presently part of the hauling cost to induce milk from the Ovid and Bad Axe areas in location zones III and IV, is being paid over and above the difference represented by present zone location adjustments and the direct-delivery differential. The amount of the direct-delivery differential when added to the zone price deduction should reflect the difference in cost of transporting milk to Metropolitan Detroit plants as compared to delivering to nearby supply plants or to distributing plants in the present zero zone or there will be insufficient inducement for milk to move to Detroit.

Although numerous proposals were made to alter the various location zones and applicable rates in conjunction with the proposal to increase the direct-delivery differential, changes related thereto should be restricted to (1) an expansion of Zone I to include Lenawee County which is presently included in Zone II; and (2) a merger of the territory in Zone IV in the upper "Thumb" area (Huron County and certain townships of Tuscola and Sanilac Counties) with the Zone III area in the lower "Thumb".

The present location adjustment applicable to any plant in Lenawee County is 3 cents. Its inclusion in Zone I would eliminate the location adjustment. Plants in Huron County and the northern portions of Tuscalo and Sanilac Counties currently are subject to 7-cent location adjustment. The combination of areas in the "Thumb" would establish a 5-cent location adjustment for all plants located in Tuscola, Huron, Sanilac, and Lapeer Counties and in nine townships of St. Clair County.

The change to include Lenawee County in Zone I was proposed by a cooperative association which operates the only pool plant located in the county. It further requested a single location differential rate for pool plants located in Zones III and IV in the "Thumb". The same association also operates the only pool plant located in the upper "Thumb" area (Zone IV). Both plants are important supply balancing operations for the fluid market. The Lenawee County plant is also a bottling plant.

The present 7-cent adjustment in the northern part of the "Thumb" (Zone IV) was designed to accommodate receiving station milk previously shipped from that area. No receiving stations exist in such area any longer. There is, however, the one cooperative plant in the zone which provides supplies for the fluid market as needed and serves as a balancing plant. The plant in Lenawee County is in an area of supply competition with other federally regulated markets in Ohio. As well as being a bottling plant, it also is an available source of supplemental milk for near-in Detroit plants.

The location differential structure, in conjunction with the revised direct-delivery differentials herein adopted, should be designed so as to encourage the delivery of the needed milk supplies to Metropolitan Detroit, Flint, and Pontiac in an efficient manner with the lowest possible hauling cost to producers. In view of daily and monthly fluctuations in sales, it is also important that reserve milk be handled in an efficient manner with the least cost to individual producers. The adjustment of location differentials as proposed herein for Zone III and for that part of Zone IV in the "Thumb" area should assist in maintaining economical

sources of producer supplies for the fluid market and also in the handling of reserve supplies in an efficient manner, and thus promote orderly marketing.

One zone area should be realigned. Zone IV, where plants are subject to a 7-cent location adjustment, should be expanded to include eight townships in Allegan County which are now in the 9-cent zone (Zone V). The townships involved are Dorr, Leighton, Hopkins, Wayland, Watson, Martin, Otsego, and Gunplain.

Two cooperatives proposed this change. One of the proponents operates a plant in this area which receives milk for transshipment to fluid milk plants and also manufactures milk products. The other proponent utilizes the same plant as an outlet for reserve milk in excess of fluid milk requirements of plants in the Grand Rapids area supplied by its member producers.

The proposed change in zoning would reduce the location adjustment for the one plant in this area from nine to seven cents, similar to that effective at Grand Rapids and Kalamazoo. This plant, located between the fluid markets of Grand Rapids and Kalamazoo, has a procurement problem in that it competes for milk with such market areas. It is noted in this connection that to maintain member supplies the cooperative operating the plant customarily has paid its producer members an additional 2 cents over the zone uniform price in order that their price will be comparable to that being paid neighboring producers who deliver milk to plants in Grand Rapids and Kalamazoo. A reduction in location adjustment to 7 cents also will contribute to more orderly marketing of the reserve milk of plants in the Grand Rapids area by permitting necessary diversions of milk to such plant without a reduction in price to the producers involved in the diversions.

An important consideration involved in the proposals to increase or decrease location differentials in Zone III and the more distant zones west of Detroit and other markets in the zero zone is the alignment of prices among the zones to result therefrom. The direct-delivery differential of 4 cents for plants in Genesee and Oakland Counties (Flint-Pontiac) should minimize procurement problems for plant operators in this area caused by the 8-cent differential for Metropolitan Detroit plants. However, secondary consuming centers west or north of Detroit compete with each other for supplies and generally similar farm to plant hauling rates prevail. There was no indication in the record that hauling rates in general have changed significantly since the 1964 hearing. The present schedule of location adjustments recognizes this competition in supply procurement and encourages the movement of producer milk to fluid milk outlets at least cost to producers. There was no indication that procurement needs in the more distant zones require a broad revision of differentials.

Moreover, there were no contentions that the alignment of Class I prices which has prevailed among the secondary markets of Lansing, Grand Rapids, Muskegon, and Kalamazoo is unsatisfactory. The application of 8-cent and 4-cent direct-delivery differentials for producers delivering to close-in Metropolitan Detroit plants and Flint and Pontiac plants, respectively, is a preferred means of providing the needed incentive for direct-ship milk supplies as compared to a revision of zone differentials which might unnecessarily disrupt supply arrangements for some plants in the more distant zones.

In view of the foregoing the various proposals to change location differentials, to eliminate all such differentials within the marketing area, or to institute direct hauling payments to producers in distant areas therefore should not be adopted in lieu of the increased direct-delivery differentials.

Also, the proposal of a cooperative association to transfer eight townships in Osceola County and eight townships in Clare County to Zone IV from Zone V should be denied.

Proponent requested this change in order that a new bottling plant at Evart would be subject to the Zone IV (7-cent) location adjustment rather than the Zone V (9-cent) adjustment. It was contended that the lesser adjustment, which would result in a Class I price 2 cents higher at this plant, would bring about greater competitive equity among handlers in this portion of the marketing area.

Another cooperative association, in its brief, supported the inclusion of the eight townships of Osceola County in Zone IV. It was the position of this group also that in order to achieve similar pricing between the handler operating the Evart plant and handlers with plants in Grand Rapids a similar location adjustment should apply. Further, that the reduction from the 9-cent adjustment at Evart to 7 cents complements the proposed increase in the direct-delivery differential as a means of inducing the movement of more milk to distributing plants.

The operator of an Evart plant opposed the proposed zoning change. His position was that the current rate applicable at Evart appropriately reflects the transportation cost in moving milk from this plant in the northwestern portion of the marketing area across the State to consumers in the main population centers of the marketing area where he sells.

This handler, who is the only bottler of milk in the vicinity of Evart, has consolidated at such location fluid milk plant operations formerly carried on at distributing plants in Flint and Big Rapids. The Flint plant was located in Zone I with no location adjustment whereas the Big Rapids plant was in Zone IV, subject to a 7-cent adjustment. Most of the producer milk supplies at the Flint plant were not transferred to the Evart operation but instead have moved to Metropolitan Detroit plants. Producers at the former Big Rapids plant were transferred to the plant at Evart. Packaged products move from the Evart plant to outlets south and east of Evart in higher-priced zones.

The proposed change in adjustment would affect only the Evart plant. This plant is at a substantial distance from any of the larger consumption areas of the marketing area, such as Grand Rapids, Flint, and Bay City-Saginaw, where its milk is sold. While Zone IV extends northward to a point near Evart, there are no large consuming areas or competing plants in the northern part of such zone. The present location adjustment adequately reflects the difference in the value of milk at the Evart location as compared to the major sales areas of this plant and thus is reasonably related to prices paid by competing handlers after consideration of transportation cost incurred. No evidence was presented to demonstrate that the plant would have difficulty in competing for supplies at the Zone V location adjustment rate.

Although those producers whose milk previously was received at the Big Rapids location would receive a zone price 2 cents less by having their milk received at Evart, a consistent plan for setting location adjustments must be based on plant location rather than location of individual producers' farms. The farms of many producers at Evart are located, of course, in present zones V and VI with 9- and 12-cent location adjustments. A similar situation undoubtedly exists at other plants which receive milk from farms in more than one price zone. If producers in a lesser adjustment zone deliver to a plant in a zone with a larger adjustment, it can only be presumed that they have no alternative outlet that will return them a higher price or to which they are willing to ship.

The proposed expansion of Zone IV to include eight townships in each of Clare and Osceola Counties therefore is denied.

(b) The 4-cent direct-delivery differential for plants in Genesee County and most of Oakland County and the new 8-cent differential for plants in the new Metropolitan Detroit area are equivalent to about a 4-cent increase on about 60 percent of all Class I milk. In addition, changes in the several location adjustment zones as herein adopted are equivalent to an increase in the price for all Class I milk of a fraction of 1-cent per hundredweight. It is concluded that an adjustment should be made so as not to change gross returns for Class I milk pending full consideration of the several Class I price proposals and pertinent evidence relating thereto. A temporary adjustment of 2 cents per hundredweight in the Class I price differential from $1.40 to $1.38 will accomplish this purpose and should be made.

Location differentials, including the direct-delivery differential, determine the distribution of monies among producers. This distribution in turn strongly influences producers as to which plant they will deliver. The differentials should be so designed that milk will move to plants where it can be most efficiently used. An early application of the changes in location differentials proposed herein

should be made to encourage appropriate allocation of supplies for fluid use.

2. *Marketing area.* All townships in Allegan County except Dorr, Gunplain, Hopkins, Leighton, Martin, Otsego, Watson, and Wayland should be deleted from the marketing area.

The operator of a small fluid milk distributing business with a plant outside the marketing area in Van Buren County proposed the removal of certain townships in Allegan County from the marketing area. The principal effect of this proposal would be to remove this handler from regulated status. He contended that this is necessary to permit him to compete on reasonable terms with unregulated distributors in southwestern Michigan counties.

Total Class I utilization of Southern Michigan regulated handlers averaged 6,558,432 pounds daily during the period July 1966 through June 1967.[1] Proponent sells approximately 1200 quarts of milk daily in the marketing area, or about 0.04 percent of total Class I utilization, all of which is distributed in the townships in Allegan County proposed to be excluded from the marketing area. Most of his business is in the unregulated counties of Berrien, Cass, and Van Buren, Mich., where his principal competitors are not regulated by any Federal order. As to his sales within the marketing area the handler is not in significant competition with other regulated handlers.

This handler from time to time purchases Southern Michigan pool milk from a producer association at Kalamazoo supplemental to his regular producer supplies. For this milk he is charged not only the order minimum Class I price but also the premium currently effective on most Class I milk sold by locally regulated handlers within the marketing area. The full premium level of price is not applied, however, with respect to milk sold regularly by this association to the unregulated distributors who compete with proponent handler.

Only one producer association opposed the deletion of the subject townships from the marketing area. It opposed on the basis that the amount of unregulated milk in this segment of Michigan would be increased, whereas the association believes that, if anything, additional milk should come under regulation. The latter proposition may not properly be considered on this record, however. No regulated handler stated an objection to the proposal.

In consideration of the above, it is concluded that all townships in Allegan County except those named above should be deleted from the marketing area.

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 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) 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.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Southern Michigan marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1040.6 is revised to read as follows:

§ 1040.6 Southern Michigan marketing area.

"Southern Michigan marketing area", hereinafter referred to as the "marketing area", means all territory geographically within the places listed below, together with all piers, docks, and wharves connected therewith and all craft moored thereat, and all territory wholly or partly therein occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments.

MICHIGAN COUNTIES

Alcona.	Macomb.
Allegan (Dorr, Leighton, Hopkins, Wayland, Watson, Martin, Otsego, and Gunplain Townships only).	Mecosta.
	Midland.
	Mason.
	Missaukee.
	Monroe (Ash and Berlin Townships only).
Alpena.	Montcalm.
Arenac.	Montmorency.
Barry.	Muskegon.
Bay.	Newaygo.
Calhoun.	Oakland.
Clare.	Ottawa.
Clinton.	Oceana.
Eaton.	Ogemaw.
Genesee.	Osceola.
Gladwin.	Oscoda.
Gratiot.	Presque Isle (Krakow and Presque Isle Townships only).
Huron.	
Ingham.	
Ionia.	Roscommon.
Iosco.	Saginaw.
Isabella.	St. Clair.
Jackson.	Sanilac.
Kalamazoo.	Shiawassee.
Kent.	Tuscola.
Lake.	Washtenaw.
Lapeer.	Wayne.
Livingston.	

2. In §1040.51, paragraph (a) is changed to read as follows:

§ 1040.51 Class I milk price.

* * * * *

(a) To the basic formula price for the preceding month add $1.38, add 20 cents through April 1968, and add or subtract a "supply-demand adjustment" of not more than 45 cents computed pursuant to paragraph (b) of this section:

* * * * *

3. Section 1040.54(a)(1) is revised to read as follows:

§ 1040.54 Location adjustments to handlers.

(a) * * *

(1) Zone rates. For a plant located within the following described territory, including the cities located therein, the applicable zone rates shall be as follows:

MICHIGAN COUNTIES

Zone I—no adjustment:

Genesee.	Monroe.
Lenawee.	Oakland.
Macomb.	Wayne.

Bay (except Gibson, Mount Forest, Pinconning, Garfield, and Fraser Townships).

Saginaw (except Jonesfield, Richland, Lakefield, Fremont, Marion, Brant, Chapin, Brady, Chesaning, and Maple Grove Townships).

St. Clair (except Berlin, Riley, Mussey, Emmett, Lynn, Brockway, Greenwood, Grant, and Burtchville Townships).

Washtenaw (except Manchester, Bridgewater, Sharon, Freedom, Sylvan, Lima, Lyndon, and Dexter Townships).

Zone II—3 cents:

Ingham.	Washtenaw (all the townships excluded from Zone I).
Jackson.	
Livingston.	

Zone III—5 cents:

Arenac.	Isabella.
Clinton.	Lapeer.
Eaton.	Midland.
Gladwin.	Sanilac.
Gratiot.	Shiawassee.
Huron.	Tuscola.

Bay (all the townships excluded from Zone I).

[1] For total sales data official notice is taken of the statistical announcements of the market administrator during the period July 1966 through June 1967.

Ionia (except Otisco, Orleans, Keene, Easton, Boston, Berlin, Campbell, and Odessa Townships).
Montcalm (except Reynolds, Winfield, Cato, Belvidere, Pierson, Maple Valley, Pine, Douglass, Montcalm, Sidney, Eureka, and Fairplain Townships).
Saginaw (all the townships excluded from Zone I).
St. Clair (all the townships excluded from Zone I).

Zone IV—7 cents:

Barry.	Kalamazoo.
Branch.	Kent.
Calhoun.	Mecosta.
Hillsdale.	St. Joseph.

Allegan (all the townships excluded from Zone V).
Ionia (all the townships excluded from Zone III).
Montcalm (all the townships excluded from Zone III).

Zone V—9 cents:

Berrien.	Newaygo.
Cass.	Oceana.
Clare.	Ogemaw.
Iosco.	Osceola.
Lake.	Ottawa.
Mason.	Roscommon.
Missaukee.	Van Buren.
Muskegon.	

Allegan (except the townships of Dorr, Gunplain, Hopkins, Leighton, Martin, Otsego, Watson, and Wayland).

Zone VI—12 cents:

Alcona.	Manistee.
Crawford.	Oscoda.
Grand Traverse.	Wexford.
Kalkaska.	

Zone VII—15 cents:

Alpena.	Emmet.
Antrim.	Leelanau.
Benzie.	Montmorency.
Charlevoix.	Otsego.
Cheboygan.	Presque Isle.

* * * * *

4. Section 1040.81(a)(2) is revised and a new subparagraph (a)(3) is added, to read as follows:

§ 1040.81 Location differentials to producers and on nonpool milk.

(a) * * *

(2) Shall add not less than 4 cents per hundredweight with respect to milk received from producers and cooperative associations pursuant to § 1040.7(c) at a pool plant located within Genesee County and in those townships, including the cities located therein, of Oakland County other than Royal Oak and Southfield, all in the State of Michigan.

(3) Shall add not less than 8 cents per hundredweight with respect to milk received from producers and cooperative associations pursuant to § 1040.7(c) at a pool plant located within Wayne County and the townships of Royal Oak and Southfield including the cities located therein, in Oakland County, all in the State of Michigan.

* * * * *

Signed at Washington, D.C., on October 10, 1967.

JOHN C. BLUM,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-12142; Filed, Oct. 12, 1967; 8:49 a.m.]

[7 CFR Part 1131]

[Docket No. AO-271-A12]

MILK IN CENTRAL ARIZONA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions 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), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Central Arizona marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. 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)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Phoenix, Ariz., on February 7-10, 1967, pursuant to notice thereof which was issued December 14, 1966 (31 F.R. 16277), January 4, 1967 (32 F.R. 140), and January 12, 1967 (32 F.R. 415).

The material issues on the record of the hearing relate to:

1. Marketing area extension.
2. Producer definition.
3. Producer-handler definition.
4. Classification provisions.
5. Transfer provisions.
6. Location differential at Tucson.
7. Obligation of a handler operating a partially regulated distributing plant.

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. *Marketing area extension.* The proposals to include the southern part of Mohave County and the northern part of Yuma County in the marketing area are denied.

The cooperative association serving the market proposed that the marketing area be extended to include the southern part of Mohave County (south of the Colorado River) and the northern part of Yuma County. The southern part of Yuma County is now included in the marketing area.

At the present time there is no distribution in the northern part of Yuma County by handlers regulated under the order. All of the milk sold there is distributed by two unregulated handlers. The milk moves into the area from Blythe, Calif. In Mohave County, regulated handlers dispose of approximately 70 percent of the Class I sales. This is approximately 1.5 percent of the total Class I sales of regulated handlers. The remainder of the Class I sales in Mohave County south of the Colorado River are made by a distributor located in Needles, Calif.

The northern part of Yuma County is separated from the marketing area by desert. There is only one north-south highway across the county and it is in the extreme western part of the county close to the California border. At the present time there are no highways or bridges across the Bill Williams River which forms the boundary between Yuma and Mohave Counties.

Proponent stated, however, that a new highway-bridge complex across the Bill Williams River was under construction and that upon its completion it would be practicable for regulated handlers to dispose of milk in northern Yuma County. If this area were added to the marketing area and a compensatory payment were assessed on the California milk, regulated handlers might expect to expand their sales very substantially in the two-county area.

Proponents contended that California handlers had a decided buying advantage over regulated handlers in that the California Milk Stabilization Regulation did not apply to milk sold outside the state of California. They alleged that such milk was purchased at the Class III price and that this lower cost of acquiring milk was a cause of market instability.

The record clearly established that California regulations do not apply to sales to military installations regardless of their location. There are apparently no military installations in the areas under consideration. Hence competition for sales to military bases is not involved here.

With respect to sales to other than military installations, however, the evidence does not bear out the contention of proponents. The figures presented by proponents on prices received by California producers do not establish that milk is being purchased by California handlers for sale in Arizona at the Class III price.

On the other hand witnesses for handlers who operate plants in California testified that the state of California does in fact establish the prices which handlers must pay for such milk. They referred specifically to section 4283 of the Agricultural Code of California and to the provisions of the Stabilization and Marketing Plan for the Southern Metropolitan Area (Los Angeles, Orange, San Bernardino, and Riverside Counties) issued under the authority of the above code. Blythe is located in Riverside County and Needles is in San Bernardino.

The record does not establish that there is a significant difference in the

cost to Arizona and California handlers of milk acquired for fluid disposition to nonmilitary outlets in Arizona. Hence, at this time the record evidence does not reveal disorderly marketing conditions which affect regulated handlers in the proposed area.

It is concluded, therefore, that the northern part of Yuma County and Mohave County should not be added to the marketing area. In Yuma County regulated handlers sell no milk and the proposal for regulation is based on handlers expectations of acquiring some business there after the completion of a new bridge over the Bill Williams River. In the case of Mohave County where regulated handlers do sell some milk, the county, in view of the decision to omit Yuma County, would not be contiguous to the remainder of the marketing area. Moreover, the volume of milk distributed there by Central Arizona handlers is a very small percentage of the total Class I sales of regulated handlers.

A handler proposed that a lower Class I price apply in Yuma and Mohave Counties if the marketing area were not extended. The appropriate level of Class I milk price for a marketing area is influenced by the Class I sales which regulated handlers make outside the marketing area. These sales affect the volume of milk covered by an order.

If the Class I price were higher for milk sold inside than outside the marketing area, returns for Class I disposition inside the area would bear the greater burden of providing the incentive for milk production for both. To the extent that a higher Class I price inside the marketing area is reflected in higher prices to consumers inside the area, said consumers would be subsidizing consumers outside the marketing area where lower prices prevailed.

There is no basis when establishing the appropriate Class I milk price for a market to distinguish between milk sold inside and milk sold outside the marketing area. The milk sold outside the area by regulated handlers is produced under similar conditions as milk sold in the marketing area and is processed in the same plants. Thus, the milk moving through the regulated handler's plant, whether it is sold inside or outside the marketing area is part of the same supply and demand considerations upon which the determination concerning the appropriate Class I price level must be made.

Neither is it intended that Federal milk regulation be susceptible of manipulation to permit the use of adjacent outside markets as a dumping ground for milk in excess of a market's needs. A lower Class I price for milk sold in the other area could have a lowering effect on the price paid farmers by unregulated distributors in that area, and would tend to lower returns to dairy farmers supplying the unregulated handlers. It is concluded that an out-of-area Class I price should not be adopted, and the proposal, therefore, is denied.

2. *Producer definition.* The order should provide for the receipt of milk at a pool plant by diversion from an other order plant without designating the dairy farmers who shipped it as producers under the Central Arizona order.

The cooperative association supplying milk to Central Arizona regulated handlers also supplies milk to two handlers regulated by the Rio Grande Valley order on a 5-day-week basis. During the remainder of the week, some of this milk is manufactured at the association's plant which is regulated by the Central Arizona order.

The milk supplied to the Rio Grande Valley handlers was developed for and is, in large part, committed to the Rio Grande Valley area. Under present order provisions, however, when the milk is diverted from the Rio Grande Valley pool plants and received at a pool plant under the Central Arizona order, the dairy farmers involved are designated as producers under the Central Arizona order and the milk is accounted for as producer milk. Since the milk is not needed for fluid use in the Central Arizona area, it is converted into manufactured dairy products. This tends to lower the uniform price to producers regularly supplying the Central Arizona market.

In other instances, milk regularly marketed by the cooperative association in the Rio Grande Valley area is transferred to a manufacturing plant about 700 miles from El Paso, Tex., when not needed for Class I use under that order. Under the proposed order change, such milk could be diverted about 400 miles for manufacture at a pool plant regulated by the Central Arizona order without lowering the uniform prices of the producers regularly supplying the market. This would also result in a considerable saving in transportation costs to the association in supplying the Rio Grande Valley market.

The proposal will encourage greater marketing efficiencies and can be implemented by providing in the "producer" definition that the term shall not include a person with respect to milk diverted to a pool plant from an other order plant if such person retains producer status under the other order and if the operators of both the diverting plant and the plant to which the milk is diverted have requested Class III classification in their reports of receipts and utilization filed with the market administrators of the respective orders.

3. *Producer-handler definition.* Producer-handlers should continue to be exempt from the pooling and pricing provisions of the order. The order, however, should be clarified to specify that a producer-handler may not reconstitute or recombine from nonfat milk solids unlimited quantities of fluid milk products for disposition in the marketing area.

The cooperative association representing producers supplying milk to handlers regulated by the order proposed that a producer-handler should not be exempt from the pricing and pooling provisions of the order in any month that he obtained milk or milk products from any source other than pool plants, and his Class I sales for the month were in excess of the lesser of 105 percent of his own production or his own production plus 5,000 pounds.

The order now provides essentially that a person who is a dairy farmer and who processes in his own plant and distributes in the marketing area milk of his own production may be defined as a producer-handler. As such, he is accorded exemption from all payment obligations normally applicable to handlers fully regulated under the order. Recognizing that circumstances might arise where a producer-handler's production might temporarily fall below his sales requirement, the order provides that such a person may buy supplemental milk from pool plants in an amount representing not more than 5 percent of his Class I utilization for the month without losing his producer-handler status. No limit was placed on the volume of nonfluid other source products which a producer-handler could purchase. However, it was not contemplated that the producer-handler, typically a family type farm operation, would recombine or reconstitute nonfat dry milk solids into fluid products.

Under the present provisions of the order, producer-handlers can buy nonfluid, other source milk from any source and reconstitute it into a full range of fluid milk products such as buttermilk and milk drinks. More specifically, some producer-handlers have reconstituted nonfat dry milk and have made another type of fluid milk product of it by recombining it with added ingredients such as vegetable fat, and vitamins. When they do this they obtain an undue pricing advantage compared to regulated handlers. Other handlers incur financial obligations to the pool on unregulated milk used in identical or similar fluid milk products, but producer-handlers are exempt from pooling and incur no obligation to the pool. This financial advantage accruing to producer-handlers under the present terms of the order was not contemplated when the producer-handler exemption was provided. A person who reconstitutes substantial quantities of fluid products cannot be considered to be disposing of milk of his own farm production and hence should not enjoy the exempt status afforded a farmer who bottles and distributes essentially only milk of his own production.

The 5-percent tolerance factor now provided under the order applies only to purchases of supplemental bulk milk by producer-handlers from pool plants. It should also include packaged milk products which producer-handlers acquire from pool plants for resale as Class I either with or without further processing. Such products would include items such as flavored milk and buttermilk. The 5-percent tolerance factor should also include fluid milk products with or without added ingredients which have been reconstituted from nonfat dry milk obtained from any source. To implement this, the order should specify that the 5-percent tolerance applies to fluid milk products purchased from pool plants, whether they be in the form of whole milk, cream, skim milk, or similar items. It would also apply to the skim milk equivalent of the nonfat milk solids contained in reconstituted fluid milk products, whether from pool or nonpool sources.

As under the present order a producer-handler should not be precluded from buying from any source manufactured dairy products such as butter and cheese which are in a form such that they cannot be reconstituted into fluid milk products. Likewise, the order should continue to provide that such person may not purchase fluid milk products from other dairy farmers or from a nonpool plant without losing his exemption under the order.

A witness for some of the producer-handlers operating in the Central Arizona area testified that the 5,000-pound limit on supplemental milk purchases, as proposed by the cooperative association, would effectively eliminate from exemption at least two producer-handlers. This would result because their supplemental purchases of nonfat dry milk which is reconstituted and combined with vegetable fat and other ingredients greatly exceed that amount. He argued that Federal milk orders generally allow "adequate" purchases of supplemental milk from pool plants. Actually, there is no significant difference between the Central Arizona order and other orders in this regard, and it is not proposed to make a significant change in this respect.

The evidence is that producer-handlers are purchasing supplemental milk from pool plants within the limits now prescribed by the order. In fact, a witness for two producer-handlers testified that they contemplate no need to increase supplemental purchases of bulk milk from pool plants. The additional provision that such purchases shall not exceed 5,000 pounds per month is necessary to insure that producer-handlers do not obtain an undue price advantage compared to regulated handlers in the use, for example, of nonfat dry milk reconstituted into a range of fluid milk products.

A witness for a producer-handler stated that a tolerance factor of 25 percent is needed to cover emergencies and the seasonality of production and Class I sales. In this connection, a 1962 decision, (27 F.R. 3923), official notice of which is hereby taken, stated that producer-handlers must provide for their own seasonal reserves. The 5-percent tolerance now provided is for emergency situations. Moreover, the evidence in this proceeding is that the 5-percent tolerance now provided has been fully adequate.

Accommodating the purchase of milk and milk products (nonfat dry milk) from pool plants by adopting the 25-percent tolerance proposed by producer-handlers would not further marketing stability since it would shift a further burden of surplus to other producers supplying the market to the extent of the reserves otherwise needed by producer-handlers. The proposal, therefore, is denied.

4. *Classification provisions.* The language of the classification provisions of the order should not be changed. However, the definition of a fluid milk product should be revised to specify that fluid products made from skim milk or from nonfat milk components to which vegetable fat has been added are fluid milk products regardless of whether they are so designated by local health authorities. This will continue the classification of such products as Class I milk.

The order now provides that a "fluid milk product" shall include, in addition to whole milk and fluid skim milk, "any mixture in fluid form of milk, skim milk or cream, with or without any other ingredients, which are designated as milk products by the appropriate health authority". All such products are classified as Class I milk.

In recent months a new type of reconstituted product has appeared on the Central Arizona market which has been designated as a milk product by the Arizona Dairy Commissioner. This imitation milk product, which substitutes vegetable fat for butterfat in combination with skim milk (or reconstituted nonfat dry milk), has been classified and priced as Class I milk under the order.[1] Several fully regulated handlers make this type of product from fresh skim milk.

In the present circumstances, however, it appears that the Arizona Dairy Code is so worded that any handler who recombines this product from nonfat milk solids by reducing the milk solids by a fraction of 1 percent, may produce a finished product which technically does not fall within the definition of a milk product under such code. Under present circumstances it is impracticable to continue the classification of the product under the order entirely on whether it meets the standards of a milk product as defined in the Arizona Dairy Code since this could result in virtually identical products being subject to different classification and pricing under the order.

The cooperative association, which represents a majority of the producers on the market, proposed that the order be amended to provide that any milk product not specifically designated as Class II milk or Class III milk be automatically classified as Class I milk. The main purpose of this proposal was to make certain that fluid products made from skim milk or reconstituted nonfat milk solids and in which nonmilk fat had been substituted for the butterfat, are classified as Class I milk.

The record clearly establishes that such products should be classified and priced as Class I milk under the order. These reconstituted products, frequently referred to as "imitation milk" are made primarily from milk ingredients, are used for the same purpose as milk, and may be freely substituted for milk in any of its uses.

It has been the usual practice to classify as Class I, milk used for those products which require milk meeting local health requirements. It is through the Class I price that the producer is reimbursed for the extra costs associated with the production of such Grade A milk. If the skim milk in the reconstituted products were classified as Class III, however, it would increase substantially the price advantage over whole milk which they already enjoy, and would encourage their substitution for whole milk. The producer could be in the position of producing, at the Class III price, skim milk for such products to compete with skim milk for which he receives the Class I price.

Moreover, classifying these products as Class III would result in lowering the overall returns to the producer, unless there were an offsetting increase in his price for milk used in other Class I products. This, of course, would widen the spread between the cost of whole milk and the imitation milk and further encourage the substitution of the latter for whole milk. To increase the price on Class I milk generally in order to support the production of sufficient milk for the reconstituted products also would be to require consumers of whole milk to subsidize the consumption of the reconstituted products.

It is concluded, therefore, that such reconstituted products, whether made from skim milk derived from producer milk, from nonfat dry milk or from condensed skim milk, are fluid milk products and the fluid volume of the milk component should be classified and priced as Class I milk under the provisions of the order.[2] To classify otherwise would defeat the purpose of the classified pricing plan of providing uniform prices to all handlers and lead to disorderly marketing.

There is one plant, not regulated by the order, with no disposition of Class I milk in this marketing area other than imitation milk made by reconstituting nonfat dry milk and the addition of vegetable fat and other ingredients. This plant receives no milk from dairy farmers and none in fluid form from other plants. It sells the product to a subsidiary which is regulated by the order. In this circumstance the product is designated as other source milk at the pool plant and subject to a reclassification charge at the rate of the difference between the Class I and Class III prices.

The product could also be distributed on routes in the area from a partially regulated distributing plant. To maintain the integrity of the classification and pricing provisions of the order, this type of plant also should be required to pay a reclassification charge equal to the difference between the Class I and Class III milk prices on any distribution of such products made within the marketing area. Such charge on the handler is necessary to insure uniformity of prices among all handlers.

This is the same payment required of handlers who reconstitute fluid milk products, e.g., when a Class III product, such as nonfat dry milk or condensed skim milk to which a surplus value at-

[1] Such ruling of the Arizona Dairy Commissioner is presently in litigation in the State courts. Also, the Class I classification of the products by the market administrator following the Dairy Commissioner's ruling, is the subject of a petition for relief filed by a Central Arizona handler under § 8c(15)(A) of the Agricultural Marketing Agreement Act of 1937, as amended.

[2] Allowance would be made, of course, for the weight of the vegetable fat or other nonmilk ingredients contained in such product, just as allowance is now made for the flavoring added to flavored milk and milk drinks.

taches, is reconstituted by the addition of water and disposed of in fluid form as skim milk or skim milk drinks (plain, fortified or flavored). The basis for the provisions of the present order in this respect are fully set forth in a decision of the Assistant Secretary issued June 19, 1964, with respect to amendments to all orders which were in effect on July 1, 1964 (29 F.R. 9214). They are equally as applicable in the case of imitation milk products.

Proponent also proposed that yogurt be classified as Class I milk because: (1) It is similar in form and use to sour cream and buttermilk, (2) it is required to be labeled "Grade A", (3) handlers depend on the availability of locally inspected milk for its manufacture, and (4) all yogurt sold in the market is manufactured in the same plants that process and package fluid milk products.

Yogurt has been classified in the lowest price class since the inception of the order in 1955. The principal reason advanced by proponent for now classifying yogurt as Class I milk is that it is required to be labeled as Grade A milk by the local health authorities.

The decision in which yogurt was included in the lowest price class (20 F.R. 6344, official notice of which is hereby taken) indicated that the applicable health ordinances for the marketing area did not require yogurt to be made exclusively from milk approved by local health authorities.

The record fails to establish that marketing conditions indicated in 20 F.R. 6344 with respect to yogurt have changed since the matter was last reviewed. Hence, it is concluded that the classification of yogurt should not be changed at this time.

5. *Transfer provisions.* The provision requiring a "Grade C" label for cream transferred outside the market for manufacturing should be revised.

A witness for the cooperative association in the market testified that the present provision impedes the sale of cream from the pool plant operated by the association to ice cream manufacturers some distance from the market.

The quality implication of the present "Grade C" labeling provision is apparent, and should be changed. Yet, some provision is needed to prevent such cream from being used in fluid milk products. In this connection, it should be sufficient to provide that cream so transferred with certification designating "manufacturing use only" may be classified as Class III milk.

6. *Location differentials at Tucson.* The zone location differential at Tucson, Arizona, should be lowered to 12 cents per hundredweight to reflect procurement changes in the area. The zone location differential of plus 30 cents per hundredweight now applicable at Tucson has not been changed since the order was promulgated in 1955.

Under the order, the Class I and uniform prices are increased 30 cents per hundredweight over the f.o.b. market price for milk received from producers at pool plants located at Tucson. Four pool plants are located at Tucson, and two of them purchase milk from producers. The purpose of the zone location differential is to encourage the movement of milk to the Tucson segment of the market from the major milk producing segment of the milkshed (Maricopa County). The changes herein provided are the same as those proposed by producers.

One of the handlers opposed the proposal to amend the provision. He criticized proponent's proposal because it did not give sufficient weight to production costs in the Tucson area. He contended that production costs are relatively high in the area and that this justifies a continuation of the plus 30-cent zone differential now provided.

In this connection, when the order was promulgated in 1955 the 30-cent higher price at Tucson was based primarily on the actual cost of hauling milk from the main segment of the Central Arizona milkshed. Official notice is hereby taken of the decision containing the applicable findings (20 F.R. 7695).

Since the promulgation of the order and the establishment of the 30-cent differential between Phoenix and Tucson, a marked change has occurred in the pattern of the milk supply for the market.

Average daily production per farm has increased from 1,807 pounds per day in 1956 to 6,652 pounds per day in 1966. Thus, increased production per farm and resultant fewer stops per truckload, together with a vastly improved highway system have resulted in a lower per hundredweight cost for transporting milk.

The major consideration in reviewing the differential between Tucson and Phoenix is the substantial increase that has taken place in the production of milk in the area lying between Phoenix and Tucson. This is particularly true in the area of Casa Grande in the northern part of Pinal County. The increase in production in this locality is, of course, in part attributable to the very substantial increase in production per farm which has occurred throughout the whole milkshed. The major factor, however, has been the relocation of farms which has occurred. Many producers formerly located in the vicinity of Phoenix have moved their herds to new locations between the two cities as the expanding metropolitan area of Phoenix has encroached upon the farms formerly surrounding that city.

A substantial proportion of the milk of its member producers is hauled by the cooperative association in its own trucks. From the production area about Casa Grande, the hauling rate from the farm to plants in Tucson is 30 cents per hundredweight. From the farm to Phoenix the hauling rate is 18 cents per hundredweight. Thus, a producer whose milk is delivered to Tucson has a net return at the farm 18 cents higher than his neighbor whose milk is delivered to a Phoenix plant.

Under today's conditions, the 30 cent higher price at Tucson, instead of equalizing prices between Phoenix and Tucson producers, creates a serious disparity in net farm prices in the production area developing between the two cities. As production shifts to this location a continuation of the present differential could result in a dislocation of supplies between the two major segments of the market.

It is concluded that the present zone location differential of plus 30 cents which is applicable at Tucson no longer reflects current marketing conditions for the area. A substantial proportion of the milk supply for the Tucson area is no longer identified with the main segment of the milkshed as previously. A differential which more reasonably reflects the prevailing cost of moving milk to Tucson should be provided. This can be done by providing a zone location differential of plus 12 cents over the f.o.b. Class I and uniform prices for producer milk delivered to a pool plant at Tucson.

As a corollary change, the Class I differential should be increased 2 cents. This will maintain in the pool approximately the same amount of money represented in lowering the zone location differential as proposed, and will help to assure the market of an adequate supply of milk for fluid use.

7. *Obligations of a handler operating a partially regulated distributing plant.* The rate of the obligation charged to a handler operating a partially regulated distributing plant should not be changed except with respect to the distribution of reconstituted or recombined milk products.

The order now provides that an unregulated distributor who disposes of fluid milk products on routes in the regulated marketing area shall be accorded four options as a means of integrating his plant operations into the market's regulatory scheme.

(a) He may show that payment for his total dairy farm supply has been at least as much as if his plant were fully regulated;

(b) He may show that he has purchased Class I milk priced under some Federal order in an amount at least equivalent to his total Class I sales within the regulated area;

(c) He may make a payment into the producer-settlement fund on the quantity of Class I sales made in the regulated market at a rate equal to the difference between the Class I price and the blend price for the regulated market; or

(d) Any combination of (b) and (c).

The producers' association for the market proposed that the rate of payment provided by option (c) be changed. The proposal would provide for such payment into the producer-settlement fund at a rate representing the difference between the Class I and Class III prices.

Proponent contends that the amendment is needed because substantially lower-priced milk from California is displacing fluid milk sales to military bases by Central Arizona handlers.

The marketing conditions involved in this issue are comparable to those described in the decision issued by the Department following the Lehigh Valley case. Consequently, official notice of that decision is hereby taken (20 F.R. 9218).

The decision indicated that a rate of payment representing the difference between the Class I price and the surplus price might be justified if it were found that the unregulated milk sold in a Federal order marketing area carries only a surplus value.

We may not conclude from the record that such is the case in the proceeding. An exhibit was introduced by proponent indicating that the prices paid by one Los Angeles, Calif., handler for milk sold to military bases averaged $4.22 per hundredweight in 1966 for milk testing 3.5 percent butterfat content. This was 56 cents per hundredweight higher than the Central Arizona Class III price which averaged $3.66 for 1966. The prices paid by another Los Angeles handler for "military milk" averaged 69 cents per hundredweight higher than Central Arizona Class III prices, while those paid by a third Los Angeles handler averaged 72 cents higher.

However, none of these prices was said by proponent to represent prices paid by Los Angeles handlers for milk sold to military bases in Arizona. There is no indication where the milk was actually sold.

Another exhibit indicated the Central Arizona Class III and blend prices and similar prices paid to 40 producers shipping milk to the Los Angeles market. However, the "blend" price for the Los Angeles market represents a blend price of the handler receiving the milk and does not represent a "blend" price for the market.

For 1965, the Class III prices paid for milk delivered by the 40 Los Angeles producers averaged 59 cents per hundredweight higher than the average of the Central Arizona Class III prices for the same year (both for milk testing 3.5 percent butterfat). For 1966, the Class III prices for the Los Angeles area averaged 22 cents per hundredweight higher than the Central Arizona Class III price.

For 1965 and 1966 the blend prices of the Los Angeles producers averaged 3 cents and 26 cents per hundredweight lower, respectively, than the Central Arizona blend prices for the corresponding years.

These were the only California price data entered in evidence, and they cannot be specifically identified with milk sold in Arizona. Moreover, California milk that is sold to military bases in the Central Arizona marketing area (principally at Yuma) comes from the San Diego market and no price data were introduced concerning that area.

The price differences between Central Arizona regulated handlers and California unregulated handlers, which is the basis of this issue is not centered, as proponent contends, on the removal of California milk price regulation from sales to military bases. As indicated, proponent's price data were for the Los Angeles market whereas the milk for the military base at issue (near Yuma) comes from San Diego. The prices quoted for military milk are substantially above the Class III prices established by the California regulation, and the California Class III prices are substantially higher than Central Arizona Class III prices.

There is a substantial difference developing between the Central Arizona Class I prices and the Class I prices established by the California Milk Stabilization Regulation for the Los Angeles market. For 1965, Central Arizona Class I prices averaged 27 cents per hundredweight higher than Los Angeles Class I prices. For 1966, Central Arizona Class I prices averaged 78 cents higher than the Class I prices for the Los Angeles market. Thus, Central Arizona handlers might expect to meet increased competition from partially regulated handlers on packaged milk from Los Angeles for outlets, not military, in the marketing area.

It is concluded that milk for Class I use in the Central Arizona marketing area is not being purchased, as proponent contends, by unregulated California handlers for prices equal to or lower than Central Arizona Class III prices. The proposal, therefore, is denied.

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 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) 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.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Central Arizona marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order as hereby proposed to be amended:

1. In § 1131.7, the introductory text is revised to read as follows:

§ 1131.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued under the Act, who produces milk under the requirements specified in paragraph (a) or (b) of this section, and whose milk is received directly from the farm at a pool plant, or is diverted as producer milk under § 1131.13. "Producer" shall not include a person with respect to milk diverted to a pool plant from an other order plant if such person retained producer status under the other order and if the operators of both the diverting plant and the plant to which diverted have requested Class III classification in their reports of receipts and utilization filed with the market administrators of the respective orders.

* * * * *

§ 1131.11 [Amended]

(2) In § 1131.11, paragraph (b) is redesignated as paragraph (c).

(3) Section 1131.11 is revised to read as follows:

"Producer-handler" means any person who is both a dairy farmer and the operator of a plant which receives no milk from other dairy farmers, and:

(a) The following are received at such plant or disposed of on routes in the marketing area:

(1) Fluid milk products from his own farm production,

(2) Fluid milk products from pool plants, and

(3) Nonfluid milk from pool plants or other sources: *Provided*, That the sum of the quantities specified in § 1131.11(a) (2) and the fluid skim equivalent of the quantities specified in § 1131.11(a) (3) which were reconstituted or recombined into a fluid milk product during the month is not in excess of the lesser of 5,000 pounds or 5 percent of such person's Class I utilization.

(b) Such person provides proof satisfactory to the market administrator that the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled (other than fluid and nonfluid milk received from pool plants and nonfluid milk received from other sources) is the personal enterprise and at the personal risk of such

person in his capacity as a producer, and the operation of such plant is the personal risk of such person in his capacity as a handler.

* * * * *

4. Section 1131.15 is revised to read as follows:

§ 1131.15 **Fluid milk product.**

"Fluid milk product" means the following milk products including such products made by reconstituting or recombining concentrated or dehydrated milk constituents with water: Milk (including frozen or concentrated milk), cream (sweet or sour), skim milk, buttermilk, flavored milk, flavored milk drinks, or any mixture in fluid form containing milk, skim milk, or cream, with or without other ingredients including fats derived from sources other than milk. Excluded from this definition are sterilized products packaged in hermetically sealed metal or glass containers, eggnog, yogurt, ice cream mix, and aerated, frozen, and plastic cream.

5. In § 1131.44, paragraph (d) is revised to read as follows:

§ 1131.44 **Transfers.**

* * * * *

(d) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located outside the marketing area and outside Imperial County, Calif., except that cream may be classified as Class III if prior notice is given to the market administrator, each container is labeled by the transferor as "cream for manufacturing use only", and such shipment is so invoiced.

* * * * *

§ 1131.51 **[Amended]**

6. In § 1131.51(a), the figure "$2.30" is revised to "$2.32".

7. In § 1131.53, paragraph (c) is revised to read as follows:

§ 1131.53 **Location adjustments to handlers.**

* * * * *

(c) For other source milk to which a location adjustment is applicable and for milk received from producers at a plant located in Pima County and which is classified as Class I milk, the price computed under § 1131.51(a) shall be increased 12 cents.

§ 1131.62 **[Amended]**

8. In the first sentence of § 1131.62, the phrase "shall pay to the market administrator" is changed to read "shall pay, except as provided in paragraph (c) of this section, to the market administrator", and a new paragraph (c) is added which reads as follows:

(c) With respect to reconstituted or recombined fluid milk products each handler shall pay an amount computed as follows:

(1) Determine the amount of reconstituted or recombined fluid milk products disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Subtract the weight of any nonmilk ingredients, other than water, contained in such products; and

(3) Multiply the resulting amount by the difference between the Class I price and the Class III price.

Signed at Washington, D.C., on October 9, 1967.

JOHN C. BLUM,
Acting Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-12143; Filed, Oct. 12, 1967; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 15]

VEGETABLE PROTEIN PRODUCTS

Proposals Regarding Standard of Identity

Notice is given that two petitions have been received setting forth proposals, hereinafter presented, to establish a definition and a standard of identity for a class of food herein referred to as vegetable protein products. It is contemplated that if a standard of identity is established for this class of food it would be a single standard based on the information submitted by the two petitioners, the comments received, and other relevant information. If such a standard is established, it is proposed that it be added to Part 15—Cereal Flours and Related Products under a new Subpart D—Vegetable Protein Products in a new section to be named after consideration of the comments received on these proposals.

1. The petition filed by General Mills, Inc., 9200 Wayzata Boulevard, Minneapolis, Minn. 55440, proposes the establishment of a definition and standard of identity for "bontrae," a fibrous-textured food prepared from soy protein and other specified ingredients.

The petitioner states the name bontrae was selected from a variety of combinations of letters as something that has no meaning in English or, to the best of his knowledge, in any other language. The petitioner claims that since this is a new name for a new type of product, it cannot be construed as being misleading.

The trademark "Bontrae" was registered on the Principal Register of Trademarks No. 814624 on September 6, 1966. The petitioner states he is prepared to file promptly with the U.S. Patent Office the formal abandonment of his trademark registration for bontrae upon the adoption of the standard if the name "bontrae" becomes the name of the standardized food.

As proposed, bontrae may be in a form that can be substituted for another food. Attention is called to the fact that bontrae may have the same appearance, taste, and texture as the food it simulates.

The petitioner's proposed definition and standard of identity is as follows:

§ 15.—Bontrae; identity; label statement of ingredients.

(a) Bontrae is the fibrous-textured food prepared from soy protein and other ingredients specified in this section by the procedure set forth in paragraph (b) of this section, or by any other procedure that produces a finished product with the same physical and chemical properties as that produced when the procedure set forth in paragraph (b) of this section is used. Bontrae contains not less than 30 percent of protein on a dry basis.

(b) Bontrae is prepared by:

(1) Dispersing a soy proteinaceous substance containing 90 percent or more protein on a dry basis in aqueous alkali with or without the addition of suitable texture-modifying agents;

(2) Producing filaments by forcing the dispersion through a device having orifices not greater than 0.02 inch in maximum transverse dimension into a precipitating solution comprising edible acid(s) and/or salt(s) thereof;

(3) Removing excess precipitating solution, and if desired, incorporating suitable binders, seasonings, flavorings, colorings, etc., and/or after partially drying, forming into bits, chunks, shreds, slices, or other physical forms.

At least 20 percent of the dry weight of the finished bontrae consists of filaments formed as described in subparagraph (2) of this paragraph. Bontrae may be in a moist or dried form. It may be bulk, canned, packaged, refrigerated, or frozen.

(c) Both the texture-modifying agents and the other ingredients are added in such amounts and in such manner as to produce the desired texture and other properties in the finished food. All ingredients consist of suitable substances which are not food additives or color additives as defined in section 201 (s) or (t) of the Federal Food, Drug, and Cosmetic Act; or if they are food additives or color additives as so defined, they are used in conformity with regulations established pursuant to section 409 or 706 respectively of that act.

(d) For the purposes of this section, protein is 6.25 times the nitrogen as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965, page 16, under "Improved Kjeldahl Method for Nitrate-Free Samples," sec. 2.044. Moisture is determined by the method prescribed in the same book, page 191, under "Air-Oven Method, 130° C.," sec. 13.004.

(e) The name of the food is "bontrae." If the food is flavored by a particular characterizing flavor, it shall show the name "bontrae with a _____ flavor," "bontrae with a _____-like flavor," "bontrae with a flavor like _____," or "_____-flavored bontrae," the blank to be filled in by the appropriate term, such as "nut," "tomato," "chicken," "vanilla," "lemon-lime," etc. If an artificial flavor is used, the words "artifically flavored" or "artificial flavor added" shall immediately precede or follow the name without intervening printed or graphic matter. If

formed into a shape other than the basic tow, the name is "bontrae _____," the blank to be filled in with the word that accurately describes the form and that is not misleading, such as crumbles, shreds, bits, chunks, slices, etc. Where the bontrae is formed and flavored, the name shall show both the form and flavor, such as "bontrae shreds with coconut-like flavor," "orange-flavored bontrae bits," etc.

(f) When bontrae is in a form that may be reasonably substituted for another food which provides a significant level of protein, the bontrae shall contain approximately the level of protein contained in the food for which it may be reasonably substituted.

(g) When bontrae is in a form that may be reasonably substituted for another food which provides a significant level of a vitamin or vitamins and/or a mineral or minerals, it may include such vitamin(s) and/or mineral(s) in approximately the quantity present in the product for which it may be reasonably substituted. In such case the food shall be labeled "bontrae with _____," the blank to be filled in with the name or names of the added vitamin(s) and/or mineral(s), and its label shall show the percentage of the minimum daily adult requirement contributed by one specified serving. If no minimum daily adult requirement has been established, the label shall show the absolute amount of such nutrient(s) contributed by one specified serving.

(h) The common or usual names of all ingredients (except that spices, flavorings, and colorings may be designated as spices, flavorings, and colorings) shall be listed on the label in the descending order of predominance by weight with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use. The principal protein ingredient shall be designated as "soy protein." If a chemical preservative is used, the words "a preservative" shall follow its name. If a flavoring or coloring is artificial, the word "artificial" shall precede such word.

2. The petition filed by Archer-Daniels-Midland Co., 733 Marquette Avenue, Box 532, Minneapolis, Minn. 55440, proposes the establishment of a definition and standard of identity for a textured vegetable protein.

Grounds set forth in the petition in support of the proposal are that textured vegetable protein has unique advantages to the food processor and to the consumer in providing a reliable, consistent, appetizing protein addition to the diet, and that it would serve honesty and fair dealing in the interest of consumers to issue a standard for this food to assure its principal identity features—structural form and integrity and protein content—in the marketplace.

The petitioner's proposed definition and standard is as follows:

§ 15.—Textured vegetable protein; identity; label statement of optional ingredients.

(a) Textured vegetable protein is the fabricated food prepared from one or more of the optional protein ingredients specified in paragraph (b) of this section, with or without the optional ingredients specified in paragraph (c), prepared in the manner specified in paragraph (d), which in its finished form has the following characteristics:

(1) A fabricated, textured appearance, resulting from the manner of manufacture which produces macroscopic or microscopic expanded cellular, fibrous, or compacted structures.

(2) A substantial structural integrity following soaking, cooking, retorting, or rehydration.

(3) A specific physical form and particulate structure.

(4) A protein content of not less than 40 percent on a moisture-free, fat-free basis when tested in accordance with the method specified in paragraph (e) of this section.

(b) The optional protein ingredients consist of proteinaceous material derived from one or more vegetable sources including but not limited to cottonseed, peanuts, sesame, and soybeans.

(c) In the manufacture of the food there may be added safe and suitable texture-modifying, flavoring, binding, seasoning, and coloring agents. Such ingredients are deemed suitable if they are added in no greater amounts and in the manner required to produce the desired texture and other properties of the finished food. Such ingredients are deemed safe if they either are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act; or if they are food additives or color additives, they are used in conformity with regulations established pursuant to section 409 or 706 of that act.

(d) The food is prepared by one of the following methods:

(1) Dispersing the optional proteinaceous ingredients specified in paragraph (b) of this section in an appropriate aqueous solution, and forcing this dispersion through devices to produce fibrous filaments in a coagulating solution, removing the excess coagulating solution, and forming the fibers into appropriate physical forms, such as bits, chunks, slices, or shreds. The optional ingredients specified in paragraph (c) of this section may be added to the product at any step in the manufacturing process, either before or after the formation of the fibrous material.

(2) Extrusion of a plastic material containing the optional proteinaceous materials specified in paragraph (b) of this section, together with any optional ingredients specified in paragraph (c), resulting in an expanded cellular structure with elastic cell walls.

(3) Layering of single particles or agglomerates containing the optional proteinaceous materials specified in paragraph (b) of this section, together with any optional ingredients specified in paragraph (c), followed by compacting to form a dense but frangible material.

(4) Using any other procedure that produces a finished product with the properties associated with the food as specified in paragraph (a) of this section.

(e) For the purposes of this section, protein is 6.25 times the nitrogen as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965, page 16, under "Improved Kjeldahl Method for Nitrate-Free Samples," sec. 2.044. Moisture is determined by the method prescribed in the same book, page 191, under "Air-Oven Method, 130° C.," sec. 13.004.

(f) The name of the food is "textured vegetable protein." If the food has a particular characterizing flavor, such flavor may be designated with the name of the food as "textured vegetable protein with (a) _____ flavor," or "_____ flavored textured vegetable protein," the blank to be filled in by the appropriate flavor reference, such as "nut," "tomato," "chicken," "vanilla," "lemon-lime," etc. If the food has a particular characterizing shape, such shape shall be designated with the name of the food as "textured vegetable protein _____," the blank to be filled in with the word that accurately describes the form and that is not misleading, such as crumbles, shreds, bits, chunks, slices, etc. Where the food is both formed and flavored, the two designations may be combined, such as "textured vegetable protein shreds with coconut-like flavor," or "orange-flavored textured vegetable protein bits, artificially flavored."

(g) The label of the food shall bear, with such prominence and conspicuousness as to render it likely to be read and understood under customary conditions of purchase and use, the common or usual name of the optional protein ingredient specified in paragraph (b) of this section, and the common or usual name of each of the optional ingredients permitted under paragraph (c) of this section.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: October 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-12132; Filed, Oct. 12, 1967; 8:48 a.m.]

[21 CFR Part 17]

BAKERY PRODUCTS

Bread, Identity Standard; Inactive Dried Fragilis Yeast as an Optional Ingredient

Notice is given that a petition has been filed by Standard Brands Inc., 625 Madison Avenue, New York, N.Y. 10022, proposing that the definition and standard of identity for bread (21 CFR 17.1) be amended to permit the optional use of inactive dried fragilis (*Saccharomyces fragilis*) yeast in bread in amounts not to exceed 2 parts for each 100 parts by weight of flour used.

Grounds set forth in the petition in support of the proposal are (1) that use of such yeast will facilitate the production of bread of at least equal texture, color, and flavor to that produced with inactive dried yeast currently permitted, and (2) that since dried *Saccharomyces fragilis* yeast meeting the requirements specified in § 121.1125 *Dried yeasts* of the food additive regulations (21 CFR 121.1125) may be safely used in food, it could properly be added to the list of optional ingredients for bread.

Therefore, it is proposed that the standard for bread be amended to permit the optional use of the subject yeast by revising § 17.1(a)(7) to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) * * *

(7) Inactive dried yeast, singly or in combination, of *Saccharomyces cerevisiae*, *Saccharomyces fragilis*, or *Candida utilis* (torula), complying with all the provisions of § 121.1125 of this chapter; but the total quantity thereof is not more than 2 parts for each 100 parts by weight of flour used.

* * * * *

Due to cross-references, adoption of the proposed amendment to the standard for bread (§ 17.1) would have the effect of making the subject yeast a permitted ingredient also of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2–17.5).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: October 6, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-12133; Filed, Oct. 12, 1967; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Procedural Regulations; Extension of Time for Filing Comments on Proposal

In the FEDERAL REGISTER of August 8, 1967 (32 F.R. 11443), the Commissioner of Food and Drugs proposed that the procedural food additive regulations (21 CFR 121.7, 121.9, 121.50, 121.51) be amended to obtain improvement in the quality and organization of food additive petitions submitted and to expedite their scientific review by the Food and Drug Administration. Notice was given that comments could be filed regarding the proposal within 60 days following its date of publication.

The Commissioner has received a request for an extension of time for filing comments and, good reason therefor appearing, the time for filing comments on the proposal is extended to November 6, 1967.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1786; 21 U.S.C. 348, 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120).

Dated: October 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-12134; Filed, Oct. 12, 1967; 8:48 a.m.]

[21 CFR Parts 141, 141a]

CERTAIN BULK FORMS OF PENICILLIN

Proposed Alternative Method for Assaying

It is proposed that the antibiotic drug regulations be amended as set forth below to provide an alternative expeditious method (hydroxylamine colorimetric assay) for assaying certain bulk forms of penicillin. Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Parts 141 and 141a be amended:

1. By adding to Part 141 a new section, as follows:

§ 141.507 Hydroxylamine colorimetric assay.

(a) *Reagents*—(1) *Hydroxylamine hydrochloride solution.* Dissolve 350 grams of hydroxylamine hydrochloride in sufficient distilled water to make 1 liter.

(2) *Buffer.* Dissolve 173 grams of sodium hydroxide and 20.6 grams of sodium acetate in sufficient distilled water to make 1 liter.

(3) *Neutral hydroxylamine.* Mix 1 volume each of hydroxylamine hydrochloride solution described in subparagraph (1) of this paragraph and the buffer described in subparagraph (2) of this paragraph. Check the pH and if necessary adjust to pH 7.0±0.1 by adding an additional amount of one of the components. To 1 volume of this neutralized solution add 8 volumes of distilled water and 2 volumes of 95 percent ethanol. This solution should be used for 1 day only.

(4) *Ferric ammonium sulfate.* Dissolve 272 grams of ferric ammonium sulfate in a mixture of 26 milliliters of concentrated sulfuric acid and sufficient distilled water to make 1 liter. This reagent may be used for 1 week when stored in a brown bottle at room temperature.

(b) *Working standard solution.* Dissolve an accurately weighed portion of the working standard in sufficient 1.0 percent phosphate buffer, pH 6.0 to make a solution containing 2.5 milligrams of the working standard per milliliter.

(c) *Sample solution.* Dissolve an accurately weighed portion of the sample in sufficient 1.0 percent phosphate buffer, pH 6.0, to make a solution containing 2.5 milligrams of the sample per milliliter.

(d) *Procedure.* Using a volume of from 1 to 2 milliliters of standard or sample solution, add an equal volume of water and mix. Add the following reagents in the specified volumetric proportions with respect to the sample or standard solutions: Add 1.25 volumes of neutral hydroxylamine reagent and allow to react for 5 minutes. Add 1.25 volumes of ferric ammonium sulfate reagent, mix, and after 3 minutes determine the absorbance of the resulting solution at the wavelength of 480 millimicrons, using a suitable spectrophotometer and a reagent blank prepared by treating a volume of water in the same manner as the standard or sample solution. The time elapsed after the addition of the ferric ammonium sulfate reagent and the reading of the absorbance must be precisely the same (within 10 seconds) for each solution. Calculate the potency of the sample in units or micrograms per milligram as follows:

$$\text{Units or micrograms per milligram of sample} = \frac{(A_1)\ (\text{Potency (in units or micrograms per milliliter of standard solution)})}{(A_2)\ (\text{Milligrams of sample per milliliter of sample solution})}$$

A_1=Absorbance of sample solution.
A_2=Absorbance of standard solution.

2. By replacing the first sentence of paragraph (h) of § 141a.1 *Sodium penicillin, calcium penicillin, potassium penicillin; potency* with two sentences reading "Using the penicillin G working standard as the standard of comparison, assay by any of the following methods; however, the results obtained from the bioassay method shall be conclusive. The potency of the sample may also be determined by the iodometric method as described in § 141a.5(d) or by the hydroxylamine colorimetric assay as described in §141.507 of this chapter, or by the standard curve technique, using a single dose of standard and unknown."

3. By revising §141a.26(a) to read as follows:

§ 141a.26 Procaine penicillin.

(a) *Potency.* Assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

(1) *Bioassay.* Using the penicillin G working standard as the standard of comparison, proceed as directed in § 141a.1.

(2) *Iodometric assay.* Using the penicillin G working standard as the standard of comparison, proceed as directed in § 141a.5(d)(1), except prepare the sample as follows: Dissolve a weighed sample (approximately 50 milligrams) in 2.0 milliliters of pure methanol. Further dilute this solution with sufficient 1.0 percent phosphate buffer, pH 6.0, to give a concentration of 2.0 milligrams per milliliter.

(3) *Hydroxylamine colorimetric assay.* Using the procaine penicillin G working standard as the standard of comparison, proceed as directed in § 141.507 of this chapter, except prepare the procaine penicillin G working standard and sample solutions by dissolving an accurately weighed portion of each in a sufficient amount of a 1+19 mixture of pure methanol and 1.0 percent phosphate buffer, pH 6.0, to make solutions containing 2.0 milligrams of the working standard or sample per milliliter.

4. By revising § 141a.81(a) to read as follows:

§ 141a.81 Phenoxymethyl penicillin.

(a) *Potency.* Using the phenoxymethyl penicillin working standard as the standard of comparison, assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

(1) *Bioassay.* Proceed as directed in § 141a.1, except prepare the sample as follows: Dissolve a weighed quantity of the sample (approximately 30 milligrams) in 2.0 milliliters of pure methanol. Further dilute this solution with sufficient 1.0 percent phosphate buffer, pH 6.0, to give a concentration of 1.0 unit per milliliter (estimated).

(2) *Iodometric assay.* Proceed as directed in § 141a.5(d), except prepare the sample as follows: Dissolve a weighed quantity of the sample (approximately 30 milligrams) in 2.0 milliliters of pure methanol. Further dilute this solution with sufficient 1.0 percent phosphate buffer, pH 6.0, to give a concentration of 2,000 units per milliliter (estimated).

(3) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

5. By amending § 141a.100 as follows:

a. By revising the section heading and paragraph (a) to read as follows:

§ 141a.100 Potassium phenethicillin.

(a) *Total potency.* Using the potassium-L-phenethicillin working standard as the standard of comparison, assay for potency by either of the following methods:

(1) *Iodometric assay.* Proceed as directed in § 141a.5(d)(1), except determine the factor F as the number of milliliters of 0.01*N* I_2 absorbed by 1.0 milligram of the potassium-L-phenethicillin working standard.

$$\text{Units of potassium phenethicillin per milligram} = \frac{\text{Difference in titers} \times \text{potency of potassium-L-phenethicillin working standard in units per milligram}}{\text{Milligrams in 2.0 milliliters tested} \times F}$$

(2) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

b. By changing in the formula in paragraph (b)(vi) the sentence "Units per milligram found in iodometric assay of sample" to read "Units per milligram found in chemical assay of sample."

6. By amending § 141a.103(a) by revising the first sentence of the paragraph, by revising subparagraph (1) except for subdivision (ii), by revising subparagraph (2), and by adding new subparagraph (3), as follows:

§ 141a.103 Sodium methicillin.

(a) *Potency.* Using the sodium methicillin working standard as the standard of comparison, assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

(1) *Bioassay.* Proceed as directed in § 141a.1 except:

(i) Prepare a stock solution containing 1,000 micrograms per milliliter. Prepare the standard curve by further diluting this stock solution, using 1.0 percent phosphate buffer, pH 6.0, to final concentrations of 6.4, 8.0, 10.0, 12.5, and 15.6 micrograms per milliliter. The 10.0 micrograms per milliliter concentration is the reference concentration.

* * * * *

(2) *Iodometric assay.* Proceed as directed in § 141a.5(d), except use a solution containing 1.0 milligram of the sample per milliliter.

(3) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

7. By amending § 141a.104(a) by revising the first sentence of the paragraph, by revising subparagraph (1) except for subdivision (ii), by revising subparagraph (2), and by adding new subparagraph (3), as follows:

§ 141a.104 Sodium oxacillin.

(a) *Potency.* Using the sodium oxacillin working standard as the standard of comparison, assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

(1) *Bioassay.* Proceed as directed in § 141a.1 except:

(i) Prepare a stock solution containing 1,000 micrograms per milliliter. Prepare the standard curve by further diluting this stock solution, using 1.0 percent phosphate buffer, pH 6.0, to final concentrations of 3.2, 4.0, 5.0, 6.25, and 7.8 micrograms per milliliter. The 5.0 micrograms per milliliter is the reference concentration.

* * * * *

(2) *Iodometric assay.* Proceed as directed in § 141a.5(d), except use a solution containing 1.0 milligram of the sample per milliliter.

(3) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

8. By amending § 141a.111 by revising paragraph (a) except for subparagraph (1) and by adding a new subparagraph (3), as follows:

§ 141a.111 Ampicillin trihydrate.

(a) *Potency.* Using the ampicillin working standard as the standard of comparison, assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

* * * * *

(2) *Iodometric assay.* Proceed as described in § 141a.5(d), except use an aqueous solution containing 1.0 milligram of the sample per milliliter.

(3) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507, except prepare the ampicillin working standard and sample solutions by dissolving an accurately weighed portion of each in sufficient 1.0 percent phosphate buffer, pH 6.0, to make solutions containing 2.0 milligrams of the working standard or sample per milliliter.

9. By amending § 141a.115 by revising the first sentence of paragraph (a), by revising subparagraph (1) except for subdivision (ii), by revising subparagraph (2), and by adding new subparagraph (3), as follows:

§ 141a.115 Sodium nafcillin.

(a) *Potency.* Using the nafcillin working standard as the standard of comparison, assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

(1) *Bioassay.* Proceed as directed in § 141a.1 except:

(i) Dry approximately 30 milligrams of the nafcillin working standard for 3 hours at 60° C. and a pressure of 5 millimeters or less. Determine the dry weight and dissolve in sufficient 1.0 percent phosphate buffer, pH 6.0, to obtain a stock standard solution of 1,000 micrograms per milliliter. Prepare the standard curve by further diluting this stock

solution with pH 6.0 phosphate buffer to final concentrations of 1.28, 1.60, 2.00, 2.50, and 3.12 micrograms per milliliter. The 2.00 micrograms per milliliter concentration is the reference concentration.

* * * * *

(2) *Iodometric assay.* Proceed as described in § 141a.5(d), except use a solution containing 1.25 milligrams of the sample per milliliter.

(3) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

10. By revising § 141a.118(a), except for subparagraph (1), and by adding new subparagraph (3) as follows:

§ 141a.118 Sodium cloxacillin monohydrate.

(a) *Potency.* Using the cloxacillin working standard as the standard of comparison, assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

* * * * *

(2) *Iodometric assay.* Proceed as described in § 141a.5(d), except use an aqueous solution containing 1.0 milligram of the sample per milliliter.

(3) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter, except prepare the cloxacillin working standard and sample solutions by dissolving an accurately weighed portion of each in sufficient 1.0 percent phosphate buffer, pH 6.0, to make solutions containing 2.0 milligrams of the working standard or sample per milliliter.

11. By amending § 141a.123 by revising the first sentence of paragraph (a) and adding a new subparagraph (3) to paragraph (a), as follows:

§ 141a.123 Sodium ampicillin.

(a) *Potency.* Using the ampicillin working standard as the standard of comparison, assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

* * * * *

(3) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter, except prepare the ampicillin working standard and sample solutions by dissolving an accurately weighed portion of each in sufficient 1.0 percent phosphate buffer, pH 6.0, to make solutions containing 2.0 milligrams of the working standard or sample per milliliter.

12. By revising § 141a.124(a), except for subparagraph (1)(ii), and by adding a new subparagraph (3), as follows:

§ 141a.124 Sodium nafcillin monohydrate.

(a) *Potency.* Using the nafcillin working standard as the standard of comparison, assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

(1) *Bioassay.* Proceed as directed in § 141a.1 except:

(i) Dry approximately 30 milligrams of the nafcillin working standard and dissolve in sufficient 1 percent potassium phosphate buffer, pH 6.0, to obtain a stock standard solution of 1,000 micrograms per milliliter. Prepare the standard curve by further diluting this stock solution with pH 6.0 potassium phosphate buffer to final concentrations of 1.28, 1.60, 2.00, 2.50, and 3.12 micrograms per milliliter. The 2.00 micrograms per milliliter concentration is the reference concentration.

* * * * *

(2) *Iodometric assay.* Proceed as directed in § 141a.5(d), except use a solution containing 1.25 milligrams of the sample per milliliter.

(3) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

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

Dated: October 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-12135; Filed, Oct. 12, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFEFRENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 67–12094, Federal Deposit Insurance Corporation *infra*.

Office of the Secretary

[Antidumping—ATS 643.3–W]

TMTD AND ZDC FROM THE NETHERLANDS

Notice of Intent To Discontinue Investigation and of Tentative Determination That No Sales Exist Below Fair Value

SEPTEMBER 27, 1967.

Information was received on June 20, 1966, that tetramethylthiuram disulfide (TMTD) and zinc diethyldithiocarbamate (ZDC) imported from the Netherlands were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)), in the FEDERAL REGISTER of September 24, 1966, on page 12606 thereof.

TMTD and ZDC are chemicals used in the rubber industry. TMTD is used as an ultra accelerator for curing rubber manufactured products. ZDC is used as an ultra accelerator for curing rubber and latex manufactured products.

On January 12, 1967, the Commissioner of Customs issued a withholding of appraisement notice with respect to TMTD imported from the Netherlands, sold by N. V. Chefaro Maatschappij, Kelleweg 8, Rotterdam, Holland. This notice was published in the FEDERAL REGISTER dated January 18, 1967, on page 581 thereof.

Notice is hereby given pursuant to § 14.7(b)(9) of the Customs Regulations (19 CFR 14.7(b)(9)), of intent to discontinue investigation with respect to tetramethylthiuram disulfide (TMTD) sold by the firm N. V. Chefaro Maatschappij, Kelleweg 8, Rotterdam, Holland, as to which the seller has terminated shipments and given assurances that, regardless of the disposition of the case, no future sales to the United States will be at prices below fair value within the meaning of the Antidumping Act. In view of this evidence, it appears that there are not, and are not likely to be, sales below fair value of tetramethylthiuram disulfide (TMTD) exported by N. V. Chefaro Maatschappij, Kelleweg 8, Rotterdam, Holland.

I hereby make a tentative determination pursuant to § 14.8(a) of the Customs Regulations (19 CFR 14.8(a)), that tetramethylthiuram disulfide (TMTD) and zinc diethyldithiocarbamate (ZDC) imported from the Netherlands are not being, nor likely to be, sold at less than fair value within the meaning of § 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons on which the above actions are based. The sales to the United States purchasers were pursuant to outright, arms-length transactions between parties not financially related within the meaning of section 207 of the Antidumping Act, as amended (19 U.S.C. 166).

Sales of tetramethylthiuram disulfide (TMTD) in the home market were sufficent to afford a proper basis of comparison, except with respect to sales by the firm N. V. Chefaro.

Accordingly, the purchase price of TMTD was compared with adjusted home market prices, except in the case of N. V. Chefaro's merchandise as to which the comparison was between purchase price and the weighted-average adjusted third country price.

Purchase price of TMTD sold by N. V. Chefaro was found to be lower than the weighted-average adjusted third country price. Only one sale was made by N. V. Chefaro for exploration to the United States after the institution of the investigation. The quantity and margin involved were minimal. The seller has terminated shipments and given assurances that there would be no future sales at less than fair value regardless of the disposition of this complaint.

Purchase price of TMTD sold by the only other exporter was found not to be lower than the adjusted home market price.

Sales in the home market of zinc diethyldithiocarbamate (ZDC) were insufficient to afford a proper basis of comparison.

Accordingly, the purchase price of ZDC was compared with the weighted-average adjusted third country price.

Purchase price of ZDC was found not to be lower than the weighted-average adjusted third country price.

Purchase price was computed on the basis of the c.i.f. packed price. From such price there was deducted ocean freight, ocean insurance and inland freight. Refunded taxes were added as required by statute.

Calculation of the adjusted home market price was made on the basis of the delivered packed price separately as to small purchasers and as to large purchasers. This was to enable a comparison to be made with the prices which prevailed for purchasers in the United States of similar quantities. From such home market prices there were deducted inland freight and inland insurance. An adjustment was also made for differences in packing costs in the home market and for exportation to the United States.

Calculation of weighted-average adjusted third country price was made on the basis of the c.i.f. packed price to various countries. From each such price there were deducted inland freight, ocean freight and insurance. An adjustment was also made for the differences in packing costs resulting from differences in types of packing used. The quantity sold to each country at the net adjusted price was considered in arriving at the weighted-average third country price. Refunded taxes were added as the same tax treatment is accorded by the Netherlands to all exports, whether to the United States or to other countries.

Such written submissions as interested parties may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice is published pursuant to § 14.7(b)(9) and §14.8(a) of the Customs Regulations (19 CFR 14.7(b)(9) and 14.8(a)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67–12128; Filed, Oct. 12, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. A–441]

JAMES ARTHUR GUILMET, JR.

Notice of Loan Application

James Arthur Guilmet, Jr., Box 711, Pelican, Alaska 99832, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 36.5-foot registered length wood vessel to engage in the fishery for salmon and halibut.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is

being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,
Acting Director,
Bureau of Commercial Fisheries.

OCTOBER 10, 1967.

[F.R. Doc. 67-12114; Filed, Oct. 12, 1967; 8:47 a.m.]

[Docket No. C-275]

MOISES LLANES

Notice of Loan Application

Moises Llanes, 4753 60th Street, San Diego, Calif. 92115, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 81-foot over-all length steel vessel to engage in the fishery for albacore, yellowfin, bluefin, and skipjack tuna, bonito, and yellowtail.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,
Acting Director,
Bureau of Commercial Fisheries.

OCTOBER 10, 1967.

[F.R. Doc. 67-12115; Filed, Oct. 12, 1967; 8:47 a.m.]

National Park Service

HOT SPRINGS NATIONAL PARK, ARK.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Ozark Bath House Co. authorizing it to provide concession facilities and services for the public at Hot Springs National Park, Ark., for a period of 5 years from January 1, 1968, through December 31, 1972.

The foregoing concessioner has performed its obligations under the contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

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

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

OCTOBER 6, 1967.

[F.R. Doc. 67-12096; Filed, Oct. 12, 1967; 8:45 a.m.]

HOT SPRINGS NATIONAL PARK, ARK.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Quapaw Bathhouse Co. authorizing it to provide concession facilities and services for the public at Hot Springs National Park, Ark., for a period of 5 years from January 1, 1968, through December 31, 1972.

The foregoing concessioner has performed its obligations under the contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

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

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

OCTOBER 6, 1967.

[F.R. Doc. 67-12099; Filed, Oct. 12, 1967; 8:46 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business October 4, 1967, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 463,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 185,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 81,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated January 1961, and any amendments thereto.[2] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1961, and the amendments thereto.[3] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated January 1961, and any amendments thereto.[3]

Each insured mutual savings bank not a member of the Federal Reserve System

[1] Filed as part of original document.

shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends of Form 73 (Savings) by Mutual Savings Banks," dated December 1962, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] K. A. RANDALL,
Chairman,

WILLIAM B. CAMP,
Comptroller of the Currency.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
J. L. ROBERTSON,
Vice Chairman.

[F.R. Doc. 67-12094; Filed, Oct. 12, 1967; 8:45 a.m.]

[1] Filed as part of original document.

CIVIL SERVICE COMMISSION

PHARMACIST

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found effective September 25, 1967, that there is a manpower shortage for the position of Pharmacist, GS-660-9, at the Veterans Administration center in Wood, Wis. (Milwaukee metropolitan area).

Appointees to these positions may be paid for the expense of travel and transportation to first post of duty.

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

[F.R. Doc. 67-12120; Filed, Oct. 12, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

ANNISTON LIVESTOCK SALE ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
Anniston Livestock Sale, Oxford, May 3, 1959	Anniston Livestock, Inc., Aug. 30, 1967.
IOWA	
Eldora Livestock Sales Co., Inc., Eldora, Mar. 11, 1957.	Eldora Livestock Sales, Incorporated, May 19, 1967.
Humboldt Cornbelt Livestock Exchange, Inc., Humboldt, Mar. 12, 1957.	Humboldt Livestock Exchange, Inc., Aug. 21, 1967.
Bowman Cattle Company, Inc., Maquoketa, June 23, 1965.	United Livestock Auction, Inc., Feb. 15, 1967.
Illinois Producers Livestock Association, Waukon Livestock Marketing Center Waukon, May 25, 1959.	Interstate Producers Livestock Association, Waukon Livestock Marketing Center, Jan. 4, 1966.
KENTUCKY	
Albany Stock Yards, Albany, Dec. 9, 1959	Albany Stockyards, Inc., June 19, 1967.
NEBRASKA	
Ainsworth Livestock Market, Ainsworth, Sept. 6, 1956.	Ainsworth Livestock Auction, May 1, 1967.
NORTH CAROLINA	
Hickory Live Stock and Commission Co., Hickory, July 15, 1959.	Hickory Livestock and Commission Co., Inc., Jan. 1, 1967.
TENNESSEE	
Southern Livestock Auction Company, Columbia, Aug. 30, 1961.	Southern Livestock & Auction Company, Sept. 5, 1967.
TEXAS	
Cleveland Commission Company, Cleveland, Apr. 17, 1959.	Cleveland Commission Company, Inc., July 1, 1967.
Cleveland Commission Company, Raywood, Feb. 27, 1961.	Cleveland Commission Company, Inc., July 1, 1967.
Sulphur Springs Livestock Commission, Sulphur Springs, Jan. 11, 1957.	Sulphur Springs Livestock Commission, Inc., Jan. 1, 1967.

Done at Washington, D.C., this 5th day of October 1967.

G. H. HOPPER,
Acting Chief, Registration, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 67-12145; Filed, Oct. 12, 1967; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF CONNECTICUT

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. 67-00059-33-46040. Applicant: University of Connecticut, Storrs, Conn. 06268. Article: Norelco EM-300 Electron Microscope, Model PW6001/0 with specially designed microgun, externally adjustable anode double condenser lens system beam tilting device: Special anticontamination device, Model PW6526/00: and 35-mm. camera for EM-300, Model PW6304/6528. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: Instrument will be used for studying sections of plastic-embedded biological materials and for studying preparations of dispersed biological macromolecules that are not embedded. It will be used for predoctoral and postdoctoral training in biological research, in which the projects assigned for study with the instrument are original problems chosen by the students. Comments: Comments have been received from one domestic manufacturer, Radio Corporation of America (RCA) which alleges inter alia that "The RCA Model EMU-4 Electron Microscope is of equivalent scientific value to the instrument for which duty-free entry has been requested for the purposes stated in the application for which the instrument is intended to be used, which purposes are stated to be teaching purposes in a course in electron microscopy for predoctoral and postdoctoral students in biology." (Par (3) of comments from RCA dated June 20, 1967.) 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 offers a guaranteed resolution of 5 Angstroms (Specification Sheet, Norelco Electron Microscope EM-300, attached to application), whereas the RCA Model EMU-4 offers a guaranteed resolution of 8 Angstroms (Specifications for EMU-4 Electron Microscope and Optional Accessories, attached to comments from RCA cited above). (The lower the numerical rating in terms of Angstroms,

the better the resolution.) We are advised by the National Bureau of Standards (NBS) (memorandum dated Aug. 8, 1967) that in connection with the purposes for which the foreign article is intended to be used, the difference between 5 Angstroms and 8 Angstroms is very significant. (2) The foreign article offers five accelerating voltages, 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 offers only two accelerating voltages, 50 and 100 kilovolts.

The applicant states that the lower accelerating voltages provided by the foreign article are sometimes necessary in attaining sufficient contrast for studying biological materials in many of which the inherent contrast is extremely low (subparagraph (a) of reply to Question 9 of the application). NBS advises us (memorandum cited above) that it is essential to the research objectives of the applicant to have the use of the alternative accelerating voltages. Therefore, the availability of the 20- and 40-kilovolt accelerating voltages in the foreign article is a pertinent characteristic.

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.

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

[F.R. Doc. 67-12097; Filed, Oct. 12, 1967; 8:45 a.m.]

UNIVERSITY OF NORTH CAROLINA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

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

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

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

Docket No. 68-00105-33-46040. Applicant: University of North Carolina, Center for Research in Pharmacology and Toxicology, Research Triangle Institute, Research Triangle, Chapel Hill, N.C. 27514. Article: Electron Microscope EM6B and Plate Desiccator. Manufacturer: Associated Electrical Industries, Ltd., England. Intended use of article: Biological research which involves: (1) Developing and applying techniques for high-resolution autoradiography of soluble compounds, (2) in the fields of pharmacology and toxicology the localization of drug concentrations within cell structures at the biomolecular level requiring the ultimate in resolution. Application received by Commissioner of Customs: August 31, 1967.

Docket No. 68-00106-01-77040. Applicant: Georgetown University, Department of Chemistry, 37th and O Streets NW., Washington, D.C. 20007. Article: Single Focusing Mass Spectrometer MS 1201. Manufacturer: Associated Electronics Industries, Ltd., England. Intended use of article: Analysis of organic compounds with rapid measurement of isotope and fast scanning ratios of gas chromatographic effluents. Application received by Commission of Customs: September 1, 1967.

Docket No. 68-00107-33-46040. Applicant: University of Colorado, Institute for Developmental Biology, PSRB No. 1, Boulder, Colo. 80302. Article: Electron Microscope EM-300-S with Anti-Contamination Device. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: Research in cell biology in the areas of cell life cycle, nuclear function, nuclear-cytoplasmic interaction and the structure, function, and replication of chromosomes. Application received by Commissioner of Customs: September 5, 1967.

Docket No. 68-00108-01-77030. Applicant: Virginia Polytechnic Institute, Blacksburg, Va. 24061. Article: Nuclear Magnetic Resonance Spectrometer (NMR) JNM-C-60H; JNM-NS-60 Spectrometer, 60 Mcps Radiofrequency Unit and Probe; 56.4 Mcps Radiofrequency Unit. Manufacturer: Japan Electron Optics Laboratory, Inc., Japan. Intended use of article: Applicant states: "Study of association equilibrium constant for intermolecular complexes as a function of temperature and solvent." Application received by Commissioner of Customs: September 5, 1967.

Docket No. 68-00109-33-46040. Applicant: State University of New York at Buffalo, 3435 Main Street, Buffalo, N.Y. 14214. Article: Electron Microscope, Elmiskop 1A, spare parts kits, high resolution kit/short focal length. Manufacturer: Siemens A.G., West Germany. Intended use of article: Studies in the nature and pathogenesis of amyloidosis, studies of the ultrastructure of amyloid fibrils; anatomic patterns of asmotic water flow across the proximal tubule of necturus kidney; graduate and undergraduate instruction. Application received by Commissioner of Customs: September 5, 1967.

Docket No. 68-00112-33-46040. Applicant: Children's Cancer Research Foundation, 35 Binney Street, Boston, Mass. 02115. Article: Electron Microscope, EM-300, 35-mm. Film Holder for Electron Microscope, Transport Mechanism for Film Holder, Desiccator for Plates and Film. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of article: Applicant states:

(a) The search for virus particles in blood and tissue specimens from patients with acute leukemia, lymphoma, and other forms of malignant disease. This survey involves the making of large numbers of photomicrographs.

(b) The search for virus particles, and significant ultrastructural changes in human leukemic cells grown in cultures.

(c) The search for virus particles in the tissues and blood of hamsters bearing human leukemia and lymphosarcoma.

(d) The study of nuclear and chromosomal structure in hamsters bearing human lymphosarcoma and leukemia.

(e) The localization of radioactive molecules in tissues of the developing central and peripheral nervous systems in mice and other small mammals.

(f) The localization of radioactive molecules in nuclei of tissues from hamsters bearing human tumors.

(g) The documentation of changes in the structure of synapses of patients with mental retardation and other diseases of the nervous system.

(h) The study of biopsies of tissues from patients with diseases of the brain, spinal cord, and nerves.

(i) The recording of changes in the lungs of children with obscure infectious diseases such as fungal or parasitic and in small mammals with similar types of diseases.

(j) The study of fibrous proteins (fibrinogen, tropomyosin).

(k) The study of a variety of problems brought to us by various members of the staff of the Children's Cancer Research Foundation and of the Pathology Department, Children's Hospital Medical Center.

Application received by Commissioner of Customs: September 7, 1967.

Docket No. 68-00114-33-46040. Applicant: U.S. Department of Agriculture, Agricultural Research Service, Animal Husbandry Research Division, Agricultural Research Center, Beltsville, Md. 20705. Article: Electron Microscope, Model EM-200. Manufacturer: N. V. Philips, The Netherlands. Intended use of article: The article will be used primarily to accomplish research objectives concerned with reproductive physiology in farm animals. Numerous studies in this

area of research are outlined in the application. Application received by Commissioner of Customs: September 8, 1967.

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

[F.R. Doc. 67-12146; Filed, Oct. 12, 1967; 8:49 a.m.]

VANDERBILT UNIVERSITY

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. 67-00083-33-46040. Applicant: Department of Pathology, Vanderbilt University, Medical School, Nashville, Tenn. 37203. Article: Electron Microscope, Model Norelco EM-300. Manufacturer: N. V. Philips, Gloeilampenfabrieken, The Netherlands. Intended use of article: Applicant states:

Specific problems to be investigated with this instrument include the following:

(1) Study of cytological changes in granulocytea accompanying intravascular clotting.

(2) Fine structural study of human bone marrow and granulocyte morphology in normal and pathologic conditions.

(3) Study of the structure of the fibrin clot formed in various in vivo and in vitro conditions.

(4) Electron microscope autoradiographic localization of H^3 serotonin in human platelets.

(5) Hepatic ultrastructure in metabolic derangements in experimental and human disease.

(6) Evaluation of human biopsy material in selected cases where electron microscopic examination may contribute to diagnosis or to understanding of the pathogenesis of human diseases. Lesions currently of interest to departmental investigators include: Glomerulonephritis, Whipple's disease, reticuloendothelioses and related conditions, leukemias, and peripheral neuropathies.

Comments: Comments with respect to this application have been received from one domestic manufacturer, Radio Corporation of America (RCA), which alleges inter alia that "The RCA type EMU-4 Electron Microscope is of equivalent scientific value to the instrument for which duty-free entry has been requested for the purposes stated in the application for which the instrument is intended to be used." (Comments of RCA dated June 21, 1967, Par. (3).) 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 Electron Microscope EM-300 attached to application), whereas the RCA EMU-4 has a guaranteed resolution of 8 Angstroms (specifications for RCA Model EMU-4 electron microscope attached to comments from RCA). (The lower the numerical rating in terms of Angstroms, the better the resolution.) The purposes for which the foreign article is intended to be used involve techniques that preserve the untrastructure of the materials under investigation to the limits of resolution of the foreign article. (See memorandum from National Bureau of Standards dated Aug. 9, 1967.) Therefore, the difference in resolving capabilities between the foreign article and the RCA EMU-4 is pertinent. (2) The foreign article provides five accelerating voltages, 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provides only two accelerating voltages, 50 and 100 kilovolts.

The contrast in unstained specimens is enhanced at the lower accelerating voltage and the voltages intermediate between 50 and 100 kilovolts provide maximum contrast for negatively stained specimens. In this connection, the National Bureau of Standards notes (memorandum dated Aug. 9, 1967) that it is a fact that details have been seen on biological specimens at 80 kilovolts which were unseen at 50 kilovolts. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

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.

CHARLES H. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-12147; Filed, Oct. 12, 1967; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GLIDDEN CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8A2218) has been filed by the Glidden Co., 900 Union Commerce Building, Cleveland, Ohio 44115, proposing the issuance of a regulation to provide for the safe use of lactylated, mixed, partial fatty acid esters of glycerol and propylene glycol as emulsifiers, plasticizers, or surface-active agents in food, when standards of identity promulgated under section 401 of the act do not preclude such use.

Dated: October 6, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-12136; Filed, Oct. 12, 1967; 8:49 a.m.]

MONSANTO 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 8F0644) has been filed with the Food and Drug Administration by the Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of tolerances for negligible residues of the herbicide 2-chloroallyl diethyldithiocarbamate in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, cauliflower, collards, kale, mustard greens, turnip greens, hanover salad, spinach, lettuce, chicory, endive, escarole, celery, snap beans, lima beans, soybeans, corn (sweet and field), tomatoes, okra, cantaloups, cucumbers, potatoes, and watermelons at 0.2 part per million.

The analytical methods proposed in the petition for determining residues of the herbicide are:

(1) Extraction with isooctane, partitioning with acetonitrile, selective sorption on alumina, recovery of residues from alumina, and direct determination of the residues by ultraviolet absorption using a spectrophotometer.

(2) Acid hydrolysis to give the corresponding amine salt after extraction with chloroform. The free amine is distilled from an alkaline medium and converted to the cupric dithiocarbamate complex, which is determined spectrophotometrically.

Dated: October 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-12137; Filed, Oct. 12, 1967; 8:49 a.m.]

OLIN

Notice of Withdrawal of Petition for Food Additives

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

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Olin, 460 Park Avenue, New York, N.Y. 10022, has withdrawn its petition (FAP 6H2043), notice of which was published in the FEDERAL REGISTER of June 25, 1966 (31 F.R. 8884), proposing an amendment to § 121.2520 *Adhesives* by adding sodium 2-pyridinethiol-1-oxide as a preservative to the list of components of adhesives in paragraph (c).

Dated: October 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-12138; Filed, Oct. 12, 1967; 8:49 a.m.]

SHELL 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 8F0646) has been filed by the Shell Chemical Co., a division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances for negligible residues of the herbicide 4-(methylsulfonyl)-2,6-dinitro-*N*,*N*-dipropylaniline in or on the raw agricultural commodities seed and pod vegetables, fruiting vegetables, broccoli, brussels sprouts, cabbage, cauliflower, peanuts, safflower seed, cucumbers, and watermelons at 0.1 part per million.

The analytical methods proposed in the petition for determining residues of the herbicide are (1) a gas-liquid chromatographic technique using an electron capture detector and (2) a thin layer chromatographic technique.

Dated: October 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-12139; Filed, Oct. 12, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19097; Order E-25805]

TWIN CITIES-MILWAUKEE LONG-HAUL INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of October 1967.

There are pending before the Board several applications seeking new authority to serve Minneapolis/St. Paul and Milwaukee.[1] Upon consideration of these applications, and for the reasons set forth below, it appears that there may be service deficiencies in long-haul service between Minneapolis/St. Paul and Milwaukee, on the one hand, and Boston, New York, Philadelphia, and Washington/Baltimore[2] to the east and between Minneapolis/St. Paul and Seattle/Tacoma-Portland to the west. Accordingly, we have decided to institute an investigation to determine whether new or improved long-haul service is required between Minneapolis/St. Paul and Milwaukee and the aforementioned points.

At the present time much of the Twin Cities' service in their most important markets is provided by only one unrestricted carrier, and in other important markets such as Minneapolis/St. Paul-Boston, no carrier has unrestricted authority. Traffic volumes are substantial.[3] Although the Twin Cities-Seattle/Tacoma and Twin Cities-Portland markets are among the smallest of the Twin Cities markets in question (147 daily passengers combined), there may be substantial benefits to the traveling public in including these markets along with the others being considered herein. This would permit the Board, for example, to consider the award of Seattle-to-Boston/New York/Philadelphia/Washington one-stop over the Twin Cities, which could be more desirable from the passengers' viewpoint than service through Chicago.[4]

The Milwaukee markets appear in general to have the same traffic and service characteristics as the Twin Cities markets. Although the Milwaukee markets for the most part are smaller, they also receive less service.[5] We have carefully considered the service provided in the Milwaukee markets in question and related that service and the authority available in these markets to the traffic generated and, in our view, consideration of new or improved service in the Milwaukee markets is warranted.

In considering the scope of this proceeding, we note that a high percentage of the present flights between the Twin Cities and Milwaukee and Washington, Boston, New York, and Philadelphia, now move through Chicago. If Chicago were included, the carriers would undoubtedly tailor their proposals to service which includes that city. Thus, the carrier's proposals would depend, to a large extent, on Chicago support traffic, and the Board would be inhibited in its efforts to consider Chicago by-pass routes which are designed to reduce congestion at Chicago and to take a step in the direction of developing the Twin Cities and Milwaukee as air traffic hubs in their own right.

We have decided to frame the issues in such a manner as to permit carriers who are granted Minneapolis-East Coast authority the right to provide services either nonstop or via Milwaukee.[6] This would allow some of the smaller markets here involved to receive increased traffic support. Moreover, the ability to serve both points on services to the east could increase the carriers' incentives to put in the maximum pattern of service, also contributing to the development of Milwaukee and the Twin Cities as traffic hubs. Although consideration of Twin Cities-Milwaukee-east service involves an issue of additional Milwaukee-Twin Cities service, we think that consideration of such an issue is warranted on a long-haul basis. We will, however, impose a pretrial restriction prohibiting turnaround service in the Milwaukee-Twin Cities market. We will also permit service to Seattle and Portland on the same flight subject to a restriction that turnaround service in the Seattle-Portland market will not be in issue. In addition, since any award of authority will be in the form of separate segments, flights will be required to stop at Twin Cities. This will avoid the trial of Seattle-New York nonstop service, for example.

[1] Western Air Lines has filed an application in Docket 17746, as amended, which proposes service from Minneapolis/St. Paul to Detroit, New York, Washington, D.C., Boston, Portland, Seattle, Billings, and Great Falls, and has moved for an expedited hearing thereon. North Central Airlines has applied in Dockets 18481 and 18482 for Minneapolis/St. Paul-New York and Milwaukee-New York nonstop authority, and has petitioned for the issuance of show cause orders looking to the grant of this authority, or in the alternative for expedited hearings and the issuance of exemptions pendente lite. Other applications for authority in one or more of these markets have been filed by Western, North Central, Allegheny Airlines, Inc., Eastern Air Lines, Inc., United Air Lines, Inc., Northeast Airlines, Inc., and Alaska Airlines, Inc.

[2] Washington/Baltimore will be treated as a single hyphenated point in this proceeding, to be served through an airport or airports other than Washington National Airport.

[3] The Minneapolis/St. Paul-Boston-New York-Philadelphia-Washington and Baltimore markets generated 90; 529; 121; and 228 daily passengers respectively. United, which is unrestricted in the Twin Cities-Philadelphia-Baltimore markets, provides no nonstop service; and only two single round trips daily in the Boston market where United has one-stop authority. Northwest is the only unrestricted carrier in the Twin Cities-New York market, and provides five daily nonstop round trips. United and Northwest are unrestricted in the Twin Cities-Washington market, and three daily nonstop round trips are available. All schedule references are to OAG, August 1967 and all traffic figures are taken from the O&D surveys for the 1st quarter of 1967.

[4] The issues of service in the Seattle/Tacoma and Portland to Twin Cities markets will include authority to serve Seattle and Portland on the same flight subject to a long-haul restriction as more fully detailed below.

[5] The Milwaukee-Boston market generates 61 daily passengers although unrestricted services are not authorized. United is the only carrier with authority to provide single-plane service in this market but provides only one round trip. The Milwaukee-New York market generates 320 daily passengers and no unrestricted carrier is authorized. While the Milwaukee-Philadelphia market is not as large (72 passengers daily), United, the only unrestricted carrier in the market, provides no service and Northwest provides only two one-stop daily round trips on long-haul flights. Moreover 17 percent of the traffic in this market uses interline connections in preference to Northwest's single-plane service.

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

We will deny the requests of North Central for exemption authority in the Twin Cities-New York and Milwaukee-New York markets. Various carriers in addition to North Central have applications to serve these markets. The traffic generated in both markets is substantial and the question of whether new or improved service should be authorized in one or both markets is complex and controversial. Under these circumstances, we find that an exemption award to North Central in advance of the hearing is not warranted. We will also deny Western's motion to expedite hearing on its application, Docket 17746, to the extent that Western seeks the inclusion of Billings, Great Falls, and Detroit in this proceeding. The traffic generated by Billings and Great Falls is not, in our view, of such magnitude that expedited consideration of new or improved service to Billings and Great Falls in the markets in question is warranted. Inclusion of Detroit in this investigation would unduly expand and delay resolution of the case. Thus, questions of service in the Detroit-New York market where there are four authorized carriers and the Detroit-Washington market where there are two authorized carriers would tend to obscure our examination of the Twin Cities and Milwaukee markets which are the focal point of this proceeding.

In deciding to institute this investigation with respect to the above-named markets, the Board has carefully considered the nature and scope of the investigation. As presently constituted, we consider that the issues have been delineated in such a fashion as to provide for consideration of these matters in the most meaningful context. Consequently, we will not entertain petitions for reconsideration which seek to expand or alter in any manner the issues as presently framed except under the most unusual, special and compelling circumstances.[1]

Accordingly, it is ordered, That:

1. An investigation designated the Twin Cities-Milwaukee Long-Haul Investigation, be and it hereby is instituted in Docket 19097, pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require, and the Board should order, the alteration, amendment or modification of air carrier certificates so as to add thereto one or more of the following five segments:

Minneapolis/St. Paul-Milwaukee-Boston;
Minneapolis/St. Paul-Milwaukee-New York/Newark;
Minneapolis/St. Paul-Milwaukee-Philadelphia;
Minneapolis/St. Paul-Milwaukee-Washington/Baltimore;
Seattle/Tacoma - Portland - Minneapolis/St. Paul;

2. The following applications, to the extent that they fall within the scope of the proceeding as hereinbefore delineated, are hereby consolidated with the above investigation: Alaska Airlines, Docket 18932; Allegheny Airlines, Docket 18771; Eastern Air Lines, Docket 18529; North Central Airlines, Dockets 18481, 18482, 18602, and 18603; Northeast Airlines, Docket 18432; Western Air Lines, Dockets 17740, 17744, 17745, and 17746; and United Air Lines, Dockets 18704 and 18796. Those portions of the foregoing applications which do not conform to the scope of the proceeding are hereby dismissed pursuant to the rules of practice;

3. Any authority granted in this proceeding shall be on a subsidy-ineligible basis and shall be in the form of a separate segment;

4. Any service operated pursuant to an award in this case shall be subject to the following restriction: New turnaround service between Minneapolis/St. Paul and Milwaukee or between Seattle/Tacoma and Portland shall not be authorized;

5. Motions to consolidate, applications, and motions or petitions seeking modification or reconsideration of this order shall be filed no later than 20 days after the service date of this order and answers to such pleadings shall be filed no later than 20 days thereafter;

6. The applications of North Central in Dockets 18481, 18482, and 18637 to the extent that they request exemption authority in the Minneapolis/St. Paul-New York and Milwaukee-New York markets be and they hereby are denied;

7. Except to the extent granted herein, the motions to expedite filed by North Central in Dockets 18481, 18482, and 18637 and Western in Docket 17746 and requests for show cause orders, and all other motions and requests be and they hereby are denied;

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

9. A copy of this order be served upon Alaska Airlines, Inc., Allegheny Airlines, Inc., Eastern Air Lines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., who are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-12129; Filed, Oct. 12, 1967; 8:48 a.m.]

[1] Those applications and portions thereof which are consistent with the scope of the investigation will be consolidated herein.

[Docket 18401]

SERVICE TO OMAHA CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled case is assigned to be held on November 2, 1967, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Richard A. Walsh.

In order to facilitate the conduct of the conference, parties are instructed to submit to the examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before October 20, 1967, and other parties on or before October 27, 1967.

Dated at Washington, D.C., October 5, 1967.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 67-12176; Filed, Oct. 12, 1967; 8:50 a.m.]

[Docket 18136]

COMPAGNIE NATIONALE AIR FRANCE

Notice of Hearing

Compagnie Nationale Air France Enforcement Proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on November 13, 1967, at 10 a.m., e.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., October 6, 1967.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 67-12177; Filed, Oct. 12, 1967; 8:50 a.m.]

[Docket No. 17341; Order E-25822]

AIRLIFT INTERNATIONAL, INC., AND SLICK CORP.

Joint Application for Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of October 1967.

Joint application of Airlift International, Inc., and the Slick Corp. for an exemption from the provisions of section 408 of the Federal Aviation Act of 1958, as amended.

By Order E-23879, June 30, 1966, the Board granted an exemption to Airlift International and the Slick Corp. from section 408 of the Act to enable Airlift to acquire certain propeller aircraft and other assets of Slick to be used by Airlift in MAC operations. The Board also approved an agreement under section 412 covering the transfer of assets. In its order the Board made it clear that the transaction involving the transfer of assets would be viewed as a completely separate arrangement from that involved with respect to Airlift's agreement for the transfer of the latter's certificate to Airlift (Docket 17622). The Board further noted that, under the agreement concerning transfer of assets, Airlift will operate the Slick Airways Division (SLAD) as a separate division of Airlift pending Board action on the disposition

of Slick's certificate and that Airlift intends to use SLAD personnel in these operations and will assume Slick's obligations under union and other personnel agreements applicable to SLAD. Approval of the provisions of the agreement concerning employee protection was made subject to the reservation of jurisdiction contained in paragraph 7 of the order providing that the order may be amended or revoked at any time in the discretion of the Board.

The Master Executive Council of Pilots of the Slick Airways Division of Airlift International (Slick MEC) and the Air Line Pilots Association, International (ALPA), have filed petitions for the prompt imposition of labor protective conditions.[1] Airlift and Slick have filed joint answers in opposition to these petitions.[2] In addition by telegrams filed on September 18 and September 26, 1967, ALPA and the Transport Workers Union of America, AFL–CIO (TWUA), have respectively requested that the Board enter an immediate cease and desist order preventing Airlift from furloughing Slick pilots and flight navigators. Airlift has filed answers.

In its petition Slick MEC points to two circumstances not before the Board at the time it approved the transfer which it contends warrant the imposition of labor protective conditions: The acquisition of Boeing 707 aircraft by Airlift and the imminent furloughing of Slick pilots. Thus, Slick MEC argues that labor protective conditions should be imposed with respect to the transfer of assets from Slick to Airlift, since, absent the establishment of an integrated seniority list covering Airlift and Slick pilots, Slick pilots have been and will be denied the right to be awarded bids for Boeing 707 aircraft, such bids being awarded by Airlift exclusively to Airlift pilots. In addition Slick MEC states that the furloughing of Slick pilots is imminent because of a cutback in the use of the Slick propeller aircraft in MAC operations, and that these inequitable results are the direct consequence of, inter alia, Airlift's insistence that all jet aircraft bids be made available to Airlift pilots exclusively.

With respect to the request of ALPA and TWUA for a cease and desist order preventing Airlift from furloughing Slick personnel, no details as to the circumstances surrounding the furlough are set forth. However, it appears from Airlift's answer that the furloughing has come about because of a cutback by MAC of the use of the former Slick propeller aircraft. Finally, ALPA's petition for the prompt imposition of labor protective conditions is grounded upon allegations that Airlift has failed and refused to fulfill its obligations under its agreement with Slick in connection with Slick stewardesses. ALPA contends that, in derogation of this agreement, between May 18, 1966, and March 6, 1967, a number of new stewardesses were hired by Airlift "for service on the aircraft and for flight over the routes which bear a direct relationship to the premerged operation of Slick Airways." ALPA requests that the Board issue an order requiring Airlift to honor the employment rights of the Slick stewardess group as those rights existed at the time of the application in Docket 17341, and requiring the compliance with this order as a condition for continued approval of the acquisition of Slick assets by Airlift.

Upon consideration of the matters presented, the Board concludes that the petition of Slick MEC for the prompt imposition of labor protective conditions should be granted only to the extent hereafter indicated and should otherwise be denied, and that the petition of ALPA for the prompt imposition of labor protective conditions should be denied, except to the extent that ALPA may hereafter show that appropriate relief to Slick stewardesses should be granted. The Board further concludes that the requests of ALPA and TWUA for a cease and desist order preventing Airlift from furloughing Slick pilots and flight navigators[3] should be denied.

The Slick MEC petition requests the imposition of the standard labor protective conditions, including the requirement that seniority lists be integrated in a fair and equitable manner. We shall deal subsequently with the applicability of the standard provisions to the situation here, and shall turn first to the vexing problem of seniority rights.

It is clear that circumstances affecting Slick personnel have changed significantly since the Board approved the transfer of Slick assets to Airlift. At that time it appeared to the Board that Airlift's commitment with respect to the protection of Slick employees was adequate, pending decision in the certificate transfer case. Thus, it was expected that Slick pilots would continue to fly Slick aircraft in MAC operation, as they had been doing for Slick prior to the transfer, and there was no reason to believe that this would lead to significant inequities during the temporary period involved. However, it appears that following the transfer, Airlift's military contract operations, which represent the preponderance of its air carrier services, expanded several times over the volume conducted prior to the transfer.[4] This expansion was made possible, in part, by the increased capacity acquired from Slick and, in part, by the acquisition of jet aircraft by Airlift. However, as a result of the artificial segregation of Slick pilots into a separate division operated exclusively with former Slick propeller aircraft, these pilots have been prevented from bidding for flights in the Airlift Division. Thus, the benefits of the expansion, including the enhancement of seniority status, appear to have been reaped primarily by Airlift personnel. Moreover, MAC has now cut back drastically on operations with Slick aircraft,[5] and, as a result, nearly all Slick pilots are being furloughed.[6]

In the Board's view, the absence of an integrated seniority roster, together with the arrangement whereby former Slick pilots and other personnel are restricted to operations in the Slick Division of Airlift with Slick aircraft, works an inequitable and unjustified hardship on the Slick employee group. Slick pilots are confined to bidding for flights in an operation whose future prospects are highly uncertain as military contract operations with the Slick propeller aircraft taper off. On the other hand, the Airlift pilot group has the right to bid for operations with jet aircraft on the military contract operations of the Airlift Division, as well as on the carrier's expanding certificated route services.

In general, employees of a single company should be treated equally and without discrimination. It has not been shown that the military contract operations of the Slick Division are sufficiently distinguishable from Airlift's other operations, including other military contract operations, to warrant the differentiation in treatment. Moreover, since the company realized a sizable increase in military contract business following the transfer of assets, it must be assumed that the company, as a whole, has benefited from the operations of the Slick Division. Indeed, there are allegations that the profits from the Slick Division enabled the company to purchase jet aircraft. In short, the existing arrangements must inevitably lead to labor unrest. The resulting dispute between the Slick and Airlift pilot groups involves the public interest in labor stability in the industry and requires that we take steps to insure that separate seniority lists of pilots employed by Airlift should be integrated, pending final determination of the certificate transfer case.

[1] Slick MEC, ALPA and the Master Executive Council of the Pilots of Airlift International (Airlift MEC) have filed petitions for leave to intervene. Since they represent Airlift employees who will be affected by any determination made in this proceeding, their petitions will be granted. On Sept. 19, 1967, ALPA filed a petition for reconsideration of Order E–23879, and Airlift and Airlift MEC have filed answers. The petition will be dismissed. The petition was filed approximately 14 months after the time for filing petitions for reconsideration had expired, no reasons for the late filing are set forth, and no request pursuant to Rule 4(f) to file an otherwise unauthorized document has been made. However, if the petition were considered on its merits, the Board's action on the Slick MEC petition for the prompt imposition of labor protective conditions would be dispositive of ALPA's petition for reconsideration.

[2] The Airlift-Slick answer to ALPA's petition is also in answer to a motion by ALPA in Docket 17622 requesting similar relief. The Board is not acting on the latter motion herein.

[3] In referring to "Slick pilots" or other Slick personnel in this order, the reference is to personnel in the Slick Airways Division of Airlift. Other personnel of the company are referred to as "Airlift" personnel.

[4] Airlift's MAC operations totaled 5,222,000 miles in FY 1966 and 20,202,000 miles in FY 1967.

[5] According to Airlift, as of Sept. 22, 1967, it had no MAC business for former Slick aircraft for October, and a very limited amount for the balance of fiscal 1968.

[6] We note from Airlift MEC's answer to ALPA's petition for reconsideration that the company has also furloughed 149 Airlift pilots.

Although it was contemplated that there would be no need to provide additional protection to Slick employees until the question of the transfer of Slick's certificate to Airlift was decided, it is clear to us that we should take action at least toward integrating pilot seniority lists without awaiting disposition of the certificate transfer case. The recent cutback of MAC operations with propeller aircraft is, of course, a completely unforeseen development. In addition, contrary to our expectations, there has been substantial delay in the processing of the certificate transfer case. We find therefore that the integration of pilot seniority lists in a fair and equitable manner should be established prior to considering the imposition of labor protective conditions in the certificate transfer case.

The question remains as to the manner and procedures by which a fair and equitable integration should be accomplished. It has been the Board's longstanding and repeatedly affirmed policy in seniority integration matters that there should be voluntary agreement between the carrier and the labor groups involved, or, failing agreement, that such matters be settled by arbitration.[7] Further, the Board's policy has been not to direct the precise manner in which seniority lists should be integrated. Nevertheless, the Board has done so in compelling circumstances,[8] and we find such circumstances present here.

In the first place, time is of the essence for Slick employees with respect to integrating seniority lists. The cutback by MAC of the use of propeller aircraft has virtually eliminated operations of the Slick Airways Division, to which Slick employees are presently restricted. While it appears that Airlift employees are also being furloughed, the fact remains that the absence of an integrated seniority list has resulted in almost all Slick personnel being furloughed. The sooner seniority lists are integrated the less will be the undue hardship to Slick employees brought about by the inequitable arrangement confining these employees to MAC operations with Slick aircraft.

It also appears that there is no present prospect for the prompt establishment of an integrated seniority list through agreement between Airlift and the employee groups involved or arbitration, at least in the absence of the action which we are taking herein. At the prompting of Slick MEC, ALPA, which represents both Slick and Airlift pilots, has taken certain action, pursuant to its Policy Manual, directed toward integration of pilot seniority lists. However, although ALPA's Executive Board directed ALPA's President to take the necessary steps and appoint the required personnel not later than 2 weeks from July 28, 1967, to achieve a merger, it appears that no real progress toward integration has been achieved, and Airlift MEC takes the position that the provisions of the ALPA Policy Manual respecting merger of seniority lists are inapplicable. Moreover, Airlift has not only failed to initiate any action toward integration of senority lists, but Airlift's President, in his answer to the ALPA request for a cease and desist order, appears to oppose the "efforts of Slick MEC and now ALPA to force integration of two seniority lists prior to Board action on certificate transfer, or prior to time that Airlift can find other permitted use for former Slick aircraft or secure Board approval for other type utilization."

Thus, the only real prospect for prompt and effective relief to Slick pilots lies, in our judgment, in initiating prompt proceedings to that end. Accordingly, unless all affected employee groups and Airlift present to the Board an agreed upon integrated seniority list, or consent to the binding arbitration of matters which cannot be agreed upon, we have determined that a prompt hearing should be held before an examiner of the Board to establish the methods for integrating the separate seniority lists of Slick and Airlift pilots. In addition, we believe that in the event that a hearing or arbitration is necessary, some type of interim relief should be provided to Slick personnel pending the establishment of an integrated seniority list. We will, therefore, provide for the following procedures:

1. As soon as possible after service of this order, we will expect the interested employee groups and Airlift to enter upon negotiations looking towards the establishment of an integrated pilot seniority list by mutual agreement.

2. Oral argument before the Board will be held on October 30, 1967, at which time the parties will be expected to advise the Board as to whether or not they have been able to establish an integrated pilot seniority list or to agree upon a binding arbitration of the issue. If, by that time, the parties have been unable to reach an agreement establishing an integrated seniority list, the parties shall also address themselves to the question of the appropriate interim relief which the Board should provide to former Slick employees pending establishment of an integrated seniority list.[9]

3. Prior to the oral argument, each party shall submit a statement as to its position on the issues, as well as affidavits setting forth any fact not contained in its previous pleadings upon which it intends to reply.

4. In the absence of an agreement establishing an integrated pilot seniority list or for arbitrating the issue, the Board intends promptly to set the matter down for expedited hearing before an examiner of the Board.

We emphasize that nothing in this order should be construed as a predetermination of the manner by which pilot seniority lists should be integrated. At this point our holding is merely that the lists should be integrated on a fair and equitable basis. The precise formula of integration is left for future determination.

Except for seniority protection, we shall, however, deny the Slick MEC request for the imposition of the standard labor protective provisions. These would include provision for compensation for loss of employment or reductions in pay scales arising out of the transfer of assets in addition to the requirement that seniority lists be integrated in a fair and equitable manner. Slick MEC has not shown any basis for imposing the full spectrum of standard labor protective provisions at this time. The heart of Slick MEC's complaint is the very serious situation in which Slick pilots find themselves as a result of furloughs and their lack of other employment opportunities in Airlift other than in the Slick Airways Division. Except for seniority protection, it would not appear that any other provisions of the standard labor protective conditions would serve to ameliorate the present plight of Slick personnel. Section 1 of the standard conditions provides that it is the intent "that such conditions are to be restricted to those changes in employment solely due and resulting" from the transaction approved, and "fluctuations, rises and falls, and changes in volume or character brought about solely by other causes are not covered by or intended to be covered by this order." (See United-Capital Merger Case, 33 CAB 307, 342 (1961).) Thus, assuming protection of the relative seniority rights of all employees, the furloughing of those with the lowest seniority would not be subject to the protection afforded by the standard conditions.

Turning next to the requests of ALPA and TWUA for a cease and desist order preventing Airlift from furloughing Slick pilots and flight navigators, no basis for grant of such extraordinary relief has been shown. So far as appears from this record, the furloughing of Slick personnel has come about through the cutback by MAC of operations using Slick propeller aircraft. While ALPA and TWUA refer to Airlift's commitments to continue employment of SLAD personnel and to assume Slick's obligations under union and other personnel agreement, there are no particulars set forth demonstrating that the furloughing of Slick pilots and flight navigators was in derogation of any of these commitments, and the Board is unable to find on this record that such is the case."

[7] See South Pacific-Pan American Route Transfer Case, Order E-23681, May 13, 1966.

[8] See North Atlantic Route Transfer Case, 14 C.A.B. 910 (1951), aff'd. Kent v. Civil Aeronautics Board, 204 F. 2d 263 (C.A. 2, 1953).

[9] In this connection, we call the parties' attention to the North Atlantic Route Transfer Case, 12 C.A.B. 422 (1951), where an interim arrangement was provided under analogous circumstances.

[10] Paragraph 3.2(2) of the agreement of May 17, 1966, provides: "Airlift will continue employment of SLI [Slick] personnel on substantially the basis in existence at closing, subject to prudent business practices and to Airlift's right to make such changes in function and procedures as Airlift may consider necessary to enhance the efficiency of the operation of SLI."

Turning finally to ALPA's petition on behalf of former Slick stewardesses for the prompt imposition of labor protective conditions, as set forth above ALPA contends that Airlift, in derogation of its employment agreement with Slick, has hired new stewardesses "for service on the aircraft and for flight over the routes which bear a direct relationship to the premerged operation of Slick Airways." This allegation is ambiguous, no supporting particulars are set forth, and no reference is made to any provision of the Airlift-Slick agreement which ALPA believes has been violated. Moreover, we are unable to conclude on the basis of the information before us that Airlift has violated the provision of the agreement relating to continuing employment of SLAD personnel by Airlift,[11] or has otherwise failed to honor any representations made to the Board concerning the employment rights of the Slick stewardess group.

Nevertheless, it does appear that Airlift has hired new stewardesses for passenger operations for MAC with jet equipment, although these were Slick stewardesses on furlough status[12] who, pursuant to the ALPA-Slick collective bargaining, were subject to removal from the seniority roster and employment status after a furlough status for 2 years. Accordingly, it may be that the integration of seniority lists of Airlift and Slick stewardesses would be appropriate, as in the case of pilot seniority lists. However, there is not sufficient information before the Board as to the need or propriety of integrating the seniority lists of Slick stewardesses, flight navigators or other personnel. Representatives of these employees may, however, participate in oral argument directed to this question.

Accordingly, it is ordered, That: 1. The petition of the Air Line Pilots Association, International, for reconsideration of Order E-23879 be and it hereby is dismissed;

2. The petitions for leave to intervene filed by the Master Executive Council of Pilots of the Slick Airways Division of Airlift International, by the Master Executive Council of the Pilots of Airlift International, and by the Air Line Pilots Association, International, be and they hereby are granted;

3. The petition for the prompt imposition of labor protective conditions filed by the Master Executive Council of Pilots of the Slick Airways Division of Airlift International be and it hereby is granted to the extent indicated herein and is otherwise denied;

4. The petition for the prompt imposition of labor protective conditions filed by the Air Line Pilots Association, International, be and it hereby is denied, except to the extent that the Association may hereafter show that appropriate relief for stewardesses of the Slick Airways Division of Airlift International should be granted;

5. The requests of the Air Line Pilots Association, International, and The Transport Workers Union of America, AFL–CIO, that the Board enter a cease and desist order preventing Airlift International from furloughing Slick pilots and flight navigators be and they hereby are denied;

6. The Board will hear oral argument on October 30, 1967, on the question of whether the seniority lists of personnel of Airlift International, other than pilots, should be integrated and on the question of what interim relief should be provided employees of the Slick Airways Division of Airlift International pending establishment of integrated seniority lists; and

7. Each party participating in oral argument shall on or before October 25, 1967, file with the Board and serve on other parties a statement of its position on the issues, as well as affidavits setting forth any facts not contained in its previous pleadings upon which it intends to rely.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-12183; Filed, Oct. 12, 1967; 8:50 a.m.]

[11] Ibid.

[12] The Slick stewardesses were furloughed prior to Aug. 24, 1965, before the transfer of Slick assets to Airlift. According to Airlift, since the transfer none of the aircraft in the Slick Airways Division has been used for the carriage of passengers.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

OCTOBER 9, 1967.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 10, 1967, through October 19, 1967, both dates inclusive.

By the Commission.

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

[F.R. Doc. 67-12101; Filed, Oct. 12, 1967; 8:46 a.m.]

[File No. 0-592]

PAKCO COMPANIES, INC.

Order Suspending Trading

OCTOBER 9, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Companies, Inc., and all other securities of Pakco Companies, Inc., 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 October 10, 1967, through October 19, 1967, both dates inclusive.

By the Commission.

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

[F.R. Doc. 67-12102; Filed; Oct. 12, 1967; 8:46 a.m.]

[812-2179]

PITTSBURGH COKE & CHEMICAL CO.

Notice of Filing of Application for Order Exempting Proposed Transaction

OCTOBER 9, 1967.

Notice is hereby given that Pittsburgh Coke & Chemical Co., Grant Building, Pittsburgh, Pa. ("applicant"), a Pennsylvania corporation and a closed-end, nondiversified investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act"). Applicant seeks an order exempting from the provisions of section 17(a) of the Act the proposed purchase from the Neville Island Co. ("Neville"), a wholly owned subsidiary of applicant, by Bayer Foreign Investments, Ltd. ("Bayforin") a wholly owned subsidiary of Farbenfabriken Bayer Aktiengesellschaft ("Farbenfabriken Bayer A.G.") of all of Neville's holdings of stock of Chemagro Corp. ("Chemagro") in exchange for shares of Farbenfabriken Bayer A.G. All interested persons are referred to the application for a statement of applicant's

representations which are summarized below.

Chemagro is a New York Corporation with principal offices in Kansas City, Mo., and is primarily engaged in the manufacture and sale of agricultural chemicals. The capital of Chemagro consists of Class A Common Stock ("Class A Stock"), of which 12,553 shares are outstanding, and Class B Common Stock ("Class B Stock"), of which 80,742 shares are outstanding. Shares of Class A Stock and Class B Stock are identical except that all voting rights are vested in the holders of the Class B Stock. Neville owns 641 shares of Class A Stock and 40,371 shares of Class B Stock or 50 percent of the voting securities. Bayforin also owns 641 shares of Class A stock and the remaining 50 percent of the shares of Class B Stock outstanding, and accordingly Bayforin is an affiliated person of an affiliated person of applicant.

Farbenfabriken Bayer A.G. is a corporation of the Federal Republic of Germany, having its office in Levekusen, Federal Republic of Germany. It is a manufacturer of dyes, plastics, chemicals, and other products. At December 31, 1966, it had issued an outstanding 27 million shares of voting capital stock. Its shares are listed and traded on the Duesseldorf Stock Exchange and on other European exchanges.

Bayforin a wholly owned subsidiary of Farbenfabriken Bayer A.G., is a Canadian corporation whose office is at 121 Richmond Street West, Toronto, Ontario. Bayforin holds interests in a number of companies in Western Europe, the Western Hemisphere, South Africa, and Australia.

Under the proposed Agreement and Plan of Reorganization (the "Plan") holders of Class A Stock and Class B Stock of Chemagro will transfer their shares to Bayforin solely in exchange for 10 shares of voting capital stock of Farbenfabriken Bayer A.G. for each Chemagro share exchanged. After the exchange Bayforin will be the holder of more than 80 percent of the Class A Stock and 100 percent of the Class B Stock. Under foreign procedures relating to parent-subsidiary stock acquisitions, the shares of Farbenfabriken Bayer A.G. to be delivered to Chemagro shareholders will be acquired under an arrangement between Bayforin and a foreign bank. Chemagro will make no cash payments except for its dividends and none of the assets of Chemagro will be transferred to a foreign corporation or foreign entity incident to the acquisition. Under a provision of the plan, if the first closing date, as defined in the plan, occurs after September 30, 1967, the dividend on Chemagro stock therein referred to which is to be paid to present shareholders of Chemagro will be declared prior to the first closing date, and will be paid to persons who were shareholders of record prior to the first closing date. The dividend on Farbenfabriken Bayer A.G. capital stock therein referred to will not be declared or paid until 1968.

Applicant submits that the terms of the proposed transaction, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned; that the registered investment company involved is applicant through the ownership of 100 percent of the stock of Neville and that the proposed transaction does not alter this ownership of securities, does not change the nature of applicant's business in any material respect, is consistent with its policy as recited in instruments filed under the Act, and is also consistent with the general purposes of the Act.

Section 17(a) of the Act, as here pertinent, makes it unlawful for any affiliated person of a registered investment company (as defined in section 2(a)(3) of the Act), or any affiliated person of such a person, to sell to or to buy from such registered company any security or other property, unless the Commission upon application grants an exemption from such prohibitions pursuant to section 17(b) of the Act after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act.

Notice is further given that any interested person may, not later than October 24, 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 facts 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 (air mail 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.

By the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-12103; Filed, Oct. 12, 1967; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

OCTOBER 9, 1967.

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

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

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 10, 1967, through October 19, 1967, both dates inclusive.

By the Commission.

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

[F.R. Doc. 67-12104; Filed, Oct. 12, 1967; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a call for report of condition of insured banks, see F.R. Doc. 67-12094, Federal Deposit Insurance Corporation, *supra*.

FEDERAL POWER COMMISSION

[Docket Nos. G-9880 etc.]

DAVID BARR ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 5, 1967.

Take notice that each of the Applicants listed herein has filed an applica-

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

tion or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 26, 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 all applications in which no protest or petition to intervene is filed within the time required herein if the Commisison on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-9880 E 9-21-67	David Barr (successor to Jules G. Franks et al.), Grantsville, W. Va. 26147.	Consolidated Gas Supply Corp., Sheridan District, Calhoun County, W. Va.	20.0	15.325
G-15048 A 5-5-58	B. B. Orr, Post Office Box 1608, Longview, Tex. 75601.	Mississippi River Transmission Corp., Watkom Field, Harrison County, Tex.	[1] 13.25	14.65
G-15049 (G-2658) F 5-5-58	B. B. Orr (successor to Bayview Oil Corp. (Operator) et al).[2]	do	[3a] 14.25	14.65
CI61-1158 (G-4269) F 1-31-61	Richard M. Finder, d.b.a. Texkan Oil Co. (Operator) et al. (successor to Standard Oil Co. of Texas, a division of Chevron Oil Co.) 2900 Southland Center, Dallas, Tex. 75201.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Alta Mesa Field, Brooks County, Tex.	[3] 17.24347	14.65
CI62-823 9-13-67 [4]	Patricia Riley Dixon (formerly Patricia L. Riley), 6001 North Brookline, Oklahoma City, Okla. 73112.	Cities Service Gas Co., Guymon-Hugoton Field, Texas County, Okla.	11.0	14.65
CI63-226 (CI60-502) F 8-20-62	Tommy Ward Drilling Co. (Operator) et al. (successor to Shell Oil Co.), 609 Liberty Bank Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Wilburton Field, Texas County, Okla.	[5] 14.0 [6] 16.0	14.65
CI63-386 C 8-30-67	Glenn, Inc., c/o John S. Holy, Attorney, Post Office Box 643, Weston, W. Va. 26452.	Equitable Gas Co., Central District, Doddridge County, W. Va.	25.0	15.325
CI64-106 D 8-14-67	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	Northern Natural Gas Co., Hunt-Baggett Field, Crockett County, Tex.	[7]	.....
CI65-229 C 9-22-67 [4]	Horizon Oil & Gas Co. of Texas, Operator, 1216 Hartford Bldg., Dallas, Tex. 75201.	Baca Gas Gathering System, Inc., Flank et al. Fields, Baca County, Colo.	12.0	14.65
CI65-920 C 9-25-67	Sage Gas Gathering Co., Post Office Box 806, Beeville, Tex. 78102.	Valley Gas Transmission, Inc., Leal (Miocene 2200' Sand) Field, Duval County, Tex.	14.0	14.65
CI66-851 C 9-21-67	W. G. Sampson et al., Chloe, W. Va. 25235.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	25.0	15.325
CI67-887 C 9-20-67	David E. Bunting et al. d.b.a. B and C Oil Co., Post Office Box 284, Parkersburg, W. Va. 26102.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	25.0	15.325
CI68-128 A 8-4-67	Tenneco Oil Co.[8] Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	10.0	14.65
CI68-288 B 9-15-67	W. B. Fontaine, 1623 Deposit Guaranty National Bank Bldg., Jackson, Miss. 39201.	United Gas Pipe Line Co., Pistol Ridge Field, Pearl River County, Miss.	Depleted	.....
CI68-289 B 9-19-67	Mesa Petroleum Co. (Operator) et al., 1501 Taylor St., Post Office Box 2009, Amarillo, Tex. 79105.	Northern Natural Gas Co., Lovedale Field, Harper County, Okla.	Depleted	.....
CI68-290 A 9-20-67	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., North Waynoka Field, Woods County, Okla.	[9] 17.0	14.65
CI68-291 (G-9182) F 9-21-67	Gordon Oil Co. (Operator) et al. (successor to Reagan J. Caraway (Operator) et al.), 703 Citizens National Bank Bldg., Abilene, Tex. 79601.	Lone Star Gas Co., Sherman Field, Grayson County, Tex.	[10] 14.0	14.65
CI68-292 A 9-21-67	Stonestreet Oil & Gas Co., Box 350, Spencer, W. Va. 25276.	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	25.0	15.325
CI68-293 A 9-21-67	Jackson Pipe Line Construction Co., Post Office Box 530, Glendenin, W. Va. 25045.	Consolidated Gas Supply Corp., Pleasant District, Clay County, W. Va.	25.0	15.325
CI68-294 A 9-21-67	Alpha Oil & Gas Co. et al., c/o Raymond N. Beim, Managing Partner, 810 Midland Bank Bldg., Minneapolis, Minn. 55401.	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	25.0	15.325
CI68-295 A 9-22-67	Statewide Oil & Gas Co., c/o Duane Smith, Esq., 224 South Greenwood St., St. Marion, Ohio 43302.	Consolidated Gas Supply Corp., Collins Settlement District, Lewis County, Banks District, Upshur County, and Salt Lick District, Braxton County, W. Va.	[11] 27.0	15.325
CI68-296 A 9-22-67	Lock 3 Oil, Coal & Dock Co., 415 Porter Bldg., Pittsburgh, Pa. 15219.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.	25.0	15.325
CI68-297 A 9-22-67	Queen Gas Co. et al., c/o Homer Queen, agent, Post Office Box 506, Buckhannon, W. Va. 26201.	do	25.0	15.325
CI68-298 A 9-22-67	Haught-Evans Gas Co., c/o Glenn L. Haught, agent, Smithville, W. Va. 26178.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI68-299 A 9-22-67	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052.	South Texas Natural Gathering Co., Encinitas Northwest (V-7) Field, Brooks County, Tex.	16.0	14.65
CI68-300 B 9-22-67	do	Cities Service Gas Co., Traffas Field, Barber County, Kans.	[12]	.....
CI68-301 A 9-22-67	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	Texas Eastern Transmission Corp., Main Pass Area, Block 6 Field, Federal Offshore, Louisiana.	[13] 19.5 [14] 21.25	15.025
CI68-303 A 9-18-67 [15]	Producers Associated Transportation, Inc., c/o Jerome M. Alper, Counsel, 818 18th St. NW., Washington, D.C. 20006.	Texas Eastern Transmission Corp., Tenaha Field, Shelby County, Tex.	[16]	14.65

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	Price per Mcf	Pressure base
CI68-304 (CI61-737) F 9-22-67	Okmar Oil Co. et al. (successor to Shell Oil Co.) c/o David L. Fist, attorney, 413 Midstates Bldg., Tulsa, Okla. 74103.	Transwestern Pipeline Co., Griggs Southeast Field, Cimarron County, and Lakemp Field, Beaver County, Okla.	[7] 19.5	14.65
CI68-305 (CI66-176) F 9-22-67	Pan American Petroleum Corp. (successor to Skelly Oil Co.), Post Office Box 591, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla.	[3] 15.0	14.65
CI68-306 A 9-20-67	Ruth P. McElvain and James E. McElvain, Executor of the Estate of Carl R. McElvain, deceased, Box 63, Morris, Ill. 60450.	El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex.	[3] 13.0	15.02
CI68-307 A 9-25-67	Newmont Oil Co., Capital National Bank Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., Crowley Field, Acadia Parish, La.	20.0	15.025
CI68-308 A 9-25-67	J. P. Owen, Sr. (Operator), et al., Post Office Box 51288, O.C.S., Lafayette, La. 70505.	United Gas Pipe Line Co., North Kent Bayou Field, Terrebonne Parish, La.	21.25	15.025
CI68-309 A 9-25-67	Samedan Oil Corp., Lincoln Center, Ardmore, Okla. 73401.	United Gas Pipe Line Co., Acreage in Nueces County, Tex.	17.0	14.65
CI68-310 A 9-25-67	Columbian Fuel Corp., 401 Dewey Ave., Bartlesville, Okla. 74003.	Consolidated Gas Supply Corp., Ripley District, Jackson County, W. Va.	27.0	15.325
CI68-311 A 9-25-67	Cities Service Oil Co., Bartlesville, Okla. 74003.	Texas Eastern Transmission Corp., Block 6 Field, Main Pass Area, Offshore Louisiana.	[4] 19.5 [11] 21.25	15.025
CI68-312 (CI66-541) F 9-18-67	Apex Realty and Management Co., Inc. (successor to Pacific States Gas & Oil, Inc.), c/o Wayne E. Gallop, attorney, 1545 Wilshire Blvd., Los Angeles, Calif. 90017.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	[3] 25.0 [11] 27.5	15.325
CI68-313 B 9-22-67	Pan American Petroleum Corp.	Mississippi River Transmission Corp., Dubach Field, Lincoln Parish, La.	Depleted	.....
CI68-314 (CI64-28) F 9-25-67	Petrodyne, Inc. (successor to Robert P. Lammerts), 310 Kermac Bldg., Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., Star Field, Blaine County, Okla.	[3] 15.0	14.65
CI68-315 (CI64-1381) F 9-25-67	Petrodyne, Inc. (successor to Ashland Oil & Refining Co.).	Arkansas Louisiana Gas Co., Star Field, Kingfisher County, Okla.	[3] 16.8	14.65
CI68-316 B 9-25-67	Benedum-Trees Oil Co., Benedum-Trees Bldg., Pittsburgh, Pa. 15222.	Northern Natural Gas Co., East Balko Field, Beaver County, Okla.	Depleted	.....
CI68-317 B 9-25-67	Texaco, Inc.	Panhandle Eastern Pipe Line Co., Mohler Field, Meade County, Kans.	[12]	.....

[1] Includes 0.25 cent dehydration charge.
[2] Predecessor in interest to Hurley Oil & Gas Co. (Operator) et al.
[3] Plus applicable tax reimbursement. Price includes 0.25 cent dehydration charge.
[4] Currently being collected subject to refund in Docket No. RI60-266.
[5] Amendment to certificate filed to reflect change in name.
[6] Production from formations above the top of the Morrowan Series.
[7] Production from formations below the top of the Morrowan Series.
[8] Deletes acreage due to expiration of lease (S-62928).
[9] Amendment also reflects change in designation from Horizon Oil & Gas Co. of Texas to Horizon Oil & Gas Co. of Texas, Operator.
[10] By letter filed Sept. 13, 1967, Applicant agreed to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[11] Subject to upward and downward B.t.u. adjustment.
[12] Subject to deduction for compression should Buyer compress gas.
[13] Includes 2.0 cents per Mcf gathering and transportation charge.
[14] Well is no longer capable of delivering into Buyer's line.
[15] Production from area not subject to Louisiana tax jurisdiction.
[16] Production from area subject to Louisiana tax jurisdiction.
[17] Applicant seeks a certificate authorizing the gathering and dehydration of natural gas sold by Humble Oil & Refining Co. to Texas Eastern Transmission Corp. pursuant to a certificate for which Humble has applied for in Docket No. CI68-26. The rate for Applicant's service is 3.5 cents per Mcf or $1,400 per month, whichever is greater, until cost of facilities are amortized, reducing to 1.5 cents per Mcf thereafter, subject to right of Humble to acquire facilities after costs are amortized.
[18] Rate in effect subject to refund in Docket No. RI65-482.
[19] Subject to deduction for compression and/or treating cost should Buyer compress or treat gas.
[20] Plus settlement for liquids.
[21] Production from formations above the Benson Sand.
[22] Production from formations below the Benson Sand.
[23] Applicant states its willingness to accept permanent certificate on the same terms specified by the Commission's order issued Mar. 30, 1964, in Docket Nos. G-19417 et al.
[24] Rate in effect subject to refund in Docket No. RI67-39.

[F.R. Doc. 67-12031; Filed, Oct. 12, 1967; 8:45 a.m.]

[Docket Nos. RI68-143 etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 6, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention 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 and 1.37(f)) on or before November 22, 1967.

By the Commission.

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-143	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	148	4	Natural Gas Pipeline Co. of America (West Cement Field, Caddo County, Okla.) (Oklahoma "Other" Area).	$2,496	9-11-67	[3] 10-12-67	3-12-68	[5] [7] 16.34	[3] [4] [6] [7] 18.51	
	do	254	[6] 7	Arkansas Louisiana Gas Co. (North Cooper and Southeast Lacy Fields, Blaine and Kingfisher County, Okla.) (Oklahoma "Other" Area).	20,000	9-11-67	[3] 10-12-67	3-12-68	[5] 15.0	[4] [5] 17.0	
	do	242	3	Panhandle Eastern Pipe Line Co. (Northwest Avard Pool, Woods County, Okla.) (Oklahoma "Other" Area).	989	9-12-67	[3] 10-13-67	3-13-68	[12] 15.94	[4] [10] [11] [12] 18.07	
	do	255	5	Arkansas Louisiana Gas Co. (North Carter Field, Beckham County, Okla.) (Oklahoma "Other" Area).	500	9-11-67	[3] 10-12-67	3-12-68	16.0	[4] [10] 17.0	RI67-333.
	do	256	5	Arkansas Louisiana Gas Co. (Northwest Anthon Field, Custer County, Okla.) (Oklahoma "Other" Area).	53	9-11-67	[3] 10-12-67	3-12-68	16.0	[4] [10] 17.0	RI67-333.
	do	257	6	Panhandle Eastern Pipe Line Co. (Northwest Avard Pool, Woods County, Okla.) (Oklahoma "Other" Area).	364	9-12-67	[3] 10-13-67	3-13-68	[14] [15] 16.0	[4] [13] [14] 18.14	
	do	292	5	Panhandle Eastern Pipe Line Co. (Northwest Oakdale Field, Woods County, Okla.) (Oklahoma "Other" Area).	3,978	9-12-67	[3] 10-13-67	3-13-68	[14] 16.51	[4] [13] [14] 18.72	
RI68-144	The Shamrock Oil & Gas Corp., Post Office Box 631, Amarillo, Tex. 79105.	22	4	Northern Natural Gas Co. (Hansford and Ochiltree Counties, Tex.) (R.R. District No. 10).	37,000	9- 8-67	[16] 10- 9-67	3- 9-68	[17] 17.5	[3] [4] [17] 18.5	RI63-42.
	do	32	2	Northern Natural Gas Co. (Hansford County, Tex.) (R.R. District No. 10).	240	9- 8-67	[16] 10- 9-67	3- 9-68	[17] 17.5	[3] [4] [17] 18.5	RI63-42.
RI68-145	Frederic C. and Ferris F. Hamilton, d.b.a. Hamilton Brothers, Ltd., 1517 Denver Club Bldg., Denver, Colo. 80202.	13	7	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County Okla.) (Panhandle Area).	902	9-11-67	[3] 11- 1-67	4- 1-68	[17] [18] 18.0	[3] [4] [17] [18] 18.2	RI67-107.
RI68-146	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	375	2	Natural Gas Pipeline Co. of America (Putnam Field, Dewey County, Okla.) (Oklahoma "Other" Area).	1,512	9- 8-67	[3] 10- 9-67	3- 9-68	[17] 15.0	[4] [16] [17] 17.0	
RI68-147	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	20	1	Arkansas Louisiana Gas Co. (Chenière Field, Ouachita Parish, La.) (North Louisiana).	667	9- 8-67	[3] 11-30-67	4-30-68	[20] 18.333	[4] [19] [20] 19.333	
	do	155	9	Mississippi River Transmission Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. District No. 6).	91	9- 8-67	[3] 11- 1-67	4- 1-68	[17] 15.1449	[3] [4] [17] 15.6488	RI64-70.
	do	72	19	Texas Eastern Transmission Corp. (Delhi Field, Richland Parish, La.) (North Louisiana).	30	9- 8-67	[3] 11- 1-67	4- 1-68	[22] 16.8263	[4] [21] [22] 17.6468	
RI68-148	Cleary Petroleum, Inc., 310 Kermac Bldg., Oklahoma City, Okla. 73102.	25	2	Panhandle Eastern Pipe Line Co. (North Hopetown Field, Woods County, Okla.) (Oklahoma "Other" Area).	1,440	9- 7-67	[3] 10- 8-67	3- 8-68	[23] 15.0	[4] [10] [23] 17.0	
RI68-149	Gulf Oil Corp. (Operator) et al.	177	2	Lone Star Gas Co. (Knox Field, Grady and Stephens Counties, Okla.) (Carter-Knox Area).	190	9-12-67	[3] 10-13-67	3-13-68	16.8	[4] [24] 17.0	
RI68-150	Tidewater Oil Co., Post Office Box 1404, Houston, Tex. 77001.	65	4	Southern Natural Gas Co. (Manila Village Field, Jefferson Parish, La.) (South Louisiana).	10,159	9-18-67	[3] 11- 1-67	4- 1-68	[27] [28] 19.0	[25] [26] [27] [28] 20.0	
RI68-151	American Petrofina Co. of Texas (Operator) et al., Post Office Box 2159, Dallas, Tex. 75221.	51	5	Texas Gas Transmission Corp. (Mallard Bay Field, Cameron Parish, La.) (South Louisiana).	751	9-11-67	[3] 10-12-67	3-12-68	[29] 19.75	[3] [10] [29] 20.75	RI62-169.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-152...	Southwest Gas Producing Co., Inc. et al., 1309 Louisville Ave., Monroe, La. 71201.	[30] 20	2	United Fuel Gas Co. (Midland Field, Acadia Parish, La.) (South Louisiana).	5,100	9-15-67	[2] 11-1-67	4-1-68	[31 32] 17.5	[2 33 34] 18.5	
	....do....	7	8	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Bell City Field, Calcasieu Parish, La.) (South Louisiana).	533	9-15-67	[2] 11-1-67	4-1-68	[35] 15.75	[2 36] 16.75	

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Respondent filing from initial certificated rate to first periodic increased rate under contract. Initial contract rate is 16.0 cents.
[6] Includes 15.0 cents base rate plus upward B.t.u. adjustment before increase and 17.0 cents base rate plus upward B.t.u. adjustment after increase. Present B.t.u. content of gas is 1089 B.t.u.'s per cubic foot.
[7] Base rate subject to proportionate upward and downward B.t.u. adjustment for gas containing more or less than 1,000 B.t.u.'s per cubic foot.
[8] Not applicable to Supplement No. 4 covering casinghead gas.
[9] "Fractured" rate increase. Seller contractually due 17.8 cents per Mcf.
[10] Respondent filing from initial certificated rate to initial contract rate.
[11] Contractual due rate is 19.5 cents as of Mar. 1, 1965.
[12] Includes 15.0 cents base rate plus upward B.t.u. adjustment before increase and 17.0 cents base rate plus upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[13] Respondent filing to initial contract rate. Contractually due periodic increase to base rate of 18.0 cents per Mcf.
[14] Includes base rate of 15.0 cents plus upward B.t.u. adjustment before increase and 17.0 cents base rate plus upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[15] Rate of 16.0 cents plus upward B.t.u. adjustment. Suspended in Docket No. RI68-68 until Feb. 1, 1968. Gulf requests that previous filing (Supplement No. 5 to Rate Schedule No. 257) be superseded by instant filing.
[16] The stated effective date is the first day after expiration of the statutory notice.
[17] Subject to a downward B.t.u. adjustment.
[18] Includes 1.75 cents compression charge deducted by buyer for gas delivered from Curtis Ross No. 1 Well.
[19] Pressure base is 15.025 p.s.i.a.
[20] Includes 1.333 cents tax reimbursement.
[21] Four-step periodic rate increase.
[22] Includes 1.75 cents tax reimbursement and 1.35 cents handling charge deducted by the buyer.
[23] Subject to proportionate upward and downward B.t.u. adjustment from a base of 1,000 B.t.u.'s per cubic foot. (Respondent states present B.t.u. content of gas is in excess of 1,000 B.t.u.'s per cubic foot).
[24] "Fractured" rate increase. Respondent contractually due periodic increase to 17.9 cents per Mcf.
[25] "Fractured" rate increase. Order approving Tidewater's settlement permits only 1.0 cent increase every 4 years.
[26] "Fractured" rate increase. Tidewater contractually due a rate of 19.5 cents plus tax reimbursement of 1.75 cents (total 21.25 cents).
[27] Includes tax reimbursement.
[28] Settlement rate approved by Commission order issued June 15, 1964, in Docket No. G-13310 et al.
[29] Includes 1.75 cents tax reimbursement.
[30] Contract dated Jan. 7, 1963. Gas herein involved previously sold pursuant to contract dated Jan. 5, 1953, on file as Atlantic Richfield's FPC Gas Rate Schedule No. 63. Such date was prior to date of Policy Statement No. 61-1.
[31] Includes 1.5 cents tax reimbursement.
[32] Settlement rate approved by Commission order issued Jan. 27, 1964, in Docket No. G-16714 et al.

The Shamrock Oil & Gas Corp. (Shamrock) requests that its proposed rate increase be permitted to become effective as of October 1, 1967. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Shamrock's rate filing and such request is denied.

Gulf Oil Corp. (Gulf) proposes an increase from 15 cents, plus upward B.t.u. adjustment, to 17 cents per Mcf, plus upward B.t.u. adjustment, which has been designated as Supplement No. 6 to Gulf's FPC Gas Rate Schedule No. 257. Previously, on July 31, 1967, Gulf filed a proposed increase under this rate schedule from 15 cents to 16 cents per Mcf, plus upward B.t.u. adjustment, which was suspended until March 1, 1968, in Docket No. RI68-68. Gulf requests that the instant notice of change be allowed to supersede the previous suspended filing designated as Supplement No. 5 to its FPC Gas Rate Schedule No. 257. Under the circumstances, we conclude that Gulf's instant filing should be suspended for 5 months from October 13, 1967, the date of expiration of the statutory notice, and that Gulf be permitted to withdraw its aforementioned Supplement No. 5 and that the related suspension proceeding in Docket No. RI68-68 be terminated. A separate order will be issued with respect to the withdrawal of Gulf's Supplement No. 5 and the termination of the proceeding in Docket No. RI68-68 in accordance with the above.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 67-12032; Filed, Oct. 12, 1967; 8:45 a.m.]

[Docket No. RI68-2]

HUMBLE OIL & REFINING CO.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filings

OCTOBER 5, 1967.

On September 11, 1967, Humble Oil & Refining Co. (Humble) submitted two revised filings which amends two previously filed notices of change in rates submitted by Humble under its FPC Gas Rate Schedule No. 154 and 155. The prior notices, submitted on June 16, 1967, designated as Supplement No. 4 to Humble's FPC Gas Rate Schedule Nos. 154 and 155, respectively, provided "fractured" rate increases to 20 cents per Mcf, amounting to $10,316 annually. Such proposed 20-cent rates, considered "fractured" rates since Humble was contractually entitled to rates of 25.5425 cents per Mcf, were suspended in Docket No. RI68-2, together with other proposed increases, until December 17, 1967, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act. The revised filings amend the prior notices to reflect that the proposed 20-cent rates are now contractual rates, as provided for by an amendment dated August 29, 1967, instead of "fractured" rates.

The August 29, 1967 amendment, which is the basis for the revised filings and which was submitted as part of such filings, amends the pricing provisions of the basic contracts, to provide for 20-cent rates for the 5-year period commencing July 1, 1967, in lieu of 24 cents, and 21 cents thereafter. The amendment also deletes the indefinite pricing provisions contained in such contracts and provides for future tax reimbursement for new, additional, or increased taxes imposed after July 1, 1967.

Humble's proposed substitute rates of 20 cents per Mcf exceed the area ceiling of 14 cents for increased rates for Mississippi as announced in the Commission's statement of general policy No. 61-1, as amended, as did the previously suspended rates in said docket. Humble requests that the effective dates for the revised filings coincide with the dates applicable to the existing rate suspension proceeding in Docket No. RI68-2. Humble had requested an effective date of July 1, 1967, for the prior notices but such request was denied and the proposed rate increases were suspended for 5 months from July 17, 1967, the date of expiration of the statutory notice. Inasmuch as the revised filings do not change the rates presently suspended in Docket No. RI68-2, with respect to the rate schedules herein involved, we conclude that Humble should be permitted to substitute its subject filings for the filings now under suspension in Docket No. RI68-2, subject to the same periods of suspension now provided for its original filings, namely, December 17, 1967.

The Commission orders:

(A) The suspension order issued July 13, 1967, in Docket No. RI68-2, is amended only so far as to permit the 20 contractual rates contained in Supplement No. 1 to Supplement No. 4 to Humble's FPC Gas Rate Schedule Nos. 154 and 155, respectively, to be filed to supersede the 20 cents per Mcf "fractured" rates

provided by Supplement No. 4 to the aforementioned rate schedules, subject to the suspension proceeding in Docket No. RI68-2. The suspension periods for such substitute filings shall terminate currently with the suspension periods for Humble's original filings, namely, December 17, 1967, presently in effect in said docket for the rate schedules herein involved.

(B) In all other respects, the order issued by the Commission on July 13, 1967, in Docket No. RI68-2, shall remain unchanged and in full force and effect.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-2	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, Attn: Mr. John J. Carter.	154	1 to 4 [1]	United Gas Pipe Line Co. (Soso Field, Jones and Jasper Counties, Miss.).		9-11-67	[3] 10-12-67	[4] 12-17-67	[7] 20.0	[1] [6] 20.0	RI68-2.
	do	155	1 to 4 [1]	United Gas Pipe Line Co. (Batterville Field, Lamar and Marion Counties, Miss.).		9-11-67	[3] 10-12-67	[4] 12-17-67	[7] 20.0	[1] [6] 20.0	RI68-2.

[1] Amends filing submitted June 16, 1967 (Supplement No. 4) to reflect the rate proposed as being a 20-cent contractual rate in lieu of a 20-cent "fractured" rate.
[2] Includes Amendment dated Aug. 29, 1967, which provides for a 20-cent rate for the 5-year period commencing July 1, 1967; 21 cents thereafter, and deletes the indefinite pricing provisions in the basic contract.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] The end of the suspension period ordered in Docket No. RI68-2.
[5] Renegotiated rate as provided in the Amendment dated Aug. 29, 1967.
[6] Pressure base is 15.025 p.s.i.a.
[7] "Fractured" rate. Contractually due 25.5425 cents per Mcf. Suspended in Docket No. RI68-2 until Dec. 17, 1967. Last effective rate is 14 cents per Mcf.

[F.R. Doc. 67-12033; Filed, Oct. 12, 1967; 8:45 a.m.]

[Docket. No. RI68-162]

HUMBLE OIL & REFINING CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

OCTOBER 6, 1967.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention 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 and 1.37(f)) on or before November 22, 1968.

By the Commission.

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

APPENDIX A

Humble Oil & Refining Co. (Operator) et al. (Humble), request that their proposed rate increase be permitted to become effective as of July 1, 1967, the date the increased Oklahoma excise tax became effective. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Humble's rate filing and such request is denied.

Humble proposes an increase of 0.01 cent for partial reimbursement (50 percent) in the Oklahoma excise tax which was increased by the State effective July 1, 1967, from 0.02 cent to 0.04 cent. In addition, Humble also proposes an increase of 0.00025 cent for partial reimbursement of increased taxes based on the application of the existing 5 percent Oklahoma production tax to the increase in the excise tax. Humble's proposed rate, inclusive of tax reimbursement, is below the area increased rate ceiling of 11 cents per Mcf for the Oklahoma "Other' Areas as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Part 2, sec. 2.56), but is suspended for 1 day from October 9, 1967, the date of expiration of statutory notice, because of the protest filed on September 25, 1967, by the buyer, Lone Star Gas Co. (Lone Star).

Lone Star states in its protest that Humble is not entitled to be reimbursed under the terms of its contract for increases in tax liabilities by the application of the existing 5 percent gross production tax to the increase in the excise tax and requests that Humble's filing be rejected. Lone Star disagrees with Humble's interpretation of the contract and states that the only tax reimbursement Humble is entitled to collect is that based on the increased Oklahoma excise tax. Lone Star thus disagrees with only a portion of the tax reimbursement increase tendered by Humble.

In view of Lone Star's protest, the hearing herein shall concern itself with the contractual basis for Humble's rate filing. Since the proposed rate is below the applicable increased rate ceiling, the proceeding will not involve any question as to its justness and reasonableness.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI68-162	Humble Oil & Refining Co. (Operator) et al., Post Office Box 2180, Houston, Tex. 77001.	171	12	Long Star Gas Co. (Katie Field, Garvin County, Okla.) (Oklahoma "Other" Area).	$69	9-8-67	[1] 10-9-67	[2] 10-10-67	[4] 10.0	[3] [4] [5] 10.01025	

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] The suspension period is limited to 1 day.
[3] Tax reimbursement increase.
[4] Pressure base is 14.65 p.s.i.a.
[4] Includes Excise Tax reimbursement of 0.01 cent and production tax reimbursement of 0.00025 cent.
[5] Subject to a downward B.t.u. adjustment.

[F.R. Doc. 67-12034; Filed, Oct. 12, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 470]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 10, 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, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The 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 66562 (Sub-No. 2257 TA), filed October 3, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. 64108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service, between Clovis, N. Mex., and Lovington, N. Mex., serving the intermediate and/or off-route points of Portales, Elida, Roswell, Dexter, Hagerman, Artesia, Carlsbad, and Hobbs, N. Mex.; from Clovis, N. Mex., over U.S. Highway 70 to junction with U.S. Highway 285, thence over U.S. Highway 285 to Carlsbad, N. Mex., thence over U.S. Highway 62/180 to Hobbs, N. Mex., thence over New Mexico Highway 18 to Lovington, and return over the same route. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. Shipments transported shall be limited to those moving on through bills of lading or express receipts. Permission to tack requested: Applicant requests that the authority for the proposed operations, if granted, be construed as an extension, to be joined, tacked, and combined with R E A's existing authority in MC 66562 and subs thereunder, thereby negating the restrictions against tacking or joinder customarily placed upon temporary authority, for 150 days. Supporting shipper: None other than applicant itself. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations.

No. MC 66562 (Sub-No. 2258 TA) filed October 3, 1967. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: James C. Ingwersen, 1815 Egbert Avenue, San Francisco, Calif. 94124. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service, between Portland, Oreg., and Lyle, Wash.; over Interstate highway 80N to The Dalles, Oreg., thence to the junction of Interstate Highway 80N and Interstate Bridge crossing the Columbia River at The Dalles, Oreg., thence over said bridge and Highway 197 to junction with U.S. Highway 830, thence over said U.S. Highway 830 to Lyle, Wash.; also over bridges crossing the Columbia River at Cascade Locks and Hood River, Oreg., to said U.S. Highway 830, serving all intermediate points of The Dalles, Hood River, Cascade Locks, and Troutdale. Restrictions (1) the service to be performed by the applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc.; (2) shipments transported by applicant shall be limited to those on through bills of lading or express receipts; (3) such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc., for 150 days. Supporting shipper: None other than applicant itself as a shipper and (11) supporting shippers. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations.

No. MC 119988 (Sub-No. 17 TA), filed October 4, 1967. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ Timberland Drive, Box 1384, Lufkin, Tex. 75901. Applicant's representative: Bennie W. Haskins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and textile products*, from points in Lafayette County, Ark., to points in Texas, Louisiana, Oklahoma, New Mexico, Colorado, Kansas, Arizona, and California, for 180 days. Supporting shipper: Cherokee Carpet Mills Inc. (Mr. Carroll Smith, Production Manager), Post Office Box 487, Lewisville, Ark. 71845. Send protests to: District Supervisor, John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 127158 (Sub-No. 5 TA), filed October 4, 1967. Applicant: LIQUID FOOD CARRIER, INC., 624 Knox Road, Post Office Box 10521, New Orleans, La. 70121. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Mathews, La., to Oak Grove, La., via routes through Mississippi, for 150 days. Supporting shipper: The South Coast Corp., Carondelet Building, New Orleans, La. 70130. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 129270 (Sub-No. 1 TA), filed October 4, 1967. Applicant: JAMES P. ANAGNOS, South Willow Street, Londonderry, N.H. 03053. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Powdered pumice*, in bulk, in dump vehicles, from Portsmouth, N.H., to Leominster, Auburn, Worcester, Norwood, Gardner, Medway, Acton, Quincy, Woburn, Avon, and Weymouth, Mass., Portland and Bangor, Maine, and

Providence, R.I., for 180 days. Supporting shipper: Pumice Aggregate Corp., 500 State Street, Bridgeport, Conn. 06603. Send protests to: District Supervisor, Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 24 Hanover Street, Lebanon, N.H. 03766.

No. MC 129366 TA (Republication), filed September 1, 1967, published FEDERAL REGISTER issue of September 12, 1967, and republished this issue. Applicant: MINNEAPOLIS INDUSTRIAL RAILWAY COMPANY, 400 West Madison Street, Chicago, Ill. 60606. Applicant's representative: Stuart F. Gassner, 400 West Madison Street, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, limited to auxiliary and supplemental motor common carrier service to applicant's rail service, and further limited to shipments moving on through rail bills of lading, originating or terminating at stations of the applicant, and weighing no less than 6,000 pounds, between Minneapolis and Gluek, Minn.; from Minneapolis over Routes 7 and 25 to Watertown, thence Highways 7 and 261 to Winsted, thence Highways 7 and 277 to Gluek; between Gluek and Clark Field over Highways 277, 23, and 67 and alternated route over Highways 277, 7, and 59; between Granite Falls and Wood Lake over Highway 67, between Granite Falls and Gaylord over Highways 67, and 19; between Gaylord and Chaska and Minneapolis over Highway U.S. 212; between Chaska and Minneapolis over Highway 101 and Interstate Highway 35; between intersection of Highways 67 and 273 and Belview over 273; between intersection of Highway 7 and U.S. Highway 71 and Morton over U.S. 71; between Cosmos and Fairfax over Route 4; between Hutchinson and Winthrop over Highway 15; between Hutchinson and Norwood over Highway 22 and U.S. 212 and between the intersection of Highway 7 and Interstate 494 and St. Paul over Interstate Highway 494 and Highway 5; and return over the same routes, for 150 days. Supporting shipper: Farmers Union Centrail Exchange, Post Office Box G, St. Paul, Minn. 55101; Northwestern Lumbermens Association, Overholt Building, 5003 U.S. Highway 169, Minneapolis, Minn. 55424; Cosmos Fertilizer Co., Cosmos, Minn. 56228; Victoria Elevator Co., 365 Grain Exchange, Minneapolis, Minn., Cargill Grain Division, Cargill Building, Minneapolis, Minn., Potash Co. of America, 630 Fifth Avenue, New York, N.Y. 55101. Send protests to: District Supervisor, Andrew J. Montgomery, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604. NOTE: The purpose of this republication is to show the names of the supporting shippers named above.

By the Commission.

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

[F.R. Doc. 67-12121; Filed, Oct. 12, 1967; 8:47 a.m.]

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