FEDERAL REGISTER

VOLUME 33 • NUMBER 2

Thursday, January 4, 1968 • Washington, D.C.

Pages 55–130

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FEDERAL REGISTER

Area Code 202 Phone 962–8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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PART 722—COTTON

Subpart—1968 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM RESULT

Basis and purpose. Section 722.486 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the national marketing quota referendum with respect to the 1968 crop of upland cotton held during the period December 4 to 8, 1967, each inclusive.

Since the only purpose of § 722.486 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 722.486 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.486 Result of the national marketing quota referendum for the 1968 crop of upland cotton.

(a) *Referendum period.* The national marketing quota referendum for the 1968 crop of upland cotton was held by mail ballot during the period December 4 to 8, 1967, each inclusive, in accordance with § 722.482 (32 F.R. 14269) and Part 717 of this chapter.

(b) *Farmers voting.* A total of 276,336 farmers engaged in the production of the 1967 crop of upland cotton voted in the referendum. Of those voting, 263,405 farmers, or 95.3 percent, favored the 1968 national marketing quota and 12,931 farmers, or 4.7 percent, opposed the 1968 national marketing quota.

(c) *1968 national marketing quota continues in effect.* The national marketing quota for the 1968 crop of upland cotton of 16,100,000 bales proclaimed in § 722.476 (32 F.R. 14267) shall continue in effect since two-thirds or more of the upland cotton farmers voting in the referendum favored the quota.

(Sec. 343, 63 Stat. 670, as amended; 7 U.S.C. 1343)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

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

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

[F.R. Doc. 68-61; Filed, Jan. 3, 1968; 8:45 a.m.]

PART 722—COTTON

Subpart—1968 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM RESULT

Basis and purpose. Section 722.564 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the national marketing quota referendum with respect to the 1968 crop of extra long staple cotton held during the period December 4 to 8, 1967, each inclusive.

Since the only purpose of § 722.564 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 722.564 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.564 Result of the national marketing quota referendum for the 1968 crop of extra long staple cotton.

(a) *Referendum period.* The national marketing quota referendum for the 1968 crop of extra long staple cotton was held by mail ballot during the period December 4 to 8, 1967, each inclusive, in accordance with § 722.561 (32 F.R. 14306) and Part 717 of this chapter.

(b) *Farmers voting.* A total of 2,186 farmers engaged in the production of the 1967 crop of extra long staple cotton voted in the referendum. Of those voting, 1,912 farmers, or 87.5 percent, favored the 1968 national marketing quota and 274 farmers, or 12.5 percent, opposed the 1968 national marketing quota.

(c) *1968 national marketing quota continues in effect.* The national marketing quota for the 1968 crop of extra long staple cotton of 75,211 bales proclaimed in § 722.558 (32 F.R. 14305) shall continue in effect since two-thirds or more of the extra long staple cotton farmers voting in the referendum favored the quota.

(Sec. 343, 63 Stat. 670, as amended; 7 U.S.C. 1343)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

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

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

[F.R. Doc. 68-62; Filed, Jan. 3, 1968; 8:45 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.6]

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

Calendar Year 1968

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), hereinafter called the "Act", for the purpose of establishing preliminary allotments of a portion of the 1968 sugar quota for the Mainland Cane Sugar Area for the period January 1, 1968, until the date allotments of such quota are prescribed for the full calendar year 1968 on the basis of a subsequent hearing.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that approximately 960,000 tons of 1967-crop sugar will remain to be marketed after January 1, 1968. This quantity of sugar, along with production of sugar from 1968-crop sugarcane, will result in a supply of sugar available for marketing in 1968 sufficiently in excess of the 1968 quota that disorderly marketing may occur and some interested persons may be prevented from having equitable opportunities to market sugar (R. 8). The inventories of sugar on January 1, 1968, together with production in early 1968, may make it possible for some allottees to market shortly after January 1, 1968, a quantity of sugar larger than the allotments established by this order. It, therefore, is necessary that such allotments to be effective, be in effect on January 1, 1968. In view thereof and since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the

public interest and, consequently, this order shall be effective on January 1, 1968.

Preliminary statement. Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.) a preliminary finding was made that allotment of the quota is necessary, and a notice was published on November 17, 1967 (32 F.R. 15835), of a public hearing to be held at Washington, D.C. in Room 6451, South Building, on November 27, 1967, beginning at 9:30 a.m., e.s.t., for the purpose of receiving evidence to enable the Secretary, (1) to affirm, modify, or revoke the preliminary finding of necessity for allotment, and (2) to establish fair, efficient, and equitable allotments of a portion of the 1968 quota for the Mainland Cane Sugar Area for the period January 1, 1968, until the date the Secretary prescribes allotments of such quota for the calendar year 1968 based on a subsequent hearing.

The hearing was held at the time and place specified in the notice of hearing and testimony was received with respect to the subject and issues referred to in the hearing notice. In arriving at the findings, conclusions, and the regulatory provisions of this order all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings and conclusions proposed by the interested persons are inconsistent with the findings and conclusions herein, the specified or implied request to make such findings and reach such conclusions are denied on the basis of the facts found and stated and the conclusions reached as set forth herein.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent part as follows:

* * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugarbeets or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such persons to market or import that portion of such quota or proration thereof allotted to him. The Secretary is also authorized in making such allotments of a quota for any calendar year to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for the reasonably efficient operation of any processor of sugarcane and as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area; *Provided*, That * * * the marketing allotments of a processor of sugarcane shall not be increased under this provision above an allotment equal to the effective inventory of sugar of such processor on January 1 of the calendar year for which such allotment is made, * * *: *Provided further*, That the total increases in marketing allotments made pursuant to this sentence to processors in the mainland cane sugar area shall be limited to 16,000 short tons, of sugar, raw value, for each calendar year. In making such allotments, the Secretary may also take into consideration and make due allowance for the adverse effect of drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions seriously and broadly affecting any general area served by the factory or factories of such person. The Secretary may also, upon such hearing and notice as he may by regulations prescribe, revise or amend any such allotment upon the same basis as the initial allotment was made. * * *

The necessity for allotment of the 1968 sugar quota for the Mainland Cane Sugar Area is indicated by the extent to which the quantity of sugar in prospect for marketing in 1968 exceeds the quota that may be established and that in the absence of allotments disorderly marketing would result, and some interested persons would be prevented from having equitable opportunities to market sugar (R 7.8).

Testimony indicates that it is desirable to defer allotment proceedings with respect to the allotment of the full quota for 1968 until most allottees have completed processing of 1967-crop sugarcane, but allotments of a portion of the quota should be in effect beginning January 1, 1968, because inventories of sugar on January 1, 1968, together with production of sugar in early 1968 may make it possible for some allottees to market shortly after January 1, 1968, a quantity of sugar larger than eventually may be allotted to them (R 8–9).

The Department of Agriculture proposed at the hearing that for the period January 1, 1968, to the date an order is made effective based on a subsequent hearing that for the Mainland Cane Sugar Area, preliminary 1968 allotments be established at 75 percent of the allotments of the 1967 quota for the area which became effective on July 19, 1967, pursuant to Sugar Regulation 814.5, Amdt. 4 (32 F.R. 10553): *Provided*, That any allotment established shall not be less than the estimated January 1, 1968, physical inventory of the respective allottee which cannot be marketed within the allottee's 1967 marketing allotment (R 9).

The witness representing the Louisiana Cane Sugar Processors concurred in the Government's proposal except for the determination of the precise percentage of the 1967 allotment that should be allotted under the 1968 preliminary order. The witness proposed that preliminary 1968 allotments be established as high as 80 percent of the 1967 allotments and recommended that the order be delayed until late in the year so the Secretary could consider production information then available to make sure preliminary allotments would not exceed final 1968 allotments for any processor.

The witness representing the eight Florida cane sugar processors proposed that each processor in the Mainland Cane Sugar Area be allocated an allotment of sugar on January 1, 1968 equal to 75 or 80 percent of its 1967 allotment which became effective on July 19, 1967 pursuant to Sugar Regulation 814.5, Amdt. 4 (32 F.R. 10553) provided that any allotments established shall not be less than 90 percent of the respective allottee's estimated January 1, 1968 physical inventory which could not be marketed within its 1967 marketing allotment.

The method for determining preliminary allotments of a portion of the 1968 Mainland Cane Sugar Area quota adopted herein as set forth in the accompanying findings and conclusions follows the proposal of the Department, except that this order provides that any allotments established shall not be less than 95 percent of the respective allottee's estimated January 1, 1968 physical inventory instead of the 100 percent level proposed by the Department or the 90 percent level proposed by the witness for the Florida processors. It has been determined that preliminary 1968 allotments for individual processors established at the higher of 75 percent of 1967 allotments which became effective on July 19, 1967 or 95 percent of the respective allottee's estimated January 1, 1968 physical inventory would not permit any allottee to market sugar in early 1968 in excess of the final 1968 allotment for such allottee which will be established on the basis of a subsequent hearing. The establishment of minimum preliminary allotments based on 100 percent of estimated January 1, 1968 physical inventories might result in preliminary allotments for some allottees larger than the final allotments for such allottees.

The hearing record contains proposals to include in the order to become effective January 1, 1968, paragraphs essentially the same as paragraphs (b), (c), and (d) of Sugar Regulation 814.5, Amdt. 2 (32 F.R. 6188) (R 13).

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1968 Mainland Cane Sugar processors will have available for marketing from 1967-crop sugarcane approximately 960,000 short tons, raw value, of sugar. This quantity of sugar, together with production of sugar from 1968-crop sugarcane, will result in a supply of sugar available for marketing in 1968 sufficiently in excess of the anticipated 1968 quota for the Mainland Cane Sugar Area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) The allotment of the 1968 Mainland Cane Sugar Area quota is necessary to prevent disorderly marketing and to afford all interested persons equitable

opportunities to market sugar processed from sugarcane produced in the area.

(3) It is desirable to defer the allotment of the entire 1968 calendar year sugar quota for the Mainland Cane Sugar Area until processings from 1967-crop sugarcane can be known or closely estimated for all allottees, but it is necessary to make allotments of a portion of the 1968 quota effective January 1, 1968, to prevent some allottees from marketing a quantity of sugar larger than eventually may be allotted to them when the entire 1968 quota is allocated.

(4) The findings in (3), above, require that effective for the period January 1, 1968, until the date allotments of the 1968 calendar year Mainland Cane Sugar Area quota are prescribed on the basis of a subsequent hearing, the preliminary allotment of the 1968 Mainland Cane Sugar Area quota for each allottee shall be established at the larger of 75 percent of its 1967 allotment which became effective on July 19, 1967, pursuant to Sugar Regulation 814.5, Amendment 4 (32 F.R. 10553), or 95 percent of the respective allottee's estimated January 1, 1968, physical inventory, which could not be marketed within its 1967 marketing allotment. Official notice will be taken of production reports received from allottees of their estimated January 1, 1968, physical inventories by letters postmarked not later than December 22, 1967, when they become official records of the Department.

(5) The following estimated January 1, 1968 physical inventories of sugar in short tons, raw value, could not be marketed under the 1967 allotments for the following named allottees.

Breaux Bridge Sugar Cooperative	8,735
Cajun Sugar Cooperative, Inc	28,165
Cora Texas Manufacturing Co., Inc	8,908
Little Texas, Inc	4,135
Louisiana State Penitentiary	4,018
Meeker Sugar Cooperative, Inc	12,661
St. James Sugar Cooperative, Inc	18,128
South Coast Corp	66,632

The allotment established for each such named allottee in this order is not less than 95 percent of such listed quantity. The individual preliminary allotments for all other allottees determined at 75 percent of each allottee's 1967 allotment as provided in finding (4) above exceeds 95 percent of their respective January 1, 1968, physical inventories.

(6) Consideration has been given to the statutory factors "processings", "past marketings" and "ability to market" in establishing allotments of the 1968 sugar quota for the Mainland Cane Sugar Area as set forth in Finding (4) above.

(7) Provision shall be made in the order to restrict marketings of sugar to allotments established herein.

(8) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest, and under circumstances involving an allottee becoming unable to process sugarcane and such cane as he would normally process, if operating, is processed by other allottees.

(9) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee of the 1968 Mainland Cane Sugar Area quota.

(10) For the period January 1, 1968, until the date allotments of the Mainland Cane Sugar Area quota for the 1968 calendar year are prescribed on the basis of a subsequent hearing, the allotments established in the foregoing manner provide a fair, efficient, and equitable distribution of such quota and meet the requirements of section 205(a) of the Act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: *It is hereby ordered:*

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

(a) *Allotments.* For the period January 1, 1968, until the date allotments of the 1968 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed, on the basis of a subsequent hearing, the 1968 quota of 1,100,000 tons for the Mainland Cane Sugar Area is hereby allotted in part, to the extent shown in this section, to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co	7,528
Alma Plantation, Ltd	7,450
J. Aron & Co., Inc	10,148
Billeaud Sugar Factory	7,270
Breaux Bridge Sugar Co-op	8,298
Wm. T. Burton Industries, Inc	5,318
Caire & Graugnard	4,017
Cajun Sugar Co-op, Inc	26,757
Caldwell Sugars Co-op, Inc	9,653
Columbia Sugar Co	6,375
Cora-Texas Manufacturing Co., Inc	8,463
Dugas & LeBlanc, Ltd	11,012
Duhe & Bourgeois Sugar Co	7,701
Erath Sugar Co., Ltd	4,800
Evan Hall Sugar Co-op, Inc	16,837
Frisco Cane Co., Inc	2,160
Glenwood Co-op, Inc	11,908
Helvetia Sugar Co-op, Inc	9,361
Iberia Sugar Co-op, Inc	14,162
Lafourche Sugar Co	13,662
Harry L. Laws & Co	11,262
Levert-St. John, Inc	9,658
Little Texas, Inc	3,928
Louisa Sugar Co-op, Inc	8,698
Louisiana State Penitentiary	3,817
Louisiana State University	75
Meeker Sugar Co-op, Inc	12,028
Milliken & Farwell, Inc	7,570
M. A. Patout & Son, Ltd	12,166
Poplar Grove Planting & Refining Co	6,616
Savoie Industries	10,987
St. James Sugar Co-op, Inc	17,222
St. Mary Sugar Co-op, Inc	10,866
South Coast Corp	63,300
Southdown, Inc	27,952
Sterling Sugars, Inc	19,933
J. Supples' Sons Planting Co., Inc	4,060
Valentine Sugars, Inc	7,605
Vida Sugars, Inc	4,301
A. Wilbert's Sons Lumber & Shingle Co	7,700
Young's Industries, Inc	5,196
Louisiana subtotal	447,820
Atlantic Sugar Association	25,760
Florida Sugar Corp	13,844
Glades County Sugar Growers Co-op, Inc	34,541
Osceola Farms Co	39,143
South Puerto Rico Sugar Co., Inc	58,093
Sugarcane Growers Co-op of Florida	85,828
Talisman Sugar Corp	38,331
United States Sugar Corp	170,753
Florida subtotal	466,293
Total all mainland cane	914,113

(b) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of § 816.3 of this chapter (23 F.R. 1943).

(c) *Transfer of allotments.* The Administrator, Agricultural Stabilization and Conservation Service of the Department, may permit marketings to be made my one allottee, or other persons, within the allotment established for another allottee upon relinquishment by such allottee of a quantity of its allotment and upon receipt of evidence satisfactory to the Administrator that (1) a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred, or (2) the allottee receiving such permission will process 1968-crop sugarcane which the allottee relinquishing allotment has become unable to process.

(d) *Exchanges of sugar between allottees.* When approved in writing by the Administrator, Agricultural Stabilization and Conservation Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section may ship, transport, or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it has been processed by the allottee who acquired it for the purpose authorized by this paragraph.

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

Effective date: January 1, 1968.

Signed at Washington, D.C., this 29th day of December 1967.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68-105; Filed, Jan. 3, 1968; 8:48 a.m.]

SUBCHAPTER D—DETERMINATION OF FARMS

PART 822—CONTINENTAL UNITED STATES

SUBCHAPTER K—GENERAL CONDITIONAL PAYMENTS PROVISIONS

PART 891—DOMESTIC BEET SUGAR AREA

PART 892—MAINLAND CANE SUGAR AREA

Miscellaneous Amendments

Pursuant to the provisions of the Sugar Act of 1948, as amended, § 822.1 is revised and §§ 891.1 and 892.1 are amended, as follows:

1. Section 822.1 is revised to read as follows:

§ 822.1 Determination of a farm; continental United States.

Effective for the 1968 and subsequent crops of sugar beets and sugarcane, a farm within the limits of the continental United States for the purposes of the Sugar Act of 1948, as amended, means all land within a State farmed by the same operator and shall include, in addition, any land in an adjoining State or States farmed by such operator, if any of the equipment or labor used in the operation of the land in one State is also used in the operation of the land in the other State or States.

2. Paragraph (j) of § 891.1 is amended to read as follows:

§ 891.1 Regulations, as effective, and definitions.

* * * * *

(j) "Operator" means, effective for the 1968 and subsequent crops, the producer (or producers) who has general control of the sugar beet operations on the farm. Guides to the county committee for determining the "operator" of a farm are set forth in subparagraphs (1) to (7) inclusive of this paragraph.

(1) The county committee shall determine the person (or persons acting together) who is a producer, as defined in paragraph (k) of this section, of the sugar beet crop and who has general control of the sugar beet operations and, hence, is the operator of all lands on which sugar beet operations are under his general control. The county committee shall determine the land that constitutes a farm in accordance with the definition of a farm in § 822.1 of this chapter. To assist the county committee in determining who controls a sugar beet operation, there are set forth as follows certain factors that shall be given careful consideration in determining information as to who controls a sugar beet operation where a partnership or legal entity such as a corporation is involved, the county committee shall consider whether an individual rather than the partnership or legal entity has the general control of the sugar beet operations and is a producer, as defined in paragraph (k) of this section, of the sugar beet crop.

(2) As possible indicia of control of a sugar beet operation, the county committee shall ascertain the producer who performs the following functions: (i) Controls the land (by ownership or lease); (ii) arranges for financing and is responsible for re-payment of any loans or advances; (iii) arranges for and pays labor; and (iv) manages the sugar beet operations and makes the decisions with respect thereto.

(3) Also, as an indication of control over a sugar beet operation, the county committee shall ascertain whether a written record of accounts covering costs and income from such operations are maintained separately from those of any other operation in which the persons involved have an interest.

(4) Generally, the person (or persons acting together) who directs the sugar beet operation and who has the authority to make the final decisions with respect to growing, harvesting and marketing the crop shall be considered as controlling the operation and, hence, the operator of the farm. Often, such person performs the actual farming functions himself. Usually, such person (or persons) also has the majority financial interest in the crop, either by direct ownership or indirectly by stock ownership or otherwise.

(5) Wherever a person has a substantial financial interest in more than one sugar beet operation, the county committee shall determine whether such operations are, in fact, separate and do not constitute a device to avoid the scaledown provisions of the Sugar Act.

(6) The fact that a person has a substantial financial interest or the majority financial interest in the crop of sugar beets does not preclude the county committee from determining that he is not the operator where it can be shown to the satisfaction of the committee that in consideration of other pertinent factors another person is a producer of the crop and controls the operations. Also, since the definition of a producer has been construed over a long period of time as not including a creditor whose only interest in a crop results from a lien upon a crop of sugar beets, such a creditor by not being a producer of such crop would not qualify as the operator of the land on which such crop was produced. For purposes of determining whether a person qualifies as a producer, as defined, the county committee should take into consideration that bare legal title does not solely determine the legal owner.

(7) In the following situations, it would appear that control of the sugar beet operations would be as indicated:

(i) Where two or more persons have the same ownership interest in a crop of sugar beets growing or grown on one or more tracts of land, and they are the only persons engaged in farming operations on such land, they will, generally, be considered as the operator of all of such land. However, if one or more of such persons is determined by the county committee as exercising control, he or they shall be considered as the operator.

(ii) Where a husband and wife not legally separated by judgment of a court are both engaged in the production of sugar beets and one of them shares in the crop produced on the land of the other, if the county committee determines that the one who shares in the crop of the other also controls the sugar beet operations of the other, the spouse exercising the control would be considered as the operator. If neither spouse shares in the sugar beet crop of the other, or the county committee determines that the indicia of control justify a conclusion that separate operations are involved, each such spouse would be considered as a separate operator.

(iii) If a minor child and a parent live in the same household and each is engaged in the production of sugar beets, the parent who is a producer of the crop would be considered the operator unless the county committee is satisfied that the minor child controls his sugar beet operations. However, the co-signing of a note by a parent to enable the child to obtain financing shall not of itself be considered as representing control by the parent. Any land farmed by a minor as a Future Farmers of America or 4–H project shall be considered a part of the parent's farm unless the land on which the sugar beets are grown is leased by the minor from someone other than the parent and the parent has no control over the operation.

* * * * *

3. Paragraph (l) of § 892.1 is amended to read as follows:

§ 892.1 Regulations, as effective, and definitions.

* * * * *

(l) "Operator" means, effective for the 1968 and subsequent crops, the producer (or producers) who has general control of the sugarcane operations on the farm. Guides to the county committee for determining the "operator" of a farm are set forth in subparagraphs (1) to (7), inclusive of this paragraph.

(1) The county committee shall determine the person (or persons acting together) who is a producer, as defined in paragraph (i) of this section, of the sugarcane crop and who has general control of the sugarcane operations and, hence, is the operator of all lands on which sugarcane operations are under his general control. The county committee shall determine the land that constitutes a farm in accordance with the definition of a farm in § 822.1 of this chapter. To assist the county committee in determining who controls a sugarcane operation, there are set forth as follows certain factors that shall be given careful consideration in determining the operator of a farm. In developing information as to who controls a sugarcane operation where a partnership or legal entity such as a corporation is involved, the county committee shall consider whether an individual rather than the partnership or legal entity has the general control of the sugarcane operations and is a producer, as defined in paragraph (i) of this section, of the sugarcane crop.

(2) As possible indicia of control of a sugarcane operation, the county committee shall ascertain the producer who performs the following functions: (i) Controls the land (by ownership or lease); (ii) arranges for financing and is responsible for re-payment of any loans or advances; (iii) arranges for and pays labor; and (iv) manages the sugarcane operations and makes the decisions with respect thereto.

(3) Also, as an indication of control over a sugarcane operation, the county committee shall ascertain whether a written record of accounts covering costs and income from such operations are maintained separately from those of any other operation in which the persons involved have an interest.

(4) Generally, the person (or persons acting together) who directs the sugarcane operation and who has the authority to make the final decisions with respect to growing, harvesting and marketing the crop shall be considered as controlling the operation and, hence, the operator of the farm. Often, such person performs the actual farming functions himself. Usually, such person (or persons) also has the majority financial interest in the crop, either by direct ownership or indirectly by stock ownership or otherwise.

(5) Wherever a person has a substantial interest in more than one sugarcane operation, the county committee shall determine whether such operations are, in fact, separate and do not constitute a device to avoid the scale-down provisions of the Sugar Act.

(6) The fact that a person has a substantial interest or the majority financial interest in the crop of sugarcane does not preclude the county committee from determining that he is not the operator where it can be shown to the satisfaction of the committee that in consideration of other pertinent factors another person is a producer of the crop and controls the operations. Also, since the definition of a producer has been construed over a long period of time as not including a creditor whose only interest in a crop results from a lien upon a crop of sugarcane, such a creditor by not being a producer of such crop would not qualify as the operator of the land on which such crop was produced. For purposes of determining whether a person qualifies as a producer, as defined, the county committee should take into consideration that bare legal title does not solely determine the legal owner.

(7) In the following situations, it would appear that control of the sugarcane operations would be as indicated:

(i) Where two or more persons have the same ownership interest in a crop of sugarcane growing or grown on one or more tracts of land, and they are the only persons engaged in farming operations on such land, they will, generally, be considered as the operator of all of such land. However, if one or more of such persons is determined by the county committee as exercising control, he or they shall be considered as the operator.

(ii) Where a husband and wife not legally separated by judgment of a court are both engaged in the production of sugarcane and one of them shares in the crop produced on the land of the other, if the county committee determines that the one who shares in the crop of the other also controls the sugarcane operations of the other, the spouse exercising the control would be considered as the operator. If neither spouse shares in the sugarcane crop of the other, or the county committee determines that the indicia of control justify a conclusion that separate operations are involved, each such spouse would be considered as a separate operator.

(iii) If a minor child and a parent live in the same household and each is engaged in the production of sugarcane, the parent who is a producer of the crop would be considered the operator unless the county committee is satisfied that the minor child controls his sugarcane operations. However, the co-signing of a note by a parent to enable the child to obtain financing shall not of itself be considered as representing control by the parent. Any land farmed by a minor as a Future Farmers of America or 4–H project shall be considered a part of the parent's farm unless the land on which the sugarcane is grown is leased by the minor from someone other than the parent and the parent has no control over the operation.

* * * * *

STATEMENT OF BASES AND CONSIDERATIONS

Section 304 of the Sugar Act of 1948, as amended (7 U.S.C. 1134) provides in substance that a farm, for purposes of such Act, shall be a farming unit as determined in accordance with regulations issued by the Secretary.

The revision of the definition of a farm for the sugar program in the continental United States eliminates "workstock" as one of the criteria to be considered in determining the land comprising a farm where sugar operations in more than one State are involved. Workstock is not meaningful in today's sugar beet and sugarcane operations.

Whereas the previous determination provided that lands farmed by the same operator in any other State with any of the same equipment or labor would be combined, this revision limits combination to lands so farmed in adjoining States. Actually, only adjoining States are generally involved in such use of labor and equipment.

As the Sugar Act of 1948, as amended, requires that all payments under the Act shall be calculated with respect to a farm and that the rate of payment shall be progressively reduced (scaled-down) as the amount of sugar recovered from sugar beets or sugarcane grown on the farm increased, the determination of the sugar beet or sugarcane acreage that constitutes a farm, as defined, has the effect of controlling the amount of the payment calculated for the farm under the Act.

A recent review of farm constitutions has shown that the present definition of "operator" has often raised uncertainties in the minds of county committees as to what person or persons would qualify as the operator. This has been especially true where, as an example, a person has an interest in one sugar beet or sugarcane operation as an individual and in one or more other operations as a member of a partnership, the stockholder in a corporation or by virtue of varying percentage interests in one or more other legal entities.

These amendments define "operator" as the producer (or producers) who has general control of the sugarbeet or sugarcane operations on the farm. In addition, these amendments provide criteria as guides to the county committee to assist the county committee in determining who controls the sugarbeet or sugarcane operations on a farm and, hence, is the operator.

It is anticipated that these amendments will remove many of the uncertainties inherent in farm constitutions. The new definitions will permit county committees to exercise independent judgment in constituting farms, based upon their personal knowledge of the circumstances in individual cases. It is believed that the new definition, together with the guidelines provided, will result in better control and the administration of the program in an equitable manner.

The Department announced its intention to effect the foregoing amendments on October 30, 1967. The notice appeared in the FEDERAL REGISTER of November 3, 1967 (32 F.R. 15393). Generally, favorable comments were received in response to the notice with no opposition to the basic changes and few suggestions for modifications thereof.

Accordingly, I hereby find and conclude that the foregoing revision and amendments will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153; sec. 301, 61 Stat. 929, as amended, 7 U.S.C. 1131; sec. 304, 61 Stat. 931, 7 U.S.C. 1134; sec. 306, 61 Stat. 932, 7 U.S.C. 1136)

Effective date. Because work on the 1968 crops of sugar beets and sugarcane in the continental United States has begun in some areas and will soon commence in others, it becomes important in the public interest that these changes become effective as soon as possible. Accordingly, these amendments shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 27, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67–106; Filed, Jan. 3, 1968; 8:48 a.m.]

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

[Navel Orange Reg. 142]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.442 Navel Orange Regulation 142.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, 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 section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 2, 1968.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 5, 1968, through January 11, 1968, are hereby fixed as follows:

(i) District 1: 300,000 cartons;
(ii) District 2: 138,972 cartons;
(iii) District 3: 30,000 cartons;
(iv) District 4: 25,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: January 3, 1968.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-204; Filed, Jan. 3, 1968; 11:19 a.m.]

[Lemon Reg. 300, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 910.600 (Lemon Reg. 300, 32 F.R. 20766) are hereby amended to read as follows:

§ 910.600 Lemon Regulation 300.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: Unlimited movement;
(ii) District 2: 97,650 cartons;

* * * * *

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

Dated: December 28, 1967.

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

[F.R. Doc. 68-66; Filed, Jan. 3, 1968; 8:45 a.m.]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in South Texas, was published in the November 18, 1967, FEDERAL REGISTER (32 F.R. 15884). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 30 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, which were recommended by the South Texas Onion Committee, established pursuant to the said marketing agreement and this part, it is hereby found and determined that:

§ 959.208 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning August 1, 1967, through July 31, 1968, by the South Texas Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $35,500.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be one-half cent ($0.005) per 50-pound sack of onions, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section 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 rates of assessment fixed for a particular fiscal period shall be applicable to all assessable onions from the beginning of such period,

and (2) the current fiscal period began August 1, 1967, and the rate of assessment herein fixed will automatically apply to all assessable onions beginning with such date.

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

Dated: December 29, 1967.

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

[F.R. Doc. 68–109; Filed, Jan. 3, 1968; 8:48 a.m.]

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

[Milk Order No. 1]

PART 1001—MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Massachusetts-Rhode Island-New Hampshire marketing area (7 CFR Part 1001), it is hereby found and determined that:

(a) The following provisions of the order will not tend to effectuate the declared policy of the Act for an indefinite period beginning January 1, 1968.

1. In the preamble of § 1001.7 the provision "Notwithstanding what his status otherwise would be under any other Federal order, the term shall include a dairy farmer with respect to all milk caused to be moved from his farm to a pool plant under this order by a handler under another Federal order if any of the dairy farmer's milk so received is assigned to Class I milk under this order."

2. In paragraph (b) of § 1001.7 the provisions "assigned to Class II milk under this order and" and "notwithstanding what his status otherwise would be under this order."

3. The provisions "or" at the end of paragraph (e) of § 1001.7 and all of paragraph (f) of such section.

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

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

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

(3) The Massachusetts-Rhode Island-New Hampshire order was amended effective December 1, 1967 (32 F.R. 15076) to provide that milk could be diverted between markets only for Class II use. The provisions herein suspended would provide producer milk status in the market of physical receipt for all of the milk of any producer reported to have been diverted when any part of such milk is assigned to Class I.

A handler operating pool plants under both the Massachusetts-Rhode Island-New Hampshire and Connecticut orders requested the suspension to accommodate his particular operations under these orders. He contends that in recent years substantial quantities of bulk milk have been diverted from regulated plants under Order 15 to regulated plants under Order 1. In almost every month some of this milk has been assigned to Class I under the assignment provisions of the order.

The handler contends that since the plants involved are primarily fluid milk plants, it is not possible to accurately estimate in advance the volume of Class II milk in a given plant in any month. That is, such volume is dependent on variables such as changes in inventories, weather conditions, shrinkage, and route returns. The handler further contends that with the partial suspension of farm location differential payments under the respective orders, by court order, pending the outcome of litigation with respect to the validity of such provisions, the difference in blend prices as between the two orders (formerly 7–8 cents) has widened by 32 to 34 cents. This price differential, the handler believes, is an unreasonable penalty on any producer inadvertently thrown from one order to the other.

The suspension action taken herein was requested pending the outcome of litigation of the nearby farm differential provisions of the respective orders.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (32 F.R. 17626). Views were filed, on behalf of eight New England cooperative associations, in opposition to issuing such suspension for any extended period. They contended that the provisions have economic merit in the long run and should not be suspended for longer than a temporary period extending through the forthcoming surplus production months.

The immediate situation prompting this suspension action is a consequence of the previous suspension of nearby farm location payments by court order. It is not possible at this time to anticipate when a decision on the litigation in that matter will be rendered and accordingly, it is not appropriate to set a specific termination date on the suspension order. If at any time it should become apparent that handlers use of the diversion privileges to divert milk between markets is creating other marketing problems, further appropriate action can be taken based on the facts available at that time.

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

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective January 1, 1968.

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

Effective date: January 1, 1968.

Signed at Washington, D.C., on December 29, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 68–108; Filed, Jan. 3, 1968; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Reserve Percentages

1. Effective as to member banks in reserve cities at the opening of business on January 11, 1968, and as to all other member banks at the opening of business on January 18, 1968, § 204.5 (Supplement to Regulation D) is amended to read as follows:

§ 204.5 Supplement.

(a) *Reserve percentages.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2(a) and subject to paragraph (b) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve bank of its district:

(1) If not in a reserve city—

(i) 3 percent of (*a*) its savings deposits and (*b*) its time deposits, open account, that constitute deposits of individuals, such as Christmas club accounts and vacation club accounts, that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months; plus

(ii) 3 percent of its other time deposits up to $5 million plus 6 percent of such deposits in excess of $5 million; plus

(iii) 12 percent of its net demand deposits up to $5 million, plus 12½ percent of such deposits in excess of $5 million.

(2) If in a reserve city (except as to any bank located in such a city which is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in subparagraph (1) of this paragraph)—

(i) 3 percent of (*a*) its savings deposits and (*b*) its time deposits, open account, that constitute deposits of individuals, such as Christmas club accounts and vacation club accounts, that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months; plus

(ii) 3 percent of its other time deposits up to $5 million, plus 6 percent of such deposits in excess of $5 million; plus

(iii) 16½ percent of its net demand deposits up to $5 million, plus 17 percent of such deposits in excess of $5 million.

(b) *Currency and coin.* The amount of a member bank's currency and coin shall be counted as reserves in determining compliance with the reserve requirements of paragraph (a) of this section.

2 a. This amendment is issued pursuant to the authority granted to the Board of Governors by section 19 of the Federal Reserve Act to set reserve ratios (12 U.S.C. 461). The change is to increase the ratio of reserves that must be maintained by a member bank against its demand deposits in excess of $5 million.

b. There was no notice and public participation with respect to this amendment as such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. The effective dates were deferred for less than the 30-day period referred to in section 553(d) of title 5, United States Code, because the Board found that the general credit situation and the public interest compelled it to make the action effective no later than the dates adopted.

Dated at Washington, D.C., this 27th day of December 1967.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 68-56; Filed, Jan. 3, 1968; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-SW-60]

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

Designation of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate controlled airspace in the Alamogordo, N. Mex., terminal area.

On October 17, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 14333) stating the Federal Aviation Administration proposed to designate a control zone and a transition area in the Alamogordo, N. Mex., area.

Interested persons were provided an opportunity to participate in the rule making through submission of comments. Responses to the proposed designation of controlled airspace were all favorable, although specific interests were expressed in the establishment of an instrument procedure to serve general aviation interests in the area.

In consideration of the foregoing Part 71 of the Federal Aviation Regulation is amended, effective 0001 e.s.t., February 29, 1968, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Alamogordo, N. Mex., control zone is designated as follows:

ALAMOGORDO, N. MEX.

Within a 5-mile radius of the Holloman Air Force Base Airport (lat. 32°51'04" N., long. 106°06'05" W.); within 2 miles each side of the Holloman VOR 015° radial extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the extended centerline of Runway 3 extending from the 5-mile radius zone to 4.5 miles northeast of the northeast end of Runway 3; within 2 miles each side of the extended centerline of Runway 15 extending from the 5-mile radius zone to 4.5 miles south of the south end of Runway 15; within 2 miles each side of the extended centerline of Runway 21 extending from the 5-mile radius zone to 4.5 miles southwest of the southwest end of Runway 21; within 2 miles each side of the Holloman TACAN 349° radial extending from the 5-mile radius zone to 17.5 miles north of the TACAN; and within 2 miles each side of the VOR 350° radial extending from the 5-mile radius zone to 8 miles north of the VOR; excluding that portion within a 2-mile radius of the Alamogordo Municipal Airport (lat. 32°50'27" N., long. 105°59'17" W.) and within a 2-mile radius of the Midway Airport (lat. 32°52'04" N., long. 105°59'26" W.). The portion of this control zone within R-5107D extends upward to 22,000 feet MSL.

In § 71.181 (32 F.R. 2148) the Alamogordo, N. Mex., transition area is designated as follows:

ALAMOGORDO, N. MEX.

That airspace extending upward from 700 feet above the surface within a 11-mile radius of the Holloman AFB Airport (lat. 32°51'04" N., long. 106°06'05" W.); within 4 miles east and 6 miles west of the Holloman AFB TACAN 349° radial extending from the 11-mile radius area to 17.5 miles north of the TACAN; within 2 miles east and 6 miles west of the extended centerline of Runway 15 extending from the 11-mile radius area to 12.5 miles south of the south end of Runway 15; that airspace extending upward from 1,200 feet above the surface beginning at the intersection of long. 106°04'00" W. and the arc of a 35-mile radius circle centered at lat. 32°51'04" N., long. 106°06'05" W., thence clockwise via the arc of the 35-mile radius circle to lat. 32°43'15" N., to lat. 32°39'30" N., long. 105°24'30" W., to lat. 32°33'35" N., long. 105°30'00" W., to lat. 32°36'00" N., long. 105°30'00" W., to lat. 32°36'00" N., long. 106°06'00" W., to lat. 32°34'00" N., long. 106°06'00" W., to lat. 32°34'00" N., long. 106°15'00" W., to lat. 33°04'00" N., long. 106°21'00" W., to lat. 33°11'00" N., long. 106°17'00" W., to lat. 33°11'00" N., long. 106°04'00" W., thence north along long. 106°04'00" W., to the point of beginning; and within 5 miles each side of the Holloman TACAN 044° radial extending from the 35-mile radius arc to 41.5 miles northeast of the TACAN; within 5 miles each side of a direct line from the Holloman VOR to the Roswell, N. Mex., VORTAC extending from the 35-mile radius arc to long. 105°09'00" W.; within 5 miles each side of a direct line from the Holloman TACAN to the Roswell, N. Mex., VORTAC extending from the 35-mile radius arc to long. 105°09'00".

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

Issued in Fort Worth, Tex., on December 27, 1967.

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

[F.R. Doc. 68-167; Filed, Jan. 3, 1968; 8:50 a.m.]

[Airspace Docket No. 67-SW-67]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Refugio, Tex., transition area.

On November 7, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 15492) stating the Federal Aviation Administration proposed to designate the Refugio, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 29, 1968, as herein set forth.

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

REFUGIO, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Tom O'Connor Oilfield Airport (lat. 28°-20'04" N., long. 97°08'58" W.); within 2 miles each side of the 335° bearing from the Vidauri RBN (lat. 28°23'51" N., long. 97°10'40" W.), extending from the 5-mile radius area to 8 miles northwest of the RBN; within 2 miles each side of the 039° bearing from the Refugio RBN (lat. 28°20'27" N., long. 97°08'58" W.), extending from the 5-mile radius area to 8 miles northeast of the RBN; and within a 4-mile radius of Mellon Ranch Airport (lat. 28°16'15" N., long. 97°12'30" W.).

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

Issued in Fort Worth, Tex., on December 27, 1967.

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

[F.R. Doc. 68-168; Filed, Jan. 3, 1968; 8:50 a.m.]

[Airspace Docket No. 67-SW-74]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Alice, Tex., control zone.

On November 21, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 15926) stating the Federal Aviation Administration

proposed to alter the Alice, Tex., control zone.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 29, 1968, as herein set forth.

In § 71.171 (32 F.R. 2072) the Alice, Tex., control zone is amended to read:

ALICE, TEX.

That airspace within a 5-mile radius of the Alice International Airport (lat. 27°44'30" N., long. 98°01'40" W.); within 2 miles each side of the Alice VOR 153° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR; within 2 miles each side of the Alice VOR 270° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; and within 2 miles each side of the 134° bearing from lat. 27°44'20" N., long. 98°01'46" W., extending from the 5-mile radius zone to 8 miles southeast of lat. 27°44'20" N., long. 98°01'46" W.

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

Issued in Fort Worth, Tex., on December 27, 1967.

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

[F.R. Doc. 68-169; Filed, Jan. 3, 1968; 8:50 a.m.]

[Airspace Docket No. 67-WE-73]

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

Designation of Transition Area

On page 16049 of the FEDERAL REGISTER dated November 22, 1967, the Federal Aviation Administration published a notice of proposed rule making to amend Part 71 of the Federal Aviation Regulations that would designate a 700-foot floor transition area for the Brigham City, Utah, terminal area. Interested persons were given 30 days in which to submit written comments, suggestions, or objections.

No objections have been received, and the proposed amendment is hereby adopted without change.

Issued in Los Angeles, Calif., on December 27, 1967.

Effective date. This amendment is effective March 28, 1968.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (32 F.R. 2148) the following transition area is added:

BRIGHAM CITY, UTAH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brigham City Airport (latitude 41°32'30" N., longitude 112°03'30" W.), and within 2 miles each side of the 212° bearing from the Brigham City RBN (latitude 41°30'58" N., longitude 112°04'38" W.) extending from the 5-mile radius area to latitude 41°27'00" N.

[F.R. Doc. 68-170; Filed, Jan. 3, 1968; 8:50 a.m.]

[Airspace Docket No. 67-WE-70]

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

Alteration of Transition Area

On page 16049 of the FEDERAL REGISTER dated November 22, 1967, the Federal Aviation Administration published a notice of proposed rule making to amend Part 71 of the Federal Aviation Regulations that would alter controlled airspace in the Provo, Utah, terminal area. Interested persons were given 30 days in which to submit written comments, suggestions, or objections.

No objections have been received and the proposed amendments are hereby adopted without change.

Issued in Los Angeles, Calif., on December 27, 1967.

Effective date. This amendment is effective March 28, 1968.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (32 F.R. 2242) the description of the Provo, Utah, transition area is amended to read as follows:

PROVO, UTAH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Provo Municipal Airport (latitude 40°12'-56" N., longitude 111°43'14" W.), within 2 miles each side of the 218° bearing from the Provo radio beacon (latitude 40°13'10" N., longitude 111°43'26" W.) extending from the 5-mile radius area to 12 miles southwest of the RBN, within 5 miles each side of the 328° bearing from the Provo RBN extending from the 5-mile radius area to 6 miles northwest of the RBN, and within 5 miles northeast and 8 miles southwest of the 328° bearing from the Provo RBN extending from 6 to 20 miles northwest of the RBN; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°30'00" N., on the southeast by the northwest edge of V-235 and V-21, on the west by the east edge of V-257, and that airspace bounded on the east and south by an arc of a 23-mile radius circle centered on the Provo VORTAC extending clockwise from the south edge of V-200 to the southeast edge of V-21, on the west by a line from the point of intersection of the 23-mile arc and the southeast edge of V-21 direct to latitude 40°30'00" N., longitude 111°49'00" W., and on the northeast by a line from latitude 40°30'00" N., longitude 111°49'00" W., direct to point of beginning.

[F.R. Doc. 68-171; Filed, Jan. 3, 1968; 8:50 a.m.]

[Airspace Docket No. 67-SO-109]

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

Alteration of Control Zone

On November 25, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 16169), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Meridian, Miss. (Key Field), control zone.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 29, 1968, as hereinafter set forth.

In § 71.171 (32 F.R. 2071), the Meridian, Miss. (Key Field), control zone is amended to read:

MERIDIAN, MISS. (KEY FIELD)

Within a 5-mile radius of Key Field (lat. 32°19'58" N., long. 88°45'05" W.); within 2 miles each side of the Meridian ILS localizer south course, extending from the 5-mile radius zone to the Meridian RBN; within 2 miles each side of the Meridian VORTAC 135° radial, extending from the 5-mile radius zone to 13 miles southeast of the VORTAC; within 2 miles each side of the Meridian VORTAC 155° radial, extending from the 5-mile radius zone to 13.5 miles southeast of the VORTAC; within 2 miles each side of the Meridian VORTAC 310° radial, extending from the 5-mile radius zone to 6 miles northwest of the airport.

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

Issued in East Point, Ga., on December 28, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-172; Filed, Jan. 3, 1968; 8:50 a.m.]

[Airspace Docket No. 67-SO-104]

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

Alteration of Control Zone and Transition Area and Revocation of Transition Area

On November 17, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 15838), stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Charleston, S.C., control zone and transition area, and revoke the John's Island, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, it was determined, because of insufficient use, that retention of the VOR/DME standard instrument approach procedure to John's Island Airport could no longer be justified and would be canceled, effective January 6, 1968. Since the requirement for controlled airspace at the John's Island Airport no longer exists, action is taken herein to revoke the John's Island transition area, and thereby delete it from the Charleston transition area.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 29, 1968, as hereinafter set forth.

In § 71.171 (32 F.R. 2071), the Charleston, S.C., control zone is amended as follows: "* * * within 2 miles each side of the Charleston VORTAC 140° radial, extending from the 5-mile radius zone to 6 miles southeast of the VORTAC * * *" is deleted.

In § 71.181 (32 F.R. 2148), the Charleston, S.C., 700-foot transition area is amended to read:

CHARLESTON, S.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Charleston AFB/Municipal Airport (lat. 32°53'55" N., long. 80°02'20" W.); within 8 miles southwest and 5 miles northeast of the Charleston ILS localizer northwest course, extending from the 8-mile radius area to 12 miles northwest of the LOM; within 8 miles southwest and 5 miles northeast of the Charleston VORTAC 332° radial, extending from the 8-mile radius area to 12 miles northwest of the VORTAC; within 2 miles each side of the Charleston VORTAC 140° radial, extending from the 8-mile radius area to 10.5 miles southeast of the VORTAC.

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

Issued in East Point, Ga., on December 28, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-173; Filed, Jan. 3, 1968; 8:50 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-28; Amdt. 5]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Delegations of Authority to Executive Director Regarding Filing Fees

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., this 29th day of December, 1967.

This amendment is being issued concurrently with OR-27, which amends and reissues Part 389 so as to establish a system of filing and license fees. In §§ 389.22 and 389.23, procedures are established whereby the Executive Director shall determine appeals from staff action determining that additional sums are due for documents provisionally accepted for filing, and shall decide applications for waiver or modification of prescribed filing fees when such applications accompany the documents. This amendment implements those provisions of Part 389.

Since this amendment is a rule of agency organization and procedure, notice and public procedure hereon are not required, and the amendment shall be made effective concurrently with OR-27.

Accordingly, the Board hereby revises § 385.12 (14 CFR 385.12), effective March 1, 1968, to read as follows:

§ 385.12 Delegation to the Executive Director.

The Board hereby delegates to the Executive Director the authority to:

(a) Receive and determine appeals by the public from staff action withholding a Board record from inspection or copying, pursuant to Part 310 of this chapter.

(b) Receive and determine appeals from actions by the Chief, Finance Section, determining that additional amounts are due the Board as filing fees for documents provisionally accepted, pursuant to § 389.22 of this subchapter.

(c) Receive and determine applications for waiver or modification of prescribed filing fees when such applications accompany the document to be filed, pursuant to § 389.23 of this subchapter.

(Sec. 204(a), Federal Aviation Act of 1958; 72 Stat. 743, 49 U.S.C. 1324(a); Reorganization Plan No. 3 of 1961, 75 Stat. 837)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-92; Filed, Jan. 3, 1968; 8:47 a.m.]

[Reg. OR-27]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of December 1967.

By ODR-3, June 29, 1967, the Board proposed to amend and reissue Part 389 of the Organization Regulations so as to establish a system of filing and license fees.

Most of the industry filed comments.[1] Challenging the Board's legal authority to charge filing and license fees, the industry also argues that, as a matter of policy, the Board should not establish a fee system. Various carrier groups request that they be exempted from fee payments or allowed to pay lower fees. Objections are made to specific fees. Finally, further hearing or oral argument is requested.

The Board has decided to adopt the rule with changes in certain proposed fees. In conducting its regulatory activities, the Board confers special benefits on identifiable recipients above and beyond those which accrue to the general public. The Board has therefore concluded that the public interest would be served by a fair and equitable fee schedule which would require the recipients of special benefits to bear a greater share of the Board's costs. Our determinations, discussed below, have been made after careful consideration of the parties' comprehensive filings and, hence, further hearing or oral argument would serve no useful purpose.

[1] Comments were received from representatives of 36 route air carriers, nine supplemental air carriers, 21 airfreight forwarders, a number of air-taxi operators, two tariff-publishing agents, and two aviation trades associations.

General. The Board's proposal stems from 5 U.S.C. section 140, wherein the Congress directed that "any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency * * * to or for any person * * * except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible * * *". section 140 empowers each agency to prescribe by regulation fees which are fair and equitable "taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts * * *"[2]

Notwithstanding the various contentions to the contrary, the Board concludes that 5 U.S.C. section 140, which has been judicially upheld,[3] authorizes the proposed filing and license fees. That statute directs each agency to charge not only for any "work" or "service" performed, but also for any "license" or "certificate" granted. Whether or not licenses are granted, every application which is filed invokes Board procedures for processing and review, which is the Board's "work." Since all applicants receive the benefit of the Board's procedures, they should all contribute towards those costs, as they do through filing fees. On the other hand, applicants who secure a "license" benefit more than those who do not and, hence, should pay a greater share of the cost of route proceedings. To insist that applicants pay part of the costs incurred in granting them licenses to carry on a profitable business, with protection from uncontrolled competition, is fair and equitable.

The proposed license fees are neither unprecedented nor excessive. It is true, as ATA points out, that the ICC rejected license fees in favor of a $200 filing fee. But the FPC has adopted a combination of filing fees and license fees leading to fee payments exceeding those required by the Board. In the final analysis, however, the Board's license fees were developed in terms of its own costs and benefits conferred; they cannot be judged by comparison with the fees which other agencies charge to recover their costs for processing different matters.

The fee schedule adopted represents the Board's judgment as to what charges are fair and equitable, taking the statutory standards into account. Based upon reasonable cost allocation methods, using

[2] To implement 5 U.S.C. section 140, the Bureau of the Budget issued Circular No. A25, Sept. 23, 1959, setting forth general policies for developing an equitable and uniform system of charges.

[3] Aeronautical Radio, Inc. v. United States, 335 F. 2d 304 (7 Cir. 1964), cert. denied, 379 U.S. 966 (1965). That decision approved regulations of the FCC which established a fee schedule similar in many respects to the Board's proposal. In addition to the FCC, the ICC and FPC have adopted fee schedules pursuant to 5 U.S.C. section 140.

the staff's best estimates, the fees here established would recoup approximately one-quarter of the identifiable costs for four operating bureaus.[4] That the Board's fee proposal is conservative is demonstrated by the fact that in fiscal 1966 it would have yielded $449,000—or only 5.7 percent of the Board's total salaries and expense expenditures of $7,923,000. The cost estimates shall be reviewed periodically and the fees adjusted as necessary.

The Board is unable to conclude that any class of air carriers should generally be either exempted from fee payments or allowed to pay lower fees as requested. However, the Board has modified the proposed rule by providing for the filing of applications for waiver or modification of fees. Relief will be granted only in unusual circumstances where payment of the regular fee would be unduly burdensome and unfair and inequitable, taking into account the criteria established by 5 U.S.C. section 140. Those standards will be strictly construed. Together with the fee adjustments discussed hereinafter, the Board's ability to waive or modify fees in extraordinary cases should suffice to deal with the hardship cases envisioned by some carriers.

Adjustment of specific fees. In response to the parties' comments, the Board has decided to adjust a number of proposed fees.

First, in the case of section 408 applications, we shall eliminate the distinction between applications for acquisition of control of a direct air carrier and applications for merger or consolidation involving direct air carriers. The filing fee for each type of application shall be $2,000 for each carrier named.[5] All section 408 applications by indirect air carriers, which rarely require a hearing, will be subject to a $65 filing fee.

Next, as to route proceedings under section 401, the Board will refund the full filing fee if an application is voluntarily withdrawn or if it is dismissed under the stale application rule of § 302.911.[6] In addition, no license fee will be required for new routes resulting in gross revenue increases of less than $100,000. With respect to license fees for consolidations of points not resulting in increased revenues, the Board will change the rule so that the fee applies only to the number of points deleted, not to all the points involved.

Apart from section 408 and section 401 applications, the Board has reduced six other filing fees in line with a recomputation of the Board's costs.[7] Finally, as Pan American suggests, no filing fee will be required for applications filed under § 389.25(k) for free or reduced-rate transportation at the request of a U.S. Government agency or a foreign government.

Otherwise, the Board will adopt the fee schedule as proposed. Thus, the Board adheres to its decision that license fees should be keyed to gross transport revenues, rather than to net operating profits or income. Gross transport revenues afford the most objective measure, and hence the most uniform guide, to the relative benefits conferred. And the Board believes that it is entirely practical to set fees by estimated, rather than actual, revenues. Under the sliding license fee scale, which classifies routes into four groups with revenue variations ranging from $900,000 to $5 million or more, revenue estimates can produce the correct license fee even if they only approximate actual results. Moreover, license fees will be inherently conservative since they are keyed to revenues during the first, or developmental, year of operations.

The final rule will also include the proposed exemption from fee requirements accorded to governments and their instrumentalities and agencies. Exemption of governments and government agencies from some requirements applied to other parties is well-established in proceedings before government agencies. In this instance, the public interest in encouraging full governmental participation in Board proceedings must prevail over strict cost considerations.

Notwithstanding the exemption granted by § 389.24 to foreign air carriers, the Board will not exempt U.S.-flag carriers from payment of fees connected with foreign air transportation. The cost to the Board of proceedings involving certification of U.S. carriers to operate foreign routes is far in excess of the cost for foreign permit proceedings. Moreover, it would be unfair to charge U.S. carriers license fees for interstate or overseas route awards and not for routes awarded in foreign air transportation, considering the costs of each type of proceeding and the benefits derived from each type of route award.[8]

Nor will the Board delete filing fees for documents which the Act requires to be filed, such as tariff publications and intercarrier agreements. If the public interest is served, 5 U.S.C. section 140 directs that a fee be charged whenever work is performed, a service is provided, a cost is incurred, and the filing party is benefited. Those criteria are met for the cited filings, which demand immediate staff scrutiny to insure compliance with statutory standards. And since there are no substantial and easily identifiable cost differences in processing different types of tariffs or agreements, each category of documents will be subject to a flat fee.

The Board cannot agree with AFFA's suggestion that airfreight forwarders should be required to pay a license fee, as do direct air carriers. The cost of processing an airfreight forwarder's request for operating authorization is normally far less than the cost of a typical section 401 route case.

Nor will we adopt Flying Tiger's suggestion that filing fees be charged for intervention and opposition. In those cases, our present view is that public-policy considerations militating against such fees outweigh the cost factors mentioned by the carrier.[9]

Procedural. Several respondents urge that persons filing documents be allowed to pay fees by means of deposit accounts or periodic billings. At this time the Board finds that such procedures would not be administratively feasible. In this connection documents are accepted or rejected at the time of filing and Board action must be taken on some documents immediately upon filing. Also, the expense of billing for the numerous filings is not inconsiderable. We note, too, that

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[4] The Bureau of Operating Rights, Bureau of Economics, Bureau of Hearing Examiners, and Office of General Counsel, Using fiscal 1966 as a test year, the Board considered costs including personnel compensation and benefits and related overhead expenses. Those costs were allocated to each function—e.g., tariff processing—based upon the technical man years worked on each function; and an appropriate unit cost for each application was then derived. Generally, the prescribed filing fee equals about one-quarter of the unit cost so derived. For applications filed under section 401, however, the prescribed filing fees alone recover only a fraction of the standard one-quarter recoupment of allocated costs; the prescribed license fees recover the balance.

[5] Since the increased fees for direct carrier applications were not proposed in the notice of rule making, express provision is hereby made, pursuant to § 302.38(d) of the procedural regulations, for the filing of petitions for reconsideration of this revision. Such petitions will be governed by the provisions of § 302.37.

[6] Neither the proposed rule nor the final rule contemplated a filing fee for bona fide amendments to applications.

[7] The filing fees for change-of-service-pattern applications by helicopter carriers under Part 376 of the regulations will be reduced from $240 to $30; for change-of-name applications from $300 to $100; for certain exemption applications (except for a specific number of charters) from $240 to $200; for charter exemption applications involving a specific number of charters to $55 plus $5 for each named charter; for inclusive tour charter applications, to $75 plus $5 for each named charter; and for applications for approval of interlocking relationships, from $175 to $135.

[8] The fair assessment of cost-based fees among our own carriers also requires that such air carriers operating foreign routes pay filing fees, including fees for tariff matters and agreements. In view of the special problems involving tariff publications pertaining to both United States and foreign carriers, the Board has made certain technical revisions in § 389.25 (k) and (p).

[9] On this point, the language of the FPC is pertinent: "We think there is a vital distinction between those invoking our jurisdiction to secure a benefit which we are authorized to grant and those properly intervening to set forth their views on the matters which the applicant has put into issue * * *[W]hile intervention in opposition to the grant of a certificate may increase the cost of processing so, too, do interventions in support. Furthermore [an intervention fee] might well inhibit participation by local civic organizations and other groups or individuals who are properly interested in our activities which may affect them. The fees are not intended to reduce government costs by discouraging either interventions or applications but only to reimburse the government for whatever the program may cost." Order No. 317, 31 F.R. 430, issued Jan. 5, 1966.

other agencies (for example, the Interstate Commerce Commission and the Federal Communications Commission) require filing fees to accompany the documents. Filing fees must, therefore, be tendered at the time the documents are filed. Documents not accompanied by filing fees will not be accepted for filing, except when accompanied by an application for a waiver.

The procedure initially proposed for license fee payments has also been modified in several respects. Further, in order to allow documents accompanied by filing fees to be accepted provisionally, subject to post audit, and to implement the new waiver procedure, we have added new §§ 389.22 (b) and (c) and 389.23, relating to fee collections.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends and reissues Part 389 of the Organization Regulations (14 CFR Part 389), effective March 1, 1968, as set forth below:

Subpart A—General Provisions

Sec.
389.1 Policy and scope.

Subpart B—Fees for Special Services

389.10 Applicability of subpart.
389.11 Services available.
389.12 Payment of fees and charges.
389.13 Fees for services.
389.14 Copying records and documents.
389.15 Certification of copies of documents.
389.16 Board publications.
389.17 Transcripts of hearings.

Subpart C—Filing and License Fees

389.20 Applicability of subpart.
389.21 Payment of fees.
389.22 Failure to make proper payment.
389.23 Application for waiver or modification of fees.
389.24 Exemption.
389.25 Schedule of filing and license fees.

AUTHORITY: The provisions of this Part 389 issued under sec. 204(a), Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324 (a); 5 U.S.C. 140.

Subpart A—General Provisions

§ 389.1 Policy and scope.

Pursuant to the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140) as implemented by Bureau of Budget Circular A–25, dated September 23, 1959, the Board sets forth in this regulation the special services made available by the Board and prescribes the fees to be paid for these and various other services.

Subpart B—Fees for Special Services

§ 389.10 Applicability of subpart.

This subpart describes certain special services made available by the Board and prescribes the fees and charges for these services.

§ 389.11 Services available.

Upon request and payment of fees as provided in subsequent sections, there are available, with respect to documents subject to inspection, services as follows:

(a) Copying records and documents.

(b) Certification of copies of documents under seal of the Board.

(c) Subscriptions to publications of the Board.

(d) Transcripts of hearings.

§ 389.12 Payment of fees and charges.

The fees charged for special services may be paid by check, draft, or postal money order, payable to the Civil Aeronautics Board, except for charges for reporting services which are performed under competitive bid contracts with non-Government firms. Fees for reporting are payable to the firms providing the services.

§ 389.13 Fees for services.

Except for photocopy work, the basic fees set forth below provide for documents to be mailed with ordinary first class postage prepaid. If copy is to be transmitted by registered, certified, air, or special delivery mail, postal fees therefor will be added to the basic fee. Also, if special handling or packaging is required, costs therefor will be added to the basic fee. For photocopy work, postage will be in addition to the fee for copying.

§ 389.14 Copying records and documents.

Copies of public records and documents on file with the Civil Aeronautics Board, as it may be practicable to furnish, will be provided upon request therefor and payment of fees as set forth below:

(a) Copies of documents are made by Board facilities, or by non-Government contractors.

(b) The fee for photocopying, including handling, will be at the rate of 35 cents per page.

(c) A minimum fee of $1 excluding postage will be charged for this service.

(d) The fee for copying by non-Government contractors will be that established in the contracts with the Board and will be billed directly by such contractors.

§ 389.15 Certification of copies of documents.

The Secretary of the Board will provide, on request, certification or validation (with the Civil Aeronautics Board seal) of documents filed with or issued by the Board. Copies of tariffs filed with the Board will be certified only when such copies have been made under the Board's supervision upon request of the applicant. Charges for this service are as follows:

(a) Certification of the Secretary, $2. This fee includes clerical services involved in checking the authenticity of records to be certified, and shall be prepaid with the request. If copying of the documents to be certified is required, the copying charges provided for in § 389.14 will be in addition to the charges specified in this section.

§ 389.16 Board publications.

(a) *Charges for subscriptions.* Charges are established for subscriptions to Board publications for which there are regular mailing lists. Publications available, and charges therefor, are described in the "List of Publications" available on request to the Board's Publications Section, B–22, Washington, D.C. 20428. This list and the charges therein are subject to revision at least annually and without prior notice. Subscriptions to publications are for calendar year terms and all subscriptions expire on December 31 of each year. Subscriptions to weekly or monthly publications for periods of less than a full calendar year will be prorated on a monthly basis. Quarterly publications will be prorated on a quarterly basis. No provision is made for refund upon cancellation of subscription by a purchaser. Payment for subscriptions in the form prescribed in § 389.12 shall accompany the subscription order.

(b) *Free services.* No charge will be made by the Board for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Board. No charge will be made for single copies of Board publications individually requested in person or by mail, except where a charge is specifically fixed for a publication at the time of its issuance. In addition, subscriptions to Board publications will be entered without charge when one of the following conditions is present:

(1) The furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization;

(2) The recipient is engaged in a nonprofit activity designed for the public safety, health, and welfare in the field of civil aeronautics;

(3) The recipient is another government agency, Federal, State, or local, concerned with aeronautics or having a legitimate interest in the proceedings and activities of the Board;

(4) The recipient is a college or university;

(5) The recipient does not fall into any of the foregoing categories, but free service or service at a reduced rate is determined by the Board to be appropriate in the interest of and contributing to the Board's program.

(c) *Reciprocal services.* Arrangements may be made for furnishing publications to a foreign country on a reciprocal basis.

§ 389.17 Transcripts of hearings.

Transcripts of testimony and oral argument are furnished by a non-Government contractor, and may be purchased directly from the reporting firm.

Subpart C—Filing and License Fees

§ 389.20 Applicability of subpart.

This subpart prescribes the fees for filing certain documents with the Board; the license fees to be paid by air carriers which are issued certificates of public convenience and necessity pursuant to section 401 of the Act, or which have such certificates amended, modified, renewed, or transferred; and the general rules pertaining to such fees.

§ 389.21 Payment of fees.

(a) Any document for which a filing fee is required by § 389.25 shall be accompanied by check, draft, or postal money

order, payable to the Civil Aeronautics Board, in the amount prescribed herein.

(b) Unless the Board specifies otherwise, the license fee required by § 389.25 (a) (2) shall be paid within 60 days after the date of the Board order containing notification of the amount determined by the Board to be due, or before the date service is commenced pursuant to Board order, whichever occurs first.

(c) Where a document seeks authority or relief in the alternative and therefore would otherwise be subject to more than one filing fee, only the highest fee shall be required.

(d) No fee shall be returned after the document has been filed with the Board, except as provided in §§ 389.22(c) and 389.25(a)(1).

§ 389.22 Failure to make proper payment.

(a) Except as provided in § 389.23, documents (except tariff publications) which are not accompanied by filing fees shall be returned to the filing party, and such documents shall not be considered as filed by the Board.

(b) The filing fee tendered by a filing party shall be accepted by the Board office to whom payment is made, subject to post audit by the Chief of the Board's Finance Section and notification to the filing party within 10 days of any additional amount due. Not more than 5 days after receipt of the notification, the determination of the Chief, Finance Section, may be appealed to the Executive Director of the Board, who has been delegated authority by the Board to decide such appeals in § 385.12 of this chapter. The filing party may submit to the Board a petition for review of the Executive Director's decision pursuant to § 385.50 of this chapter, and proceedings thereon will be governed by Part 385, Subpart C, of this chapter.

(c) The amount found due by the Chief, Finance Section, shall be paid within 10 days of notification except that (1) if that decision is appealed to the Executive Director, the amount due shall be paid within 10 days after the Executive Director notifies the filing party that he has affirmed or modified the decision of the Chief, Finance Section; and (2) if the decision of the Executive Director is appealed to the Board, the amount due shall be paid within 10 days after the Board notifies the filing party that it has affirmed or modified the staff decision. If the amount due is not paid, the document (except a tariff publication) shall be returned to the filing party along with the fee tendered, and such document shall be deemed to have been dismissed or withdrawn.

§ 389.23 Application for waiver or modification of fees.

(a) Applications may be filed requesting waiver or modification of any fee required to be paid by this subpart. Each applicant shall set forth in a factual manner the reasons why, as to it individually, payment of the prescribed fee would be unduly burdensome and would be unfair and inequitable, taking into consideration cost to the Government, value to the applicant, public policy or interest served, and any other pertinent factors.

(b) Applications requesting waiver or modification of filing fees shall be addressed to the Executive Director of the Board and shall accompany the document filed. The applicant will thereafter be notified whether the request is granted or denied by the Executive Director, who has been delegated authority by the Board to decide such applications in § 385.12 of this chapter. The applicant may submit to the Board a petition for review of the Executive Director's decision pursuant to § 385.50 of this chapter, and proceedings thereon will be governed by Part 385, Subpart C, of this chapter. When no petition for review is filed with the Board, or when the Board reviews the Executive Director's decision, if the amount found due is not paid within 10 days after receipt of notification of the final determination of the Executive Director or the Board, as the case may be, the document (except a tariff publication) shall be returned to the filing party, and such document shall be deemed to have been dismissed or withdrawn.

(c) Applications requesting waiver or modification of license fees shall be determined by the Board, and any fee determined by the Board to be due shall be paid in accordance with § 389.21(b).

§ 389.24 Exemption.

Governments, and instrumentalities or agencies thereof, and foreign direct and indirect air carriers are exempted from the fee requirements prescribed herein.

§ 389.25 Schedule of filing and license fees.

(a) *Certificates of public convenience and necessity.* (1) The filing fee for an application, under section 401 of the Act, (i) for a certificate of public convenience and necessity to engage in air transportation, or (ii) to amend, modify, renew, or transfer a certificate or to abandon a route or a part thereof, is $200. The fee will be refunded if the application is withdrawn prior to hearing or dismissed under the stale-application rule of § 302.911 of this chapter.

(2) In addition to the filing fee, one of the following license fees shall be paid by each carrier which, pursuant to its application, is issued a certificate or has its certificate amended:

(i) A fee based on annual gross transport revenue increase, for the first full year of operations, as estimated by the Board, resulting from new or changed authority in accordance with the following schedule:

Over	Fee
$0 to $100,00	No fee
$100,000 to $1,000,000	$1,200
$1,000,000 to $5,000,000	6,000
$5,000,000 to $10,000,000	12,000
$10,000,000 or Over	25,000

or

(ii) A fee of $1,000 for each point deleted where annual gross transport revenues are not estimated by the Board to increase from deletion or consolidation of points.

(b) *Agreements.* The filing fee for a contract or agreement filed under section 412(a) of the Act is $20: *Provided, however,* That where the filing seeks approval of more than one contract, agreement, or conference resolution, a separate filing fee will be assessed for each such separate contract, agreement, or resolution: *Provided further,* That identical resolutions in the same filing applicable to different IATA conference areas will be counted as one resolution.

(c) *Air cargo pickup and delivery service.* The filing fee for an application, under § 222.3 of this chapter, for tariff-filing authority providing for pickup and delivery service is $150.

(d) *Airport notice or authorization.* The filing fee (1) for an airport notice, under § 202.3(a) or § 203.5(a) of this chapter, to permit a certificated route carrier to serve a point regularly through an airport not then regularly used by such carrier, or (2) for an application, under § 202.3(b)(2) of this chapter, for permission to use an airport, is $30.

(e) *Change in service pattern.* The filing fee for an application for change in service pattern or an approved service plan is $30 for an application under Part 376 of this chapter and $240 for an application under Parts 202 and 203 of this chapter.

(f) *Change of name.* The filing fee for an application, under Part 215 of this chapter, for a change of name or use of a trade name is $100.

(g) *Delay inauguration of or temporarily suspend service.* The filing fee for an application, under Part 205 of this chapter, for authority to delay inauguration of service or to temporarily suspend service is $240.

(h) *Exemptions from section 401 and special operating authorization.* The filing fee for an application (1) for an exemption under section 416(b) of the Act from the provisions of section 401 of the Act (except an application dealing with a specific number of charters), or (2) for a special operating authorization under section 417 of the Act, is $200.

(i) *Exemptions from section 403.* The filing fee for an application for exemption under section 416(b) of the Act from the provisions of section 403 of the Act is $25.

(j) *Other exemptions and Part 208 and 295 waivers.* The filing fee for (1) an application for exemption under section 101(3) or section 416(b) of the Act, except applications within the provisions of paragraph (h) or (i) of this section, or (2) a request under § 208.3a or § 295.3 of this chapter for a waiver of any of the provisions of Part 208 or Part 295 of this chapter, respectively, is $55; except that the filing fee for an application for exemption for the performance of a specific number of charters (one-way or round-trip) is $55, plus $5 for each charter (one-way or round-trip) described.

(k) *Free or reduced-rate authority, waiver of tariff regulations, and special tariff permission.* The filing fee for applications (1) under § 223.8 of this chapter for authority to furnish free or reduced-rate overseas or foreign air transportation (except an application filed at

the request of a U.S. Government agency or a foreign government), (2) under § 221.200 of this chapter for waiver or modification of the provisions of Part 221 of this chapter with respect to the filing and posting of tariffs, or (3) for special tariff permission under § 221.133 or § 221.191 of this chapter, is $7; except that such fee shall not apply to applications for waiver or special tariff permission affecting tariff pages for which no fee is assessed under paragraph (p) of this section.

(l) *Inclusive-tour charters.* The filing fee for an application for a Statement of Authorization under § 378.11 of this chapter to conduct inclusive-tour charters is $75, plus $5 for each tour charter described.

(m) *Interlocking relationships under section 409.* The filing fee for an application for approval of interlocking relationships under section 409 of the Act is $135.

(n) *Merger, acquisition of control, etc., under section 408.* The filing fee for an application under section 408 of the Act is $65; except that the filing fee for an application for merger, consolidation, or acquisition of control of direct air carriers is $2,000 for each direct air carrier named in the merger, consolidation, or acquisition of control.

(o) *Operating authorization — air-freight forwarder.* The filing fee for an application, under Part 296 or Part 297 of this chapter, for operating authorization as an airfreight forwarder or international airfreight forwarder is $275.

(p) *Tariff filing.* The filing fee for tariffs (including supplements and revised or additional original pages thereto) filed pursuant to section 403 or section 1003 of the Act is $1 per page; except that when a tariff issued by a foreign air carrier or its publishing agent includes participating air carriers, those pages which contain only rates, fares, or other provisions applying solely for account of a foreign air carrier shall be exempt from this filing fee.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 68-93; Filed, Jan. 3, 1968; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Paying Advertising Allowances in Selected Trade Area

§ 15.157 Paying advertising allowances in selected trade area.

(a) The Commission rendered an advisory opinion in which it advised a manufacturer of a household product that it would be permissible to pay advertising allowances to all customers in a limited trading area without offering the allowance to all of its customers.

(b) In its opinion, the Commission said that it was a well-settled principle of law that if a supplier offers advertising allowances to one customer, he is required by section 2(d) of the Robinson-Patman Act to make those allowances available to those customers who compete in the distribution of the product for which an allowance is being paid. Under these circumstances, it follows that the supplier can limit the area in which the promotional allowance will be paid, as long as the allowance is made available on proportionally equal terms to all customers who compete in the distribution of the product being promoted.

(c) "This means," the Commission concluded, "that if there are customers located on the periphery of the selected trade area who in fact compete with the favored customers, they must also have the opportunity of participating in the promotional program on proportionally equal terms."

(d) Concluding its opinion, the Commission said: "Assuming that you selected a reasonable trading area, even though limited, and assuming that you confine the duration of the program within the strict time limits absolutely necessary for you to determine the efficacy or feasibility of the program, we do not believe that your action will run afoul of any law administered by this Commission."

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: January 3, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-59; Filed, Jan 3, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proposed Trade Association Adoption of Pricing Manual for Common Use by Electronics Servicemen Members

§ 15.158 Proposed trade association adoption of a pricing manual for common use by electronics servicemen members.

(a) The Commission rendered an advisory opinion with respect to the legality of a trade association preparing and distributing a standard rate and service pricing manual for common use by electronics servicemen in dealing with the general public.

(b) It was represented that a major problem in the industry is the lack of guides by which the public can determine whether prices charged for various repair services are fair and equitable. This lack has led to many customer complaints and to fraudulent operations by unethical repairmen. The association took the position that a standard rate schedule would protect the public and free ethical servicemen from unjust accusations.

(c) The Commission advised that it could not give its approval to the proposed common use of a standard rate and service pricing manual by competing electronics servicemen. While the adoption and dissemination by the association of such a manual may be motivated by a purpose to remove evils affecting the industry, it appears to go further than is reasonably necessary to accomplish the desired result. Even though use of such manual be accompanied by disclaimers, there is implicit therein too grave a danger that it will serve as a device through which service rates and fees would become uniform and stable throughout the industry. While adoption of a means likely to create competitive uniformity in terms of service pricing may be a convenience to trade association members, this factor is far outweighed by the benefits to the public of the intense competition between competing servicemen, and it is this competition which the law protects.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: January 3, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-60; Filed, Jan. 3, 1968; 8:45 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 51—CANNED VEGETABLES

Canned Asparagus; Order Amending Standard Regarding Stannous Chloride

In the matter of amending the definition and standard of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) to provide for the use of stannous chloride, for color retention, in an amount not to exceed 20 parts per million calculated as tin (Sn) in asparagus packed in glass with lids lined with an inert material.

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of September 2, 1967 (32 F.R. 12723), based on a petition submitted by The P. J. Ritter Co., Bridgeton, N.J. 08302. One comment, which was favorable, was received in response to the proposal.

On the basis of the information supplied by the petitioner, the comment received, and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the standard 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 § 51.990(c)(9) be revised to read as follows:

§ 51.990 **Canned vegetables other than those specifically regulated; identity; label statement of optional ingredients.**

* * * * *

(c) * * *

(9) In the case of canned asparagus packed in glass containers, stannous chloride may be added in a quantity not to exceed 15 parts per million calculated as tin (Sn), except that in the case of asparagus packed in glass containers with lids lined with an inert material the quantity of stannous chloride added may exceed 15 parts per million but not 20 parts per million calculated as tin (Sn).

* * * * *

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: December 26, 1967.

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

[F.R. Doc. 68-99; Filed, Jan. 3, 1968; 8:47 a.m.]

PART 121—FOOD ADDITIVES

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

Subpart D—Food Additives Permitted in Food for Human Consumption

OXYTETRACYCLINE, CARBOMYCIN

A. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5D1799) filed by Chas. Pfizer and Co., Inc., 235 East 42d Street, New York, N.Y. 10017, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of a combination drug containing oxytetracycline and carbomycin for the prevention and treatment of complicated chronic respiratory disease in chickens. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.251 (d) is amended by revising the introductory text of the paragraph and by adding a new table 3, as follows:

§ 121.251 **Oxytetracycline.**

* * * * *

(d) It is used or intended for use as follows:

* * * * *

TABLE 3—OXYTETRACYCLINE IN DRINKING WATER

Principal ingredient	Grams per gallon	Combined with—	Grams per gallon	Limitations	Indications for use
Oxytetracycline	1.0	Carbomycin	1.0	For chickens; administer for not more than 5 days; not for use in chickens producing eggs for human consumption; withdraw 24 hours before slaughter; as oxytetracycline hydrochloride plus carbomycin base.	As an aid in the prevention and treatment of complicated chronic respiratory disease (air-sac infection) caused by Mycoplasma gallisepticum and secondary bacterial organisms associated with chronic respiratory diseases such as E. coli.

B. Based upon an evaluation of the data before him and proceeding under the authority of the act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)) delegated as stated above, the Commissioner has concluded that a tolerance limitation is required to assure that the edible products of chickens treated with the combination drug containing oxytetracycline and carbomycin are safe for human consumption. Residues of oxytetracycline from such use would not exceed established safe tolerances in § 121.1046. Accordingly, Part 121 is amended as follows:

1. Section 121.1046 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 121.1046 **Oxytetracycline.**

* * * * *

(a) In edible tissues of chickens and turkeys fed on oxytetracycline-medicated feed or drinking water, as follows:

* * * * *

2. The following new section is added to Subpart D:

§ 121.1210 **Carbomycin.**

A tolerance of zero is established for residues of carbomycin in the edible tissues of chickens.

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

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

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: December 26, 1967.

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

[F.R. Doc. 68-101; Filed, Jan. 3, 1968; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

STANNOUS CHLORIDE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7J2090) filed by The P. J. Ritter Co., Bridgeton, N.J. 08302, and other relevant material, has concluded that a food additive regulation should issue to prescribe the safe use of stannous chloride for color retention in asparagus packed in glass with lids lined with an inert material. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1213 **Stannous chloride.**

The food additive stannous chloride may be safely used for color retention in asparagus packed in glass, with lids lined with an inert material, in an amount not to exceed 20 parts per million calculated as tin (Sn).

Any person who will be adversely affected by the foregoing order may at any

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

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

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

Dated: December 26, 1967.

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

[F.R. Doc. 68-100; Filed, Jan. 3, 1968; 8:48 a.m.]

SUBCHAPTER C—DRUGS

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

Sodium Oxacillin Capsules

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), § 146a.14 is amended by revising paragraph (b) and by adding a new paragraph (c) as follows to provide for an extension of the maximum expiration date of the subject antibiotic drug:

§ 146a.14 Sodium oxacillin capsules.

* * * * *

(b) *Packaging; request for certification, samples; fees.* Sodium oxacillin capsules conform to all requirements and procedures prescribed for sodium oxacillin tablets by § 146a.13 (b), (d), and (e), except with respect to disintegration time, and except that the results of tests and the samples for average moisture of capsules collected during each day of packaging the capsules (when the capsules are not packaged in dispensing-size containers immediately after they are encapsulated) are not required if the manufacturer has submitted to the Commissioner, and it has been accepted, information adequate to prove that such tests are not necessary.

(c) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. In addition, if the batch contains buffer substances, each package shall bear on the outside wrapper or container and the immediate container the name of each such substance used in making the batch. Its expiration date is 12 months.

Notice and public procedure and delayed effective date are unnecessary prerequisites to this promulgation, and I so find, since the change provided for by this order cannot be applied to any specific product unless its manufacturer has supplied adequate data regarding that article.

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

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

Dated: December 28, 1967.

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

[F.R. Doc. 68-90; Filed, Jan. 3, 1968; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

PART 8-2—PROCUREMENT BY FORMAL ADVERTISING

PART 8-7—CONTRACT CLAUSES

Miscellaneous Amendments

The following amendments are made in Chapter 8:

1. In § 8-2.201, paragraph (c) is amended and paragraphs (d), (e), and (f) are added to read as follows:

§ 8-2.201 Preparation of invitations for bids.

* * * * *

(c) In order to preclude adverse criticism of the Veterans Administration by prospective bidders relative to disclosure of bid prices prior to bid opening, the following provision will be prominently placed in all invitations for bids:

CAUTION TO BIDDERS—BID ENVELOPES

It is the responsibility of each bidder to take all necessary precautions, including the use of a proper mailing cover, to insure that his bid price cannot be ascertained by anyone prior to bid opening. If a bid envelope is furnished with this invitation, the bidder is requested to use this envelope in submitting his bid. He may, however, when it suits his purpose, use any suitable envelope, identified by the invitation number and bid opening time and date. If a bid envelope is not furnished, the bidder will complete and affix the enclosed Optional Form 17, Sealed Bid Label, to the lower left hand corner of the envelope used in submitting his bid.

(d) To realize the greatest possible price advantage for the Government, items that may be processed by a contractor to effect a reduction in cost factors such as production, inspection and delivery, may be listed for award on both individual item and summary item bases. Items will be listed individually and, in addition, a summary price will be solicited for those items the contracting officer determines to be of a related character and normally handled by a majority of prospective bidders.

(1) When different products are to be combined for a summary price, the quantity, unit and unit price columns opposite the summary item will be crossed out, e.g.:

(Item No.) Summary bid for furnishing items _____ to _____ inclusive on an all or none basis:

Quantity	Unit	Unit price	Amount
XX	XX	XX	.....

(Bidder will enter amount.)

(2) When a single unit price is solicited for a single product for delivery to various destinations, or for multiple deliveries, the total quantity required will be listed opposite the summary item, e.g.:

(Item No.) Summary bid for furnishing items _____ to _____ inclusive on an all or none basis:

Quantity	*Unit*	*Unit price*	*Amount*
----------	--------	----------	-------

(Bidder will enter unit price and amount.)

(3) Invitations containing a summary bid request will contain the following statement:

The award will be made on either an individual item basis or summary bid basis, whichever results in the lowest cost to the Government. Therefore, to assure proper evaluation of all bids, a bidder quoting a summary bid price must also quote a price on each individual item included in his summary bid price.

(e) Bid invitations for supplies, equipment, or services (other than construction) must define the extent to which alternate bids will be authorized and considered. Alternates specified on construction projects will be considered for acceptance only as a part of the basic item.

(1) When an alternate item is to be considered only if no bids or insufficient bids are received on the item desired, the following will be included in the invitation:

ALTERNATE ITEM(S)

Bids on (1) will be considered only if acceptable bids on (2) are not received or do not satisfy the total requirement.

[1] Contracting officer will insert an alternate item that is considered acceptable.

[2] Contracting officer will insert the required item and item number.

(2) When an alternate item will be considered on an equal basis with the item specified, the following will be included in the invitation:

ALTERNATE ITEM(S)

Bids on (1) will be given equal consideration along with the (2), and any such bids received may be accepted if to the advantage of the Government. Tie bids will be decided in favor of [2].

[1] Contracting officer will insert the alternate item(s) that are considered acceptable.

[2] Contracting officer will insert the desired item(s).

(3) In addition to the clause in subparagraph (1) or (2) of this paragraph, the following clause will be included in the invitation when bids will be allowed on different packaging, unit designation, etc.

ALTERNATE PACKAGING AND PACKING

The bidder's offer must clearly indicate the quantity, package size, unit, or other different feature upon which he is quoting. Evaluation of the alternate or multiple alternates will be made on a common denominator such as per ounce, per pound, etc., basis.

(f) When a contracting officer determines that it will be advantageous to the Government to make the award by group or groups of items, a provision for such award will be included in the invitation for bids.

(1) This may apply when:

(i) The items in the group or groups are readily available from the sources to be solicited; and

(ii) It is desirable to make a minimum number of contracts; or

(iii) Furniture or fixtures are required for a single project and uniformity of design is desirable; or

(iv) The articles required will be assembled and used as a unit.

(2) Solicitations for supplies and services, other than construction, will contain the following provision:

AGGREGATE AWARD

It is contemplated that items No. _____ through No. _____ will be awarded to the responsible bidder quoting the lowest aggregate price for all items. In the event an aggregate bid is not received for all items, the Veterans Administration reserves the right to award on either an item basis or to the lowest responsible bidder quoting the lowest aggregate price on not less than 50 percent of the items in the group, whichever is more advantageous to the Government. Bids will be evaluated on the basis of additional cost to the Government that might result from making multiple awards. For this purpose, the cost of awarding and administering each additional contract is estimated to be $_____[1]. Multiple awards will not be made unless there is a resultant savings of more than $_____[1].

Bidders must quote a unit price on each item offered. However, a bidder may quote a total aggregate price which is less than the total of individual items, provided such total is identified as a discounted offer.

[1] Enter $25 in all station solicitations. On centralized purchasing activity solicitations enter $50.

(3) Bid forms and requests for proposals for construction contracts which solicit prices on an item or alternate item basis (when it is intended that a single award will be made for all items in the invitation up to a certain fiscal limitation) will include a provision substantially as shown below. (The amount of the available funds will not be disclosed prior to bid opening.)

Each bidder should quote a unit price on each item listed. A single award will be made to the lowest responsible bidder for all items to be awarded within available funds.

2. Sections 8–2.202–4 and 8–2.203–1 are revised to read as follows:

§ 8–2.202–4 Bid samples.

Where it has been determined that samples are necessary to the proper awarding of a contract, the following subparagraph will be added to the provision in FPR 1–2.202–4(e):

BID SAMPLES

* * * * *

All samples furnished must be plainly marked with the complete lettering and numbering of the item or subitems to which it relates, the name of the commodity, the Invitation for Bids number, and the name of the bidder. Cases or packages containing samples must be plainly marked "Samples" and all charges incident to the preparation and transportation of samples must be prepaid by the bidder. Bids must not be enclosed with samples. (Par. 5(c), Submission of Offers of SF 33A, is amended accordingly.)

§ 8–2.203–1 Mailing or delivering to prospective bidders.

(a) The contracting officer will include either a bid envelope, or Optional Form 17, Sealed Bid Label, with each invitation for bids furnished to prospective bidders.

(b) SF 19, Invitation, Bid, and Award or SF 20, Invitation for Bids (Construction Contract) may be distributed 10 to 14 days prior to the issue of drawings and specifications.

3. Sections 8–2.204, 8–2.205, 8–2.205–5, and 8–2.205–50 are added to read as follows:

§ 8–2.204 Records of invitations for bids and records of bids.

A register of invitations for bids will be maintained by the issuing office on a fiscal year basis, showing as a minimum the date of opening, commodity or service involved and disposition; i.e., contract number, purchase order number or, when applicable, no award.

§ 8–2.205 Bidders mailing lists.

§ 8–2.205–5 Release of bidders mailing list.

When invitations for bids for supply and service contracts have been issued, contracting officers may furnish, upon request of an individual or institution having a bona fide interest in such information, a list of the prospective bidders to whom invitations for bids were submitted. The provisions of FPR 1–2.205–5(b) will be observed with respect to invitations for bids for construction contracts.

§ 8–2.205–50 Commodity index file.

From the bidders mailing list applications received, each contracting activity will compile and keep current a commodity index file. The file will be maintained according to the commodity classification or group of items normally listed on the same invitation for bids.

4. Section 8–2.404–1 is added to read as follows:

§ 8–2.404–1 Cancellation of invitation after opening.

A copy of each invitation for bids which is canceled as provided for in FPR 1–2.404–1, together with the abstract showing to whom such bids were sent, will be filed in a separate folder identified by the invitation number. Invitations for bids which result in no bids being received will be handled in like manner. In each instance the abstract will be annotated to show why an award was not made. These folders will be retained for the current and two succeeding fiscal years.

5. Sections 8–2.407–3 and 8–2.407–8 are revised to read as follows:

§ 8–2.407–3 Discounts.

(a) The contracting officer will, as provided for in FPR 1–2.407–3, establish the minimum discount period that will be considered in evaluating the bid. When a period in excess of 10 days will be required to secure test and inspection reports after delivery, the additional time necessary will be considered in computing the minimum discount period.

(b) Invitations for bids or requests for proposals involving a trade-in will provide that when a prompt payment discount is offered the discount will be computed on the gross purchase price.

§ 8–2.407–8 Protests against awards.

(a) *General.* Simultaneous with the submission of a protest to the Comptroller General by a contracting officer under authority of this § 8–2.407–8, the Director, Supply Service, will be furnished a complete copy of the submission. The contracting officer will notify the protesting individual or firm promptly in writing of the decision of the Comptroller General. A copy of the decision and notification will be furnished the Director, Supply Service.

(1) When a written protest is filed in Central Office on other than a construction contract to be awarded by the Central Office Construction Contracting Officer, it will be immediately forwarded to the Director, Supply Service. The Director, Supply Service, will immediately notify the contracting officer and the department or staff head concerned, furnishing each a copy of the protest. The contracting officer will furnish the Director, Supply Service, the material outlined in FPR 1–2.406 that is pertinent to the protest.

(b) *Protests before award.* When a written protest has been lodged with the contracting officer, and he considers it desirable to do so, he may obtain the views of the Comptroller General. The submission will be made direct to him and will include the material indicated in FPR 1–2.406 that is pertinent to the protest.

(1) While a case involving a protest before award is pending in the Office of the Comptroller General, no award may be made except when, in the opinion of the contracting officer, the needs of his station will not permit delay in awarding the contract. He will document the specific reasons why the award must be made and submit a request for approval to the appropriate department or staff head.

(2) The department or staff head will file a notice of intent to make the award with the Comptroller General and request advice as to the status of the case.

Upon receipt of this advice, the department or staff head will approve the request or advise the contracting officer as to the action to be taken. A copy of the notice to the Comptroller General, his reply and the advice to the contracting officer will be furnished the Director, Supply Service.

(c) *Protests after award.* When a written protest is lodged with the contracting officer, he will furnish the protester a written explanation of the basis for the award. The protester will be informed that he may appeal the decision to the department or staff head concerned, the Administrator or the Comptroller General.

6. Section 8–2.502 is added to read as follows:

§ 8–2.502 Conditions for use.

Two-step formal advertising will not be used by any Veterans Administration procurement activity unless its use has been approved by one of the following officials:

(a) Assistant Director, Supply Service for Marketing, for contracts entered into by a Marketing Division.

(b) Director, Supply Service, for contracts entered into by field stations and the Purchase and Contract Division, Supply Service, Central Office.

(c) Manager, Administrative Services, for contracts entered into by the Building and Supply Service, Central Office.

(d) Assistant Administrator for Construction for all construction contracts, excluding those for maintenance and repair entered into by a field station.

(e) The Chief Benefits Director for contracts entered into for the loan guaranty and the vocational rehabilitation and educational programs, including those entered into by regional offices.

7. Sections 8–7.150–17, 8–7.150–18, and 8–7.150–19 are revoked.

§ 8–7.150–17 Aggregate awards. [Revoked]

§ 8–7.150–18 Test and examination reports. [Revoked]

§ 8–7.150–19 Alternate items. [Revoked]

8. Section 8–7.150–23 is added to read as follows:

§ 8–7.150–23 Noncompliance with packaging, packing, and/or marking requirements.

The following clause will be included in contracts for supplies for delivery to supply distribution warehouses or depots for storage and subsequent issue to a using activity. It may also be included when appropriate when delivery is direct to a using activity.

NONCOMPLIANCE WITH PACKAGING, PACKING, AND/OR MARKING REQUIREMENTS

Failure to comply with the packaging, packing, and marking requirements indicated herein, or incorporated herein by reference, may result in rejection of the merchandise and request for replacement, or repackaging, repacking, and/or marking. The Government reserves the right without obtaining authority from the Contractor to perform the required repackaging, repacking, and/or marking services and charge the Contractor therefor at the rate of $5 per hour, with a minimum charge of $5, or have the required repackaging, repacking, and/or marking services performed commercially under Government orders at prevailing rates and charges. In connection with any discount offered, time will be computed from the date of completion of such repackaging, repacking, and/or marking services.

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

These regulations are effective immediately.

Approved: December 22, 1967.

By direction of the Administrator.

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

[F.R. Doc. 68–76; Filed, Jan. 3, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 319]

CITRONS FROM MEDITERRANEAN FRUIT FLY INFESTED COUNTRIES

Ethylene Dibromide Fumigation

Notice is hereby given under the administrative procedure provisions of 5 U.S.C. 553, that, pursuant to the authority conferred by § 319.56–2 of the regulations (7 CFR 319.56–2) supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56), under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), it is proposed to amend the administrative instructions designated as 7 CFR 319.56–2p by adding the words "citrons (*Citrus medica*)" after the word "grapefruit," wherever the latter word appears in such administrative instructions.

(Sec. 9, 37 Stat. 318, 7 U.S.C. 162. Interprets or applies sec. 5, 37 Stat. 316, 7 U.S.C. 159, 29 F.R. 16210, as amended, 7 CFR 319.56–2)

Heretofore, citrons from Mediterranean fruit fly infested countries have been allowed entry into the United States through North Atlantic ports under permit but without treatment, when destined to noncitrus-growing States. Such entry was authorized on the premise that the citrons would be consumed in northern areas unsuitable for fruit fly survival. Recent reports indicate that such citrons may not all be consumed in the States of original destination. Therefore, as a precautionary measure to prevent the possible introduction of the Mediterranean fruit fly, it is proposed to require that all citron fruit from Mediterranean fruit fly infested countries be subjected to ethylene dibromide fumigation as provided in § 319.56–2p.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, within 30 days after the date of 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 Hyattsville, Md., this 29th day of December 1967.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 68–104; Filed, Jan. 3, 1968; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUT ACREAGE ALLOTMENTS

Sale, Lease, and Owner Transfers, 1968 and 1969 Crop Years

Notice of determinations to be made with respect to sale, lease, and owner transfers of peanut acreage allotments to take effect during the 1968 and 1969 crop years.

Pursuant to the Agricultural Adjustment Act of 1938, as amended, and as further amended through the addition of section 358a by Public Law 90–211, approved December 18, 1967, hereinafter referred to as the "Act", the Secretary is preparing to make determinations regarding such transfers under Section 358a of the Act.

Section 358a of the Act provides as follows:

(a) Notwithstanding any other provision of law for the 1968 and 1969 crop years, the Secretary, if he determines that it will not impair the effective operation of the peanut marketing quota or price-support program, (1) may permit the owner and operator of any farm for which a peanut acreage allotment is established under this Act to sell or lease all or any part or the right to all or any part of such allotment to any other owner or operator of a farm in the same county for transfer to such farm; and (2) may permit the owner of a farm to transfer all or any part of such allotment to any other farm owned or controlled by him.

(b) Transfers under this section shall be subject to the following conditions: (1) No allotment shall be transferred to a farm in another county; (2) no transfer of an allotment from a farm subject to a mortgage or other lien shall be permitted unless the transfer is agreed to by the lienholders; (3) no sale of a farm allotment from a farm shall be permitted if any sale of allotment to the same farm has been made within the three immediately preceding crop years; (4) no transfer of allotment shall be effective until a record thereof is filed with the county committee of the county in which such transfer is made and such committee determines that the transfer complies with the provisions of this section; and (5) if the normal yield established by the county committee for the farm to which the allotment is transferred does not exceed the normal yield established by the county committee for the farm from which the allotment is transferred by more than 10 per centum, the lease or sale and transfer shall be approved acre for acre, but if the normal yield for the farm to which the allotment is transferred exceeds the normal yield for the farm from which the allotment is transferred by more than 10 per centum, the county committee shall make a downward adjustment in the amount of the acreage allotment transferred by multiplying the normal yield established for the farm from which the allotment is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment is transferred: *Provided,* That, in the event an allotment is transferred to a farm which at the time of such transfer is not irrigated, but within five years subsequent to such transfer is placed under irrigation, the Secretary shall also make an annual downward adjustment in the allotment so transferred by multiplying the normal yield established for the farm from which the allotment is transferred by the acreage being transferred and dividing the result by the actual yield for the previous year, adjusted for abnormal weather conditions, on the farm to which the allotment is transferred: *Provided further,* That, notwithstanding any other provision of this Act, the adjustment made in any peanut allotment because of the transfer to a higher producing farm shall not reduce or increase the size of any future National or State allotment and an acreage equal to the total of all such adjustments shall not be allotted to any other farms.

(c) The transfer of an allotment shall have the effect of transferring also the acreage history and marketing quota attributable to such allotment and if the transfer is made prior to the determination of the allotment for any year the transfer shall include the right of the owner or operator to have an allotment determined for the farm for such year: *Provided,* That in the case of a transfer by lease the amount of the allotment shall be considered, for the purpose of determining allotments after the expiration of the lease, to have been planted on the farm from which such allotment is transferred.

(d) The land in the farm from which the entire peanut allotment has been transferred shall not be eligible for a new farm peanut allotment during the 5 years following the year in which such transfer is made.

(e) Any lease may be made for such term of years not to exceed five as the parties thereto agree, and on such other terms and conditions except as otherwise provided in this section as the parties thereto agree.

(f) The lease of any part of a peanut acreage allotment determined for a farm shall not affect the allotment for the farm from which such allotment is transferred or the farm to which it is transferred, except with respect to the crop year or years specified in the lease. The amount of the acreage allotment which is leased from a farm shall be considered for purposes of determining future allotments to have been planted to peanuts on the farm from which such allotment is leased and the production pursuant to the lease shall not be taken into account in establishing allotments for subsequent years for the farm to which such allotment is leased. The lessor shall be considered to have been engaged in the production of peanuts for purposes of eligibility to vote in the referendum.

(g) The Secretary shall prescribe regulations for the administration of this section which may include reasonable limitation on the size of the resulting allotments on farms to which transfers are made and such other terms and conditions as he deems necessary, but the total peanut allotment transferred to any farm by sale or lease shall not exceed 50 acres.

(h) If the sale or transfer occurs during a period in which the farm is covered by a conservation reserve contract, cropland conversion agreement, or other similar land utilization agreement the rates of payment provided for in the contract or agreement of the farm from which the transfer is made

shall be subject to an appropriate adjustment, but no adjustment shall be made in the contract or agreement of the farm to which the transfer is made.

The issues involved in these determinations are: (1) Whether the sale, lease, and owner transfer of peanut acreage allotments will impair the effective operation of the peanut marketing quota or price support programs for peanuts for 1968 and 1969, and (2) development of regulations for operation of the program if put into effect. Consideration will be given to data, views, and recommendations pertaining to the proposed determinations, rules, and regulations covered by this notice which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to the notice will be made available for public inspection at such times and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must be postmarked not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

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

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

[F.R. Doc. 68-107; Filed, Jan. 3, 1968; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 989]

[Docket No. AO 198-A6]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Decision and Referendum Order With Respect to Proposed Amendment of the Marketing Agreement and Order, as Amended

Correction

In F.R. Doc. 67-14858 appearing at page 20732 in the issue of Friday, December 22, 1967, the seventh line of § 989.63(a)(2)(i) should read "will not result in a ratio of his raisin produc-".

[7 CFR Part 1013]

[Docket No. AO-286-A14]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and 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 a public hearing to be held at the Jolly Roger Hotel, Buccaneer Room, 619 North Atlantic Boulevard, Fort Lauderdale, Fla., beginning at 10 a.m., on January 9, 1968, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Southeastern Florida marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Independent Dairy Farmers' Association, Inc.:

Proposal No. 1. Amend the Southeastern Florida order in the following manner to establish a Class I base plan:

1. Revise § 1013.10(a) to read as follows:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products received at the plant during the month is disposed of in the marketing area on routes.

2. In § 1013.51, revise the introductory text and paragraph (a) to read as follows:

Subject to the provisions of §§ 1013.52 and 1013.53 the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* From the effective date of this amendment through June 1969, the Class I price shall be the basic formula price for the preceding month plus $3.20: *Provided,* That the Class I price under this order shall not exceed by more than 20 cents the lower of the Tampa Bay and Upper Florida (Orlando area) Class I prices.

3. In § 1013.71, revise the title, the introductory text and paragraph (f) to read as follows:

§ 1013.71 Computation of weighted average price for all milk.

For each month the market administrator shall compute the weighted average price for all milk of 3.5 percent butterfat content as follows:

* * * * *

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be known as the weighted average price for all milk.

4. Renumber §§ 1013.72, 1013.73, and 1013.74 as §§ 1013.73, 1013.74, and 1013.75, respectively, and add a new § 1013.72 to read as follows:

§ 1013.72 Computation of uniform prices for base milk and excess milk.

For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk of 3.5 percent butterfat content received from producers as follows:

(a) From the net amount computed pursuant to § 1013.71 (a) through (d) subtract the amounts determined pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The amount computed by multiplying the number of hundredweight of milk specified in § 1013.71(e)(2) by the weighted average price for all milk: *Provided,* That in any month for which producer receipts exceed 112 percent of gross Class I disposition, the Class III price (rather than the weighted average price of all milk) shall be used as the multiplier.

(2) The amount, to the nearest cent, computed by multiplying the number of hundredweight of excess milk by the weighted average of prices of Class IV milk, Class III milk, Class II milk, and Class I milk, and by subtracting therefrom not less than 4 cents nor more than 5 cents per hundredweight: *Provided,* That in computing the weighted average price of excess milk, the excess milk shall be allocated to the available quantities of Class IV milk, Class III milk, Class II milk, and Class I milk in that sequence.

(b) Divide the net amount obtained in paragraph (a) of this section by the total hundred weight of base milk and subtract not less than 4 cents nor more than 5 cents per hundredweight. This result shall be known as the uniform price per hundredweight of base milk of 3.5 percent butterfat content.

5. Renumber §§ 1013.110 and 1013.111 as §§ 1013.130 and 1013.131, respectively, and insert new §§ 1013.110 through 1013.124 as follows:

§ 1013.110 Production history base and Class I base.

(a) "Production history base" means a quantity of milk in pounds per day produced by a producer in a past period as computed pursuant to § 1013.120.

(b) "Class I base" means a quantity of milk in pounds per day as computed pursuant to § 1013.121 for which the producer may receive the base milk price.

§ 1013.111 Base milk and excess milk.

(a) "Base milk" means:

(1) Milk received from a producer which is not in excess of his Class I base multiplied by the number of days production delivered during the month:

(2) Milk received from a producer to whom no Class I base has been issued, in the amount assigned pursuant to § 1013.122(c)(1); and

(3) Milk received from a producer to whom a Class I base has been issued, in the amount assigned pursuant to § 1013.122(c)(2).

(b) "Excess milk" means milk received from a producer during the month that is in excess of base milk received from such producer during the month.

§ 1013.120 Computation of production history bases.

(a) (1) Each person who was designated as a producer under Federal Order No. 13 during the month of December 1967 may apply in writing to the market administrator for a production history base. The application shall provide such information as the market administrator may require, including a clear identification of the farm or farms whose production during the production history base period is to be considered in the computation of his base, and a statement of any circumstances which might

affect the determination of the production history base to which the applicant claims to be entitled.

(2) The application shall be accompanied by a declaration setting forth in full any direct or indirect interest the applicant may have in any farm from which milk has been delivered to a pool plant under this order during or after December 1967.

(b) The market administrator shall compute the production history base of each qualified applicant, taking the highest of the daily average quantities delivered in accordance with subparagraphs (1), (2), and (3) of this paragraph:

(1) The total pounds of producer milk delivered by such person to a handler during the months of December 1966 through March 1967, divided by the total number of days in those months;

(2) The quantity similarly determined with respect to such person's deliveries during the months of December 1965 through March 1966; and

(3) The quantity similarly determined with respect to such person's deliveries during the months of December 1964 through March 1965.

(c) In computing the production history base of each producer, account shall be taken of any milk that was moved directly from the producer's farm to a pool plant under another Federal order, provided such milk was moved under the direction and control of a cooperative association duly authorized to market its members' milk, and provided further that such credit shall only be given for any month during which at least 8 days production was pooled under this order.

(d) Each person who becomes a producer as a result of a plant to which he delivered milk becoming a pool plant under the order pursuant to § 1013.10 after the last production history base setting period shall have a production history base computed as though his deliveries of milk to such plant in the prior periods used for determining bases specified in paragraph (b) of this section had been deliveries of producer milk.

(e) With respect to computation of production history bases the following rules shall apply:

(1) Only one base shall be determined for a producer operating more than one farm during any base setting period. For the purpose of this paragraph, two or more corporate farms owned and controlled by the same individual, shall be considered to be one producer.

(2) Only one base shall be determined with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated.

§ 1013.121 Computation of Class I base for producers with production history bases.

For each producer who is entitled to a production history base, pursuant to § 1013.120, the market administrator shall compute a Class I base for each of the 12 months of the year as follows:

(a) Compute the daily average quantity of Class I disposition of producer milk in each month of 1967 plus 12 percent. The daily average quantity thus determined for each of the 12 months represents the quantity of Class I base to be allocated to all producers.

(b) Divide the daily average quantity determined for each month in accordance with paragraph (a) of this section by the sum of production history bases of all producers as determined in accordance with § 1013.120. The ratio thus obtained for each month of the year, rounded to the third decimal place, is the Class I base percentage.

(c) Multiply the production history base computed for each producer in accordance with § 1013.120 by the Class I base percentage for each month of the year as determined in accordance with paragraph (b) of this section. The quantity thus determined for each month will be the producer's Class I base.

§ 1013.122 Computation of base milk for new producers and hardship cases.

(a)(1) For each month a quantity of base milk shall be computed for each new producer and a quantity of additional base milk shall be computed for each producer to whom a hardship adjustment has been issued pursuant to § 1013.124.

(2) For this purpose a new producer shall be one to whom no production history base was issued and who has no direct or indirect interest in the production history base of any other producer. Each applicant for an allocation of base milk as a new producer shall provide the market administrator with a declaration subject to the penalties of perjury, that he has no direct or indirect interest in a production history base.

(b) The total quantity of base milk to be allocated for each month under this section shall be determined as follows:

(1) Take 1.12 times the pounds by which producer milk classified as Class I exceeds the following for the corresponding month of 1967:

(i) The pounds of producer milk classified as Class I;

(ii) The Class I disposition of milk by the pool plants described in § 1013.120 (d);

(2) Add the pounds by which the current monthly total of Class I bases issued to producers exceeds the pounds of base milk delivered;

(c) The quantity computed in accordance with the foregoing paragraph (b), if any shall be assigned as base milk pro rata to:

(1) The pounds of milk delivered during the month by new producers;

(2) The pounds of milk delivered by producers to whom hardship adjustments have been issued, which in the case of each such producer are the lesser of:

(i) The pounds of such adjustment times the number of days production in the month;

(ii) The pounds by which total deliveries of milk in the month by such producer exceed base milk pursuant to § 1013.111(a).

§ 1013.123 Base rules.

The following rules shall be observed in the determination of bases:

(a) A Class I base or a portion of a Class I base may be transferred from one person to another if the conditions listed below are met:

(1) The market administrator is notified in writing by the holder of the Class I base or his authorized representative, on or before the last day of the month of transfer, of the name of the person to whom the Class I base is to be transferred, the effective date of the transfer and the amount of Class I base to be transferred;

(2) It is established to the satisfaction of the market administrator that the conveyance of such base is bona fide and not for the purpose of evading any provision of this order, and comes within the remaining provisions of this paragraph;

(3) A transfer may be made only to a producer (a person who is currently a producer on the market or who will become a producer under the terms of the order by the last day of the month of transfer);

(4) A transfer of Class I base may not be made in amounts of less than 100 pounds, or the entire base, whichever is smaller;

(5) A transfer of a portion of a Class I base shall be a partial transfer and shall be effective only on the first day of a month. A transfer where the transferee producer will combine the Class I base received with Class I base already held shall be considered a partial transfer.

(6) If a person who was issued hardship adjustment pursuant to the provisions of § 1013.124 transfers all or a portion of his Class I base to another person he shall relinquish all base issued to him as a hardship adjustment;

(7) Class I base issued to any persons for whom production history bases were computed in accordance with § 1013.120 (d) may not be transferred in whole or in part for a period of 2 years after it was issued to any person other than a member of the baseholder's immediate family who continues delivery of producer milk from the same farm from which such baseholder delivered producer milk.

(b) If a producer delivers milk for fluid use other than as diverted producer milk to a plant not regulated under this Part 1013, which is engaged in distribution of fluid milk products to wholesale or retail outlets or in supplying fluid milk products to a plant so engaged, such producer shall have his base milk reduced by an amount equal to his Class I base for each day's production from which any such deliveries were made to such nonpool plant during the month.

(c) A person who discontinues deliveries of producer milk for a period of 60 consecutive days after a Class I base is issued to him shall forfeit any Class I base held pursuant to the provisions of this order, except that a person entering military service may retain his Class I base until 1 year after being released from active military duty.

(d) As soon as production history bases and Class I bases are computed by the market administrator, notice of the amount of each producer' production history base and Class I base shall be given by the market administrator to the

producer, to the handler receiving such producer's milk, and to the cooperative association of which the producer is a member.

(e) A producer who transfers Class I base computed pursuant to § 1013.121 shall have his production history base reduced in the same proportion that the Class I base transferred was of the total Class I base held by him.

§ 1013.124 Relief from hardship and inequity.

Requests of producers for relief from hardship or inequity arising under the provisions of §§ 1013.120 through 1013.123 will be subject to the following:

(a) A producer may request review of the following circumstances because of alleged hardship or inequity:

(1) He was not issued a Class I base pursuant to § 1013.121;

(2) His production history base pursuant to § 1013.120 is alleged to not be representative of his level of milk production in the base period due to loss of milk production beyond the control of the producer arising from loss of buildings, herds, or other facilities by fire, flood, or storms, official quarantine, or military service of the producer or his son;

(3) Loss or potential loss of Class I base pursuant to § 1013.123 (b) or (c); and

(4) Restrictions on transfers of base under the provisions of § 1013.123(a) (6) and (7).

(b) The producer shall file with the market administrator a request in writing for review of hardship or inequity not later than 45 days after notice pursuant to § 1013.123(d) with respect to requests pursuant to paragraph (a) (1) or (2) of this section, or not later than 45 days after the occurrence with respect to requests pursuant to paragraph (a) (3) or (4) of this section. Such request shall specify:

(1) Conditions that caused the alleged hardship or inequity;

(2) The extent of the relief or adjustment requested;

(3) The basis upon which the amount of adjustment requested was determined; and

(4) Reasons why the relief or adjustment should be granted.

(c) One or more Producer Base Committees shall be established and function as follows:

(1) Each Producer Base Committee shall consist of ten producers appointed by the market administrator.

(2) Each committee shall review the requests for relief from hardship or inequity referred to it by the market administrator at a meeting in which the market administrator or his representative serves as recording secretary, and at which the applicant may appear in person if he so requests.

(3) Recommendations with respect to each such request shall be endorsed at the meeting by at least six committee members and shall:

(i) With respect to requests pursuant to paragraph (a) (1), (3), or (4) of this section, either reject such request or indicate the nature and extent to which the producer shall be granted exception to the provisions involved and the effective date thereof.

(ii) With respect to requests pursuant to paragraph (a)(2) of this section, either reject the request or provide adjustment in the form of a daily quantity of "hardship adjustment milk" which when delivered in excess of such producer's Class I base, may be included in the computation of base milk pursuant to § 1013.122 and the effective date thereof. In considering such requests the loss of milk production due to the following shall not be considered a basis for hardship adjustment:

(*a*) Loss of milk due to mechanical failure of farm tank or other farm equipment; and

(*b*) Inability to obtain adequate labor to maintain milk production, except that hardship adjustment may be granted in the case of a producer or the son of a producer who entered into military service directly from employment in milk production.

(4) Recommendation of the Producer Base Committee shall:

(i) If to deny the request, be final upon notification to the producer, subject only to appeal by the producer to the Director, Dairy Division, within 45 days after such notification; or

(ii) If to grant the request in whole or in part, be transmitted to the Director, Dairy Division, and shall become final unless vetoed by such Director within 15 days after transmittal.

(5) Committee members shall be reimbursed by the market administrator from the funds collected under § 1013.86 for their services at $20 per day or portion thereof, plus necessary travel and subsistence expenses incurred in the performance of their duties as committee members.

(d) The market administrator shall maintain files of all requests for alleviation of hardship and the disposition of such requests. These files shall be open to the inspection of any interested person during the regular office hours of the market administrator.

6. Revise §§ 1013.62, 1013.70, and 1013.82 (also other sections as may be necessary) as follows:

A. Provide for the following treatment of other source milk in any month for which the quantity of producer milk exceeds 112 percent of gross Class I disposition; in all other months, present provisions of the order relating to milk in the categories specified in the paragraphs (1) through (5) below shall apply:

(1) Packaged milk distributed on routes in the marketing area by a partially regulated distributing plant: Require the partially regulated distributing plant to pay into the producer settlement fund the amount obtained by multiplying the number of hundredweight of such milk by the difference between the Class III price and the Class I price adjusted to the location of the nonpool plant.

(2) Packaged milk distributed on routes in the marketing area by a plant that is subject to another Federal order: Require the other order plant to pay into the producer-settlement fund under Order 1013 the amount obtained by multiplying the number of hundredweight of such milk by the difference between the Class III price and the Class I price adjusted to the location of the other order plant.

(3) Packaged milk received at a pool plant from a plant subject to another Federal order: On any such milk that is allocated to Class I require the receiving handler to pay into the producer-settlement fund of Order 1013 the amount obtained by multiplying the number of hundredweight of such milk by the difference between the Class III price and the Class I price adjusted to the location of the other order plant.

(4) Packaged milk received at pool plants from nonpool distributing plants: On any such milk that is allocated to Class I, require the receiving handler to pay into the producer-settlement fund the amount obtained by multiplying the number of hundredweight of such milk by the difference between the Class III price and the Class I price adjusted to the location of the nonpool plant.

(5) Bulk milk from a plant subject to another Federal order, from an unregulated supply plant, or from dairy farmers who are not producers: On any such milk allocated to Class I require the receiving handler to pay into the producer-settlement fund of Order 1013 the amount obtained by multiplying the number of hundredweight of such milk by the difference between the Class III price and the Class I price adjusted (in the case of plant shipments) to the location of the nonpool plant.

B. Provision should be made in Federal Order 1013 for Southeastern Florida that any producer milk which becomes subject to a compensatory payment under another Federal order shall be charged to the pool handler at the Class III price, or at such higher rate as may be obtained by subtracting the stipulated rate of compensatory payment under the other order from the Class I price.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, John D. Nord, P.O. Box 4886, Room 113 Professional Building, Sunrise Center, Fort Lauderdale, Fla. 33304, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on December 29, 1967.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68–110; Filed, Jan. 3, 1968; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Nevada 067288]

NEVADA

Notice of Termination of Public Sale

DECEMBER 26, 1967.

F.R. Doc. 66–11700, appearing at page 13809, Volume 31, No. 209, published Thursday, October 27, 1966, offered, among other lands, the following described lands for sale under the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421–1427):

Tract No.	*Legal description*
	T. 21 S., R. 61 E., MD MER.
	Sec. 19:
2	NE¼NW¼NE¼NW¼.
3	NW¼NW¼NE¼NW¼.
4	NE¼NE¼NW¼NW¼.
5	S½NE¼NE¼NW¼.
	Sec. 20:
12	SE¼NW¼NW¼SW¼.
13	NE¼SW¼NW¼SW¼.
	Sec. 29:
17	SE¼NE¼SW¼NW¼.
19	SW¼NW¼SE¼NW¼.
20	SE¼NE¼SW¼SW¼.
	Sec. 30:
23	SE¼NW¼NW¼NE¼.
24	NW¼NE¼SE¼NE¼.
25	SE¼NW¼SE¼NE¼.
26	NE¼SW¼SE¼NE¼.
	Sec. 30:
27	SE¼SW¼SE¼NE¼.
28	E½NE¼NE¼NW¼.
29	NE¼SE¼NE¼NW¼.
30	SE¼SE¼NW¼NW¼.
31	NW¼NW¼SE¼NW¼.
32	SE¼NW¼SE¼NW¼.
33	SE¼NE¼NE¼SE¼.
34	SW¼SW¼NE¼SE¼.
35	W½SE¼NE¼SE¼, E½SW¼NE¼SE¼.
36	NW¼NW¼SE¼SE¼.
	Sec. 31:
37	E½NE¼SW¼NE¼NE¼.
38	E½SW¼SW¼NE¼NE¼.
39	E½SE¼NE¼NW¼SE¼.
40	E½SW¼SW¼NW¼SE¼.
	Sec. 32:
41	Lot 4.
42	Lot 16.
43	SE¼NW¼SE¼SE¼.**
44	Lot 37.
	Sec. 36:
53	E½NW¼NE¼NE¼NW¼.
	T. 21 S., R. 62 E., MD MER.
	Sec. 28:
54	W½SE¼SE¼SW¼, E½SW¼SE¼SW¼.

**(S½ of lot 34.)

The parcels described above total 95.015 acres. The tracts have not been sold. The offer of these tracts at sale is hereby terminated effective upon the date of publication of this notice. The classification of the land for sale under this authority shall remain in effect until revoked or otherwise terminated.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 68–85; Filed Jan. 3, 1968; 8:46 a.m.]

National Park Service

GRAND CANYON NATIONAL PARK, ARIZ.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Emery C. Kolb authorizing him to provide concession facilities and services for the public at Grand Canyon National Park, Ariz., for a period of 1 year from January 1, 1968, through December 31, 1968.

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. Any proposals to be considered and evaluated must be submitted within thirty (30) days of the publication date of this notice.

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

LESLIE P. ARNBERGER,
Acting Assistant Director, National Park Service.

DECEMBER 27, 1967.

[F.R. Doc. 68–57; Filed, Jan. 3, 1968; 8:45 a.m.]

YOSEMITE NATIONAL PARK, CALIF.

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 Dr. Charles A. Woessner authorizing him to provide dental services for the public at Yosemite National Park, Calif., for a period of three (3) years from January 1, 1968, through December 31, 1970.

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

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

LESLIE P. ARNBERGER,
Acting Assistant Director, National Park Service.

DECEMBER 27, 1967.

[F.R. Doc. 68–58; Filed, Jan. 3, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEW MEXICO

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of New Mexico, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEW MEXICO

McKinley	Valencia

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of December 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68–67; Filed, Jan. 3, 1968; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 85]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of

vessels which have arrived in Cuba since January 1, 1963, based on information received through December 21, 1967, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

Flag of Registry and Name of Ship	Gross tonnage
Total, all flags (212 ships)	1,527,006
British (59 ships)	456,419
Antarctica	8,785
Arctic Ocean	8,791
Ardrossmore	5,820
Ardrowan	7,300
Athelcrown (tanker)	11,149
Athelmere (tanker)	7,524
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
Cheung Chau	8,566
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,284
*Glaisdale	6,854
Glenmoor	7,792
Hazelmoor	7,907
Hemisphere	8,718
Ho Fung	7,121
Huntsfield	9,483
Huntsland	9,353
Huntsmore	5,678
Huntsville	9,486
Inchstuart	7,043
**Jeb Lee (trip to Cuba under ex-name Garthdale—British)	7,542
Jollity	8,660
**Kali Elpis (trips to Cuba under ex-name Ardmore—British)	4,664
**Kelso (trips to Cuba under ex-name Ardgem—British)	6,981
Kinross	5,388
La Hortensia	9,486
Linkmoor	8,236
Magister	2,339
Nancy Dee	6,597
**Nankwang (trip to Cuba under ex-name Inchstaffa—British)	5,255
Nebula	8,924
Newglade	7,368
Newheath	7,643
Newhill	7,855
Newlane	7,043
Newmoat	7,151
Oceantramp	6,185
Oceantravel	10,477
Peony	9,037
Red Sea (previous trip to Cuba under ex-name Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba under ex-name Ardtara—British)	5,795
Ruthy Ann	7,361
Sandsend	7,236
Santa Granda	7,229
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	8,941
Seasage	4,330
Shienfoon	7,127
Southgate (previous trips to Cuba under ex-name Arlington Court—British)	9,662
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
Yungfutary	5,388
Yunglutaton	5,414
Cypriot (28 ships)	197,716
Acme	7,159
Agenor	7,139
**Aiolos II (trips to Cuba—Lebanese)	7,256
Akamas (previous trips to Cuba—Lebanese)	7,285
Amfithea (previous trip to Cuba under ex-name Antonia—Greek)	5,171
Amon	7,229
Angeliki	8,482
Antonia II (previous trip to Cuba under ex-name Stylianos N. Vlassopulos—Greek)	7,303
Apollonian	7,284
Apostolos Andreas	5,357
Areti (previous trips to Cuba—Lebanese)	7,176
Artemida	7,247
Claire (previous trips to Cuba—Lebanese)	5,411
Dorine Papilios (previous trips to Cuba under ex-name Formentor—British)	8,424
E. D. Papalios	9,431
El Toro	5,949
Free Enterprise (previous trips to Cuba—British)	6,807
Free Navigator (previous trips to Cuba under ex-name Newdene—British)	7,181
Free Trader (previous trips to Cuba—Lebanese)	7,067
Marika (trip to Cuba—Lebanese)	7,253
Mparmpamarcos	7,239
Newforest (previous trips to Cuba—British)	7,185
Newgate (previous trips to Cuba—British)	6,743
Newmoor (previous trips to Cuba—British)	7,168
Protoklitos	6,154
Sunrise (previous trips to Cuba under ex-name Anatoli—Greek)	7,187
Vassiliki (previous trips to Cuba—Lebanese)	7,192
Zela M. (previous trips to Cuba—British)	7,237
Lebanese (26 ships)	185,398
Alaska	6,989
Antonis	6,259
Astir	5,324
Atticos	7,257
Cris	6,032
Giannis	5,270
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Katerina	9,357
Mantric	7,255
Marichristina	7,124
Mousse	9,307
Nictric	7,296
Noelle	7,251
Panagos	7,133
Rio	7,194
San Spyridon	7,260
Stevo	7,066
Tertric	7,045
Tony	7,176
Toula	6,426
Troyan	7,243
Vergolivada	6,339
Yanxilas	10,051
Greek (21 ships)	154,282
Agios Therapon	7,205
**Aliartos (trip to Cuba under ex-name Loradore—British)	8,078
Alice	7,189
Andromachi (previous trips to Cuba under ex-name Penelope—Greek)	6,712
**Anna Maria (trips to Cuba under ex-name Helka—British)	2,111
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Eftyhia	10,865
Eretria	7,199
Irena	7,232
**Lambros M. Fatsis (trip to Cuba under ex-name Western Trader—Greek)	9,268
Mery	7,258
Nicolaos F. (previous trip to Cuba under ex-name Nicolaos Frangistas—Greek)	7,199
Nikolis M	7,176
Olga (previous trips to Cuba—Lebanese)	7,199
Pantanassa	7,131
Redestos	5,911
Roula Maria (tanker)	10,608
Sophia	7,030
Tina	7,362
Polish (20 ships)	143,460
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	9,148
Chorzow	7,237
Energetyk	10,843
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Hutnik	10,897
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Rejowiec	3,401
Transportowiec	10,880
Italian (12 ships)	107,784
Achille	6,950
Agostino Bertani	8,380
Atria (tanker)	12,845
Caprera	7,189
Elia (tanker)	11,377
Geremia (previous trips to Cuba under ex-name Mariasusanna—Italian)	2,479
Giuseppe Giulietti (tanker)	17,519
**Graziella Zeta (trips to Cuba under ex-name Montiron—Italian)	1,595
Nino Bixio	8,427
San Francesco	9,284
San Nicola (tanker)	12,461
Santa Lucia	9,278
Finnish (8 ships)	50,249
**Aleksi (trip to Cuba under ex-name Amfred—Swedish)	2,828
Atlas	3,916
Augusta Paulin	7,096
Isomeri	3,576
Jytte Paulin	7,010
Margrethe Paulin	7,251
Ragni Paulin	6,823
Sword (tanker)	11,749

See footnotes at end of document.

	Gross tonnage
Panamanian (8 ships)	49,302
**Avranchoise (trips to Cuba under ex-name Avranches—French)	7,282
**Cathay Trader (trips to cuba under ex-name Suva Breeze—British)	4,970
**Chung Thai (trip to Cuba under ex-name Somalia—Italian)	3,352
**Thalie (trip to Cuba under ex-name Maroudio—Greek)	7,369
**Tung Yih (trip to Cuba under ex-name Aristefs—Lebanese)	6,995
**Tynlee (trip to Cuba under ex-name Ardenode—British)	7,036
**White Daisey (trips to Cuba under ex-name Anacreon—Greek)	7,359
**Yulee (trips to Cuba under ex-name Dairen—British)	4,939
French (7 ships)	33,975
**Atlanta (trip to Cuba under ex-name Enee—French)	1,232
Circe	2,874
Foulaya	3,739
Mungo	4,820
Nelee	2,874
Penja	3,777
Senanque (tanker)	14,659
Yugoslav (7 ships)	49,250
Cetinje	7,200
Kolasin	7,217
Mojkovac	7,125
Piva	7,519
Plod	3,657
Subicevac	9,033
Tara	7,499
Maltese (4 ships)	27,084
Amalia (previous trips to Cuba—British)	7,304
Ispahan	7,156
Soclyve (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Moroccan (4 ships)	32,746
Atlas	10,392
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Netherlands (2 ships)	999
Meike	500
Tempo	499
Pakistani (2 ships)	15,762
**Haringhata (trip to Cuba under ex-name Ardpatrick—British)	7,054
**Maulabaksh (trip to Cuba under ex-name Phoenician Dawn and East Breeze—British)	8,708
South African (2 ships)	14,527
**Ingrid Anne (trip to Cuba under ex-name Maria Theresa—Greek)	7,245
**Wendy H. (trip to Cuba under ex-name Mastro-Stelios II—Greek)	7,282
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba under ex-name Neve—French)	852
Somali (1 ship)	7,201
*Aragon	7,201

See footnotes at end of document.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:	Gross tonnage
Cypriot (1 ship)	7,331
Akastos	7,331
Greek (2 ships)	17,132
Apollon	9,744
E. Evangelia	7,388

b. Previous Reports: Flag of Registry (total)	Number of ships 105
British	41
Cypriot	2
Danish	1
Finnish	2
French	1
German (West)	1
Greek	27
Israeli	1
Italian	5
Japanese	1
Kuwaiti	1
Lebanese	9
Norwegian	5
Spanish	6
Swedish	1
Yugoslav	1

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, etc.

Flag of Registry	Broken up, sunk or wrecked
British	9
Cypriot	8
French	1
Greek	10
Italian	3
Lebanese	20
Maltese	1
Monaco	1
Moroccan	1
Norwegian	1
Swedish	1
Yugoslav	4
Total	60

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through December 21, 1967.

Flag of registry	Number of trips										Total
	1963	1964	1965	1966	1967						
					Jan–July	Aug.	Sept.	Oct.	Nov.	Dec.	
British	133	180	126	101	50	2	3	11	2	1	609
Lebanese	64	91	58	25	10	2	2		1	1	254
Greek	99	27	23	27	21	1	2	1	2		203
Italian	16	20	24	11	7	1	2	1		1	83
Cypriot		1	17	27	24	3	4	5	2	1	84
Yugoslav	12	11	15	10	7	1	2				58
French	8	9	9	10	1	4	1	1	2		45
Finnish	1	4	5	11	7	2	2				32
Spanish	8	17									25
Norwegian	14	10									24
Moroccan	9	13	1								23
Maltese		2	6	1	3		1				13
Netherlands		4	2								6
Swedish	3	3									6
Kuwaiti		2	1								3
Israeli			2								2
Danish	1										1
German (West)	1										1
Haitian			1								1
Japanese	1										1
Monaco				1							1
Somali							1				1
Subtotal	370	394	290	224	130	16	20	19	9	4	1,476
Polish	18	16	12	10	7		1		1		65
Grand total	388	410	302	234	137	16	21	19	10	4	1,541

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data become available.

*Added to Rept. No. 84, appearing in the FEDERAL REGISTER issue of Nov. 15, 1967.

**Ships appearing on the list which have made no trips to Cuba under the present registry. registry.

By order of the Acting Maritime Administrator.

Dated: December 22, 1967.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-124; Filed, Jan. 3, 1968; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PENNSALT CHEMICALS CORP.

Notice of Withdrawal of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), Pennsalt Chemicals Corp., 2901 Taylor Way, Tacoma, Wash. 98401, has withdrawn its petition (PP 7F0570), notice of which was published in the FEDERAL REGISTER of April 7, 1967 (32 F.R. 5708), proposing the establishment of a tolerance of 0.01 part per million for negligible residues of endothall (7-oxabicyclo(2,2,1)heptane-2,3-dicarboxylic acid) in or on the raw agricultural commodity cottonseed, from use of its mono-*N,N*-dimethylalkylamine salt as a defoliant on cotton wherein the alkyl group is the same as in the fatty acids of coconut oil.

Dated: December 26, 1967.

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

[F.R. Doc. 68-102; Filed, Jan. 3, 1968; 8:48 a.m.]

2-(*p-tert*-BUTYLPHENOXY) CYCLOHEXYL 2-PROPYNYL SULFITE

Notice of Establishment of Temporary Tolerances for Pesticide Chemical

Notice is given that at the request of the United States Rubber Co., Chemical Division, Bethany, Conn. 06525, temporary tolerances are established for residues of the insecticide 2-(*p-tert*-butylphenoxy) cyclohexyl 2-propynyl sulfite in or on apples and oranges at 3 parts per million. The Commissioner of Food and Drugs has determined that these temporary tolerances will protect the public health.

A condition under which these temporary tolerances are established is that the insecticide will be used in accordance with the temporary permits issued by the U.S. Department of Agriculture.

These temporary tolerances expire December 28, 1968.

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

Dated: December 28, 1967.

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

[F.R. Doc. 68-91; Filed, Jan. 3, 1968; 8:47 a.m.]

Office of the Secretary

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 10 (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (32 F.R. 10005, 10009-10, and 10011) is hereby amended as follows:

In section 10-B Organization and Functions, the statements for the Associate Commissioner for Compliance in the Office of the Commissioner, and the Division of Antibiotic and Insulin Certification and Division of Pharmaceutical Chemistry in the Bureau of Science have been revised as follows:

Associate Commissioner for Compliance. Functions as principal advisor to the Commissioner on regulations and compliance-oriented matters which impact on policy and agency-level decisions. Evaluates and coordinates FDA's overall compliance effort to assure an optimum use of FDA resources (combined with other Federal, State, and local resources), a balance between voluntary and regulatory compliance, and FDA responsiveness to consumer needs. Stimulates an awareness within the Agency of the need for prompt and positive action to secure compliance by the regulated industries. Directs and coordinates the regulation-making activities of the Food and Drug Administration, to include procedural regulations, interpretive regulations, exempt regulations, rule-making regulations, and formal and informal regulatory policy statements. Responsible for preparation of FEDERAL REGISTER material. Counsels the Commissioner on courses of action necessary to rectify major deficiencies in compliance programs as reflected in formal program evaluation reports prepared by responsible staff officers. Determines impact on and/or need for major changes in Agency policy and direction and long-range program goals. Operates FDA emergency preparedness and civil defense program. Coordinates FDA delegate-agency and other civil defense responsibilities, and special FDA programs designed to meet national disaster and emergency requirements. Serves as liaison between FDA and outside agencies and industry on emergency preparedness matters. Takes final action concerning antibiotic and insulin samples submitted for certification; reviews and takes final action on requests for exemption from antibiotic certification; maintains and coordinates the development of information concerning manufacturers of antibiotics including manufacturing facilities, production methods, quality control systems and quality of products.

Office of Certification Services. Takes action concerning antibiotic and insulin samples submitted for certification. Reviews and takes action on requests for exemption from antibiotic certification. Coordinates, directs, and reviews the preparation of regulations concerning the antibiotic and insulin certification program. Maintains and coordinates the development of information concerning manufacturers of antibiotics including manufacturing facilities, production methods, quality control systems and quality of products.

Division of Antibiotic and Insulin Certification. Deleted.

Division of Pharmaceutical Sciences. Originates, plans, and conducts far-ranging researches to elucidate the nature and properties of significant substances occurring in drugs. Devises new chemical, physical, and biological methods for the analysis of drugs in pharmaceutical preparations (including those subject to drug abuse control) in feeds, in tissues, and in body fluids; investigates the mechanisms of the underlying chemical reactions; and explores the utilization of novel instruments and equipment. Operates the National Center for Drug Analysis. Operates the National Center for Antibiotics and Insulin Analysis. Designs and participants in collaborative studies establishing the reliability of new methods and validating important discoveries relating to drug examinations. Organizes and conducts short-term training courses to impart its findings to personnel in the Bureau of Medicine, Bureau of Veterinary Medicine, Bureau of Drug Abuse Control, and in the field laboratories. Performs joint long-range experiments with members of these Bureaus and with interested scientists from other Government agencies and academic institutions. Provides expert advice and scientific guidance to field laboratories and develops manuals and directories for drug analysis. Recommends the initiation of new research projects to the Bureau Director. Provides expert advice and consultation to the Office of the Commissioner and the components of FDA and to other Government agencies with respect to research and the interpretation of scientific information in the domain of drug examinations. Performs regulatory analyses when required facilities are not available in the district laboratories, and when additional or check data are desired to support legal actions; participates in the formulation of regulatory programs concerning drugs; and provides regulatory support to the Bureau of Medicine, the Bureau of Veterinary Medicine, and the Bureau of Drug Abuse Control in the scientific evaluation of analytical methods. Publishes the results of its investigations in scientific journals and circulates preliminary reports among the scientists in FDA to apprise them promptly of its findings. Cooperates with the Committees of Revision of the U.S. Pharmacopoeia (USP) and National Formulary (NF) to compose and assemble monographs for inclusion in official drug compendia. Cooperates with the Association of Official Analytical Chemists (AOAC) and similar scientific societies.

Dated: December 28, 1967.

DONALD F. SIMPSON,
Assistant Secretary for Administration.

[F.R. Doc. 68-103; Filed, Jan. 3, 1968; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-268]

GENERAL ELECTRIC CO.

Notice of Issuance of Provisional Construction Permit

Please take notice that pursuant to the initial decision by an Atomic Safety and Licensing Board, dated December 27, 1967, the Director of the Division of Materials Licensing has issued Provisional Construction Permit No. CPCSF-3 to General Electric Co. for the construction of an irradiated nuclear fuel reprocessing plant, designated as the Midwest Fuel Recovery Plant to be located on General Electric Co.'s site in Goose Lake Township, Grundy County, Ill., about 14 miles southwest of Joliet, Ill.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Md., this 28th day of December 1967.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 68-53; Filed, Jan. 3, 1968; 8:45 a.m.]

[Docket No. 50-2]

REGENTS OF UNIVERSITY OF MICHIGAN

Notice of Issuance of Facility License Amendment

The Commission has issued Amendment No. 18, effective as of the date of issuance and in the form set forth below, to License No. R-28. The license authorizes The Regents of the University of Michigan ("the licensee") to possess, use and operate its Ford Nuclear Reactor ("the reactor") located on the University's campus at Ann Arbor, Mich.

This amendment authorizes the licensee to perform shim-safety rod inspections every 65 megawatt-days of operation or every 6 months, whichever occurs first, and, under certain conditions, on a semiannual basis, in accordance with the application for amendment dated October 3, 1967, and supplement thereto dated October 31, 1967, as modified by the Commission and agreed to by the University.

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

For further details with respect to this amendment, see (1) the application for amendment dated October 3, 1967, and supplement thereto dated October 31, 1967, and (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of December 1967.

For the Atomic Energy Commission.

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

FACILITY LICENSE AMENDMENT

[License R-28, Amdt. 18]

The Atomic Energy Commission has found that:

a. The application for license amendment dated October 3, 1967, and supplement thereto dated October 31, 1967, comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

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

Facility License No. R-28, as amended, which authorizes The Regents of The University of Michigan (hereinafter "the University") to operate the Ford Nuclear Reactor (herein "the reactor") on the University's campus at Ann Arbor, Mich., is hereby further amended by revising Item (8) of subparagraph 4.a *Operating Restrictions,* as follows:

(8) The University may install and use three boron stainless-steel shim-safety rods provided the installation and use is in accordance with the procedures and limitations described in this license and the application for license amendment dated January 31, 1962, and supplement thereto dated April 26, 1962, as revised by application amendment dated October 3, 1967, and supplement thereto dated October 31, 1967, with the additional conditions that:

(a) Until the accumulated thermal neutron exposure of any installed control rod is 1.7×10^{20} nvt, all shim-safety rods must be visually inspected for cracks and put through a jig to check the swelling at least once every 6 months.

(b) After the accumulated thermal neutron exposure for any installed control rod reaches 1.7×10^{20} nvt, all shim-safety rods must be visually inspected for cracks and put through a jig to check the swelling every 65 megawatt-days or every 6 months, whichever occurs first.

This amendment is effective as of the date of issuance.

Date of Issuance: December 26, 1967.

For the Atomic Energy Commission.

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

[F.R. Doc. 68-54; Filed, Jan. 3, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18408]

ALASKA-ALASKA COASTAL MERGER CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be held on January 17, 1968, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., December 28, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 68-94; Filed, Jan. 3, 1968; 8:47 a.m.]

[Docket No. 18931; Order No. E-26188]

LOUISVILLE AND JEFFERSON COUNTY AIR BOARD AND LOUISVILLE CHAMBER OF COMMERCE

Order To Show Cause Regarding Nonstop Air Transportation Between Louisville, Ky. and Cincinnati, Ohio

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of December 1967.

Application of Louisville and Jefferson County Air Board and Louisville Chamber of Commerce for an order to show cause why Piedmont Aviation, Inc., and Lake Central Airlines, Inc., should not be authorized to provide nonstop air service between Louisville, Ky., and Cincinnati, Ohio, Docket No. 18931.

On August 21, 1967, the Louisville and Jefferson County Air Board and the Louisville Chamber of Commerce (Louisville) filed an application requesting that the Board propose by show cause order the amendment of the certificates of Piedmont Aviation, Inc. (Piedmont), and Lake Central Airlines, Inc. (Lake Central), to permit these carriers to provide nonstop air transportation between Louisville, Ky., and Cincinnati, Ohio.[1]

[1] Specifically, Louisville requests that Piedmont's segment 1 be amended to make Louisville an intermediate point between the terminal point Cincinnati and the alternate intermediate points Ashland-Huntington and Lexington-Frankfort, and that Lake Central's certificate be amended by making Louisville an alternate terminal point with Evansville on segment 4 and imposing a new condition in the certificate which would require flights serving Louisville on segment 4 also to serve Cincinnati.

In support of its application, Louisville alleges, inter alia, that there are serious deficiencies in the timing of nonstop service in the Louisville-Cincinnati market; that recent schedule reductions are further steps in a long process of service decline over the last decade; that a substantial volume of Louisville-Cincinnati local traffic must compete for space on flights, all of which are long-haul with high load factors; that surface transportation is poor; that the short 84-mile air hop between the two cities gives little incentive for carriers, particularly trunk carriers, to tailor schedules to the market; and that the best means of assuring good service is to authorize more nonstop carriers, specifically, the two local service carriers, Piedmont and Lake Central, which presently serve both Louisville and Cincinnati.

Answers in support of Louisville's application have been filed by Lake Central, Piedmont, the Greater Cincinnati Chamber of Commerce, and the Greater Cincinnati Airport. Allegheny Airlines, Inc. (Allegheny), filed an answer indicating no objection to the amendment of Piedmont's certificate in the manner proposed by Louisville. Allegheny also indicated no objection to the requested amendment of Lake Central's certificate provided that the carrier be precluded from operating single-plane service between Louisville and Pittsburgh. Delta Air Lines, Inc. (Delta), expressed no objection to amending the certificate of either carrier provided that Lake Central be prohibited from engaging in single-plane service between Louisville and any point north of Cincinnati.

Piedmont alleges that, by rescheduling, it could fill service gaps in the market and provide improved beyond service with four nonstop flights daily in M–404 aircraft carrying 12,291 added passengers and earning an operating profit of $21,169 which would reduce its subsidy need by $9,451.[2] Lake Central alleges that amendment of its certificate in the manner proposed by Louisville would allow it to provide four daily Nord 262 nonstop flights. Lake Central forecasts that these flights, subject to the mandatory stop at Cincinnati proposed by Louisville, would allow it to carry 22,979 passengers between Louisville and Cincinnati and points north with an operating profit of $102,269 and a reduction in subsidy need of $77,236.[2] Lake Central asserts, however, that unrestricted nonstop authority would result in greater benefits, better equipment, more frequencies, and greater subsidy reduction. If not subject to a mandatory stop at Cincinnati, Lake Central proposes four nonstop Louisville-Cincinnati flights in CV–580 aircraft as well as eight flights in Nord 262 aircraft serving Louisville and points north of Cincinnati. The carrier forecasts that this unrestricted service would carry 75,994 passengers and produce an operating profit of $174,780 and subsidy reduction of $56,148.[2]

Allegheny and Delta contend that the mandatory stop restriction at Cincinnati proposed for Lake Central by Louisville is not sufficient to protect their interests. Allegheny suggests that Ashbacker[3] considerations warrant a further restriction on Lake Central prohibiting single-plane service between Louisville and Pittsburgh which Allegheny has proposed to provide, on a nonstop basis, in an application filed with the Board. Delta urges that the Board impose on Lake Central a restriction prohibiting single-plane service between Louisville and any point north of Cincinnati.

Upon consideration of the pleadings and all the relevant facts, we tentatively find and conclude that the public convenience and necessity require the amendment of Lake Central's certificate of public convenience and necessity for Route 88 and Piedmont's certificate of public convenience and necessity for Route 87 in the manner proposed by Louisville, subject to a condition that all flights operating nonstop between Louisville and Cincinnati will be subsidy ineligible for the Louisville-Cincinnati portion thereof.

We tentatively find and conclude that the authority proposed herein will result in improved service to the public. Schedule gaps during which service is not provided for a major portion of the day make Louisville-Cincinnati air travel inconvenient for the public. Frequencies have substantially declined[4], despite strong general growth of air travel at both Louisville and Cincinnati and a substantial community of interest between the two cities. Diminishing and ill-timed schedules reflect the subordination of Louisville-Cincinnati short-haul needs, which are accentuated by somewhat inconvenient surface transportation,[5] to the longer haul interests of the carriers. Under these circumstances we have tentatively determined that the best solution to these problems would be to certificate the two local service carriers which already have existing stations at both Louisville and Cincinnati to provide nonstop service in addition to the existing services of the trunk carriers, and thus to effect a fuller pattern of service between the two cities. We propose that this solution be achieved at no cost to the public and without subsidizing the two local service carriers to compete with the incumbent nonstop trunk carriers.

We tentatively find and conclude that Piedmont's service proposal will result in some subsidy need reduction for that carrier and that its proposal will provide significant service improvements for the traveling public. The schedules proposed by the carrier will help fill important gaps in Louisville-Cincinnati service[6] with little added expense. In addition, the Louisville-Cincinnati traffic generated by the proposed service would constitute supporting traffic creating increased prospects for future service improvements in other Louisville and Cincinnati markets.

We tentatively find and conclude that the restriction proposed by Louisville requiring Lake Central's flights serving Louisville on segment 4 also to serve Cincinnati, should be imposed. We believe that Lake Central's estimated subsidy reduction for its restricted proposal is somewhat understated. Our analysis indicates that Lake Central will have a subsidy need reduction of $101,764 under the Board's Subpart K method of indirect costing.[7] The Board notes that even with the mandatory stop restriction Lake Central would provide new service benefits in terms of first single-plane service for Louisville-Akron/Youngstown/Erie passengers and additional single-plane service for Louisville-Buffalo passengers. In fact, the restriction itself would tend to insure that the carrier would devote adequate attention to the focal point of Louisville's application, the Louisville-Cincinnati market. Our analysis indicates that Lake Central's unrestricted proposal would not generate sufficient additional traffic to offset the difference in the cost of the two proposals. Its estimates of participation are excessive in view of the competing services which would be available. Service benefits accordingly will be more limited than Lake Central has indicated. Moreover, Lake Central's unrestricted proposal would not provide Louisville with any greater number of schedules to Cincinnati and would not provide appreciably better equipment than the restricted proposal.

We tentatively find and conclude, further, that the authority proposed herein for Piedmont and Lake Central would not have any significant adverse effect on

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[2] These estimates are based on the Board's Subpart K indirect costing technique. Under the proposed indirect costing technique in PDR–25 Piedmont's proposal has a subsidy need of $9,984, Lake Central's restricted proposal has a subsidy need reduction of $144,775, and Lake Central's unrestricted proposal has a subsidy need reduction of $285,483.

[3] Ashbacker Radio Corp. v. F.C.C., 326 U.S. 327 (1945).

[4] Nine years ago the market received 18 flights daily; in October 1967, only 10. In October there were only three northbound flights from Louisville to Cincinnati (Official Airline Guide, Oct. 1, 1967). While Delta's recent winter schedules provide Cincinnati-Louisville service on Florida flights, the changes were not made until after the present request was filed and there continues to be a need for improved local service in the Louisville-Cincinnati market on a year-round basis.

[5] Driving time between Louisville and Cincinnati requires about 2½ hours.

[6] October 1967 schedules show no northbound Louisville-Cincinnati service between 8:45 a.m. and 10:10 p.m., and no southbound Cincinnati-Louisville service from 1:30 p.m. to 8:35 p.m. (Official Airline Guide, Oct. 1, 1967). Piedmont would provide nonstop departures from Louisville at 12 noon and 7:36 p.m. and from Cincinnati at 4:30 p.m. and 8:07 p.m.

[7] Under the proposed indirect costing technique in PDR–25, Lake Central would have a subsidy need reduction of $172,590 for its restricted proposal.

any other carrier. Neither Allegheny nor Delta objects to the authority proposed for Piedmont. While seeking restrictions on Lake Central's single-plane service, neither Allegheny nor Delta has alleged any diversion of revenues. Allegheny serves no markets in which Lake Central would gain improved authority.[8] Delta has certificate authority in the Louisville - Cincinnati/Dayton/Columbus/Toledo/Detroit markets but until recently has not exercised its authority except in the Louisville-Detroit market. Thus, Delta could face added competition in only one market, Louisville-Detroit, where Lake Central would have authority to schedule only one-stop service in competition with Delta's existing nonstop service. We tentatively find and conclude that Delta could experience only minimal diversion in the Louisville-Detroit market and that the benefits to the traveling public far outweigh any diversion from Delta. Therefore, we would not impose the restrictions proposed by Delta and Allegheny.

We shall grant interested persons the opportunity to show why the foregoing tentative findings and conclusions should not be adopted, and we expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers. Such objection should be accompanied by arguments of fact or law which should be supported by detailed economic analysis or legal precedent.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Piedmont's certificate of public convenience and necessity for Route 87 so as to redesignate Louisville, Ky., on segment 1 as an intermediate point between the terminal point Cincinnati, Ohio, and the alternate intermediate points Lexington-Frankfort, Ky., and Ashland, Ky.-Huntington, W. Va., subject to the condition that all flights operating nonstop between Louisville and Cincinnati will be subsidy-ineligible for the Louisville-Cincinnati portion thereof;

2. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Lake Central's certificate of public convenience and necessity for Route 88 so as to authorize an amended segment 4 extending between the alternate terminal points Louisville, Ky., and Evansville, Ind., the intermediate points Cincinnati, Dayton, Columbus, Lima, and Toledo, Ohio, and the terminal point Detroit, Mich., subject to a condition that all flights operating nonstop between Louisville and Cincinnati will be subsidy-ineligible for the Louisville-Cincinnati portion thereof, and subject to a further condition that all flights serving Louisville and any other point on segment 4 shall also serve Cincinnati;

3. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding, a statement of objections together with written testimony, statistical data, and other evidence relied upon to support the stated objections;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; [9]

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

6. A copy of this order shall be served upon Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Lake Central Airlines, Inc., Piedmont Aviation, Inc., Trans World Airlines, Inc., the Greater Cincinnati Chamber of Commerce, the Greater Cincinnati Airport, the Louisville and Jefferson County Air Board, and the Louisville Chamber of Commerce, which are hereby made parties to this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-95; Filed, Jan. 3, 1968; 8:47 a.m.]

[8] Alleghany's Ashbacker contention based on its Louisville-Pittsburgh application is without merit. Any award to Lake Central would require two stops over a circuitous routing, and would not preclude a future award of nonstop authority.

[9] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[Docket No. 17358]

MIAMI-KEY WEST SERVICE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be held on January 31, 1968, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., December 28, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 68-96; Filed, Jan. 3, 1968; 8:47 a.m.]

[Docket No. 19074, etc.; Order No. E-26185]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Final Service Mail Rates

Issued under delegated authority December 28, 1967.

By petitions filed on October 4 and October 16, 1967, Sedalia, Marshall, Boonville Stage Line, Inc., Dockets 19074, 19075, 19127, requests the Board to establish final service mail rates for the transportation of mail by aircraft. The proposed rates are (1) 49.63 cents per aircraft mile between Chicago and Louisville in Docket 19074; (2) 51 cents per aircraft mile between Cleveland and Indianapolis in Docket 19075; and (3) 49.54 cents per aircraft mile between Minneapolis, Eau Claire, Wausau, and Green Bay in Docket 19127.

Petitioner is currently engaged in business as an air taxi under part 298 of the Board's economic regulations. Petitioner will utilize Beechcraft D-18, Piper Navajo, and Piper Aztec twin engine aircraft in the proposed services and believes the rates proposed constitute fair and reasonable final service mail rates for these services. In its anwsers, filed October 13 and 27, 1967, the Post Office supported the petitions, and stated it believed the proposed rates represent fair and reasonable rates for the services which petitioner will perform.

By Order E-26162, December 21, 1967, in these Dockets, the Board determined to permit petitioner to provide the proposed air transportation of mail for the period terminating June 30, 1969. Since no mail rate is presently in effect for this carrier in these markets, it is necessary to fix and determine the fair and reasonable rates of compensation to be paid to the petitioner by the Postmaster General for the air transportation of mail.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to petitioner by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petitions and other matters officially noticed, the Board proposes to issue an order [1] to include the following findings and conclusions:

1. That the fair and reasonable final service mail rates to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.,

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of part 385 (14 CFR Pt. 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be (1) 49.63 cents per aircraft mile betweeen Chicago and Louisville, (2) 51 cents per aircraft mile between Cleveland and Indianapolis, and (3) 49.54 cents per aircraft mile between Minneapolis, Eau Claire, Wausau, and Green Bay.

2. The final service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Delta Air Lines, Eastern Air Lines, Inc., Lake Central Airlines, Inc., and North Central Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above, as the fair and reasonable rates of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice of objection is filed and no answer is filed within 30 days, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing the issues involved in determining the fair and reasonable final rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Delta Air Lines, Inc., Eastern Air Lines, Inc., Lake Central Airlines, Inc., and North Central Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-97; Filed, Jan. 3, 1968; 8:47 a.m.]

[Docket No. 19122]

SONIC AIR FREIGHT EXPRESS, INC., ET AL.

Notice of Proposed Approval of Control and Interlocking Relationships

Application of Sonic Air Freight Express, Inc., et al., for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 19122.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., December 28, 1967.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of Sonic Air Freight Express, Inc., Maurice Gerb, Annette Gerb, and Peronti Trucking Co., Inc., Docket 19122; for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By application filed October 16, 1967,[1] Sonic Air Freight Express, Inc. (Sonic), an applicant for domestic and international air freight forwarding authority, Mr. Maurice Gerb, Mrs. Annette Gerb, his wife, and Peronti Trucking Co., Inc. (Peronti), a pickup and delivery company within the city of New York, requested that the Board approve, pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended, the common control relationships between Sonic and Peronti, and the interlocking relationships created by reason of the offices, directorships and/or stock ownership in the two companies held by the individual applicants.

Sonic is presently and will remain inactive until the Board grants it authority to operate as a domestic and/or international airfreight forwarder. Peronti contemplates providing Sonic with local pickup and delivery service at prevailing rates and sharing common terminal facilities in Brooklyn, N.Y. It will also continue to serve other selected customers within New York City. All of the issued and outstanding stock of both companies is owned by Mr. Gerb, who is president of both companies, sole director of Sonic, and a director of Peronti. Mrs. Gerb is secretary-treasurer of both companies and a director of Peronti. The applicants state that the relationships for which Board approval is requested will increase the efficiency of operations and will not adversely affect the public interest.

No comments relative to the joint application or request for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(d) of the Act.

Upon consideration of the joint application, it is concluded that Sonic is an air carrier and Peronti is a common carrier within the meaning of section 408 of the Act, and the common control of both companies by Mr. Gerb is subject to that section of the Act. However, it has been further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and essentially do not present any new substantive issues.[2] It, therefore, appears that the control relationships would not be inconsistent with the public interest.

In view of the Board's determination herein, the interlocking relationships between Sonic and Peronti are exempted from the provisions of section 409 by § 287.2 of the Board's economic regulations. Consequently, that portion of the application seeking approval of the interlocking relationships will be dismissed.

Pursuant to authority delegated by the Board's regulations, 14 CFR 385.13, and 385.3 it is found that the foregoing control relationships should be approved under section 408(b) of the Act without a hearing, and the application, to the extent it requests approval of the foregoing interlocking relationships, should be dismissed.

Accordingly, it is ordered:

1. That the control by Maurice Gerb of Sonic and Peronti be and it hereby is approved; and

2. That, except to the extent granted herein, the application in Docket 19122, be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petition within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-98; Filed, Jan. 3, 1968; 8:47 a.m.]

[1] The application was amended on Dec. 20, 1967.

[2] Skymaster et al., Order E-25375, July 3, 1967.

DELAWARE RIVER BASIN COMMISSION

WATER QUALITY REGULATIONS

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday, January 25, 1968, on proposed rules and regulations to implement water quality standards for the Delaware River Basin. The hearing will be held in the auditorium of the Free Library of Philadelphia,

Logan Square (19th and Vine Streets), Philadelphia, Pa., beginning at 9:30 a.m.

The Basin Rules and Regulations, Water Quality,[1] dated December 1967, comprises Parts I, II, and III. Part II, consisting of the text of the water quality standards adopted by the Commission on April 26, 1967, is included for information only and is not subject to hearing. Testimony will be heard on Part I, containing a general introduction, including definitions and interstate cooperation factors, and on Part III, containing the application of standards.

The proposed regulations implement water quality standards adopted by the Commission on April 26, 1967. Standards and regulations adopted by Delaware, New Jersey, New York, and Pennsylvania for the basin portion of those States will, in general, conform to these. In those instances where a State establishes standards and regulations more stringent than those established by the Commission, State requirements will be controlling within that jurisdiction. In those instances where State standards and regulations are less stringent than those established by the Commission, the Commission's standards and regulations will be controlling.

Any individual or organization may be heard regardless of testimony at any previous hearing in the States of Delaware, New Jersey, New York, or Pennsylvania. Those wishing to testify are requested to register with the Secretary to the Commission either by mail or telephone (609–883–9500) not later than 5 p.m. on January 23. Written statements from those who cannot attend will be made part of the record if mailed or delivered before the hearing is adjourned.

W. BRINTON WHITALL,
Secretary.

DECEMBER 19, 1967.

[F.R. Doc. 68–77; Filed, Jan. 3, 1968; 8:46 a.m.]

[Docket No. D–67–120 CP]

TINICUM MARSH

Notice of Public Hearing

In accordance with sections 2–1.4 and 2–1.5 of its Administrative Manual (Part II), notice is hereby given that the Delaware River Basin Commission will hold a public hearing on January 19, 1968, upon an application for inclusion of Tinicum Marsh in the Comprehensive Plan for the Delaware River Basin. The hearing will be held in the auditorium of the American Society for Testing and Materials, 1916 Race Street, Philadelphia, beginning at 10 a.m.

Application for inclusion of Tinicum Marsh in the Comprehensive Plan has been made to the Commission by the Citizens Council of Delaware County, The Philadelphia Conservationists, Inc., The Philadelphia Citizens Council on City Planning, and the Friends of Tinicum Marsh. The Tinicum Marsh comprises approximately 1,300 acres lying in the Boroughs of Folcroft and Norwood and the townships of Darby, Tinicum, and Ridley, Delaware County, Pa., and in the city of Philadelphia. The sponsoring organizations propose that Tinicum Marsh be maintained in its natural state for recreation, wildlife habitat, flood control, water quality, open space, and other purposes.

Copies of the application may be examined at the office of the Delaware River Basin Commission or at the offices of any of the aforementioned sponsoring organizations. Persons wishing to testify are requested to register in advance with the Secretary to the Commission; telephone 609–883–9500.

W. BRINTON WHITALL,
Secretary.

DECEMBER 22, 1967

[F.R. Doc. 68–78; Filed, Jan. 3, 1968; 8:46 a.m.]

[1] Filed as part of the original document. Copies may be obtained from the Delaware River Basin Commission, 25 Scotch Road, Trenton, N.J. 08603.

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 17555–17558; FCC 67M–2135]

AZALEA CORP. ET AL.

Order Scheduling Further Prehearing Conference

In re applications of Azalea Corp., Mobile, Ala., Docket No. 17555, File No. BP–17340; W.G.O.K., Inc. (WGOK), Mobile, Ala., Docket No. 17556, File No. BP–17398; People's Progressive Radio, Inc., Mobile, Ala., Docket No. 17557, File No. BP–17477; Mobile Broadcast Service, Inc., Mobile, Ala., Docket No. 17558, File No. BP–17478; for construction permits:

It is ordered, That a further prehearing conference in the above-captioned proceeding will be held on Monday, January 8, 1968, beginning at 10 a.m. in the offices of the Commission, Washington, D.C.

Issued: December 22, 1967.

Released: December 27, 1967.

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

[F.R. Doc. 68–115; Filed, Jan. 3, 1968; 8:49 a.m.]

[Docket Nos. 17775, 17776]

BIG BASIN RADIO AND BOONEVILLE BROADCASTING CORP.

Memorandum Opinion and Order Continuing Procedural Dates Including Date of Hearing; Correction

In re applications of Wheeler Mayo, trading as Big Basin Radio, Sallisaw, Okla., Docket No. 17775, File No. BP–16915; Booneville Broadcasting Corp., Booneville, Ark., Docket No. 17776, File No. BP–16919; for construction permits.

The following correction is made in the Memorandum and Order Continuing Procedural Dates Including Date of Hearing, issued December 21, 1967, released December 21, 1967 (FCC 67M–2123): In first line of ordering clause change "Big Basin Radio's" to "Booneville Broadcasting Corporation's".

Issued: December 26, 1967.

Released: December 27, 1967.

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

[F.R. Doc. 68–116; Filed, Jan. 3, 1968; 8:49 a.m.]

[Dockets Nos. 17594, 17595; FCC 67M–2143]

GOSPEL BROADCASTING COMPANY OF FORT WAYNE, INC., AND FORT WAYNE BROADCASTING CO.

Order Rescheduling Hearing

In re applications of The Gospel Broadcasting Co. of Fort Wayne, Inc., Fort Wayne, Ind., Docket No. 17594, File No. BPH–5561; Clarence C. Moore, trading as Fort Wayne Broadcasting Co., Fort Wayne, Ind., Docket No. 17595, File No. BPH–5672; for construction permits:

It is ordered, By the Hearing Examiner on his own motion that the further hearing in the above matter now pending without date is hereby scheduled to resume January 9, 1968, at 10 a.m., in the Commission's offices in Washington, D.C.

Issued: December 27, 1967.

Released: December 29, 1967.

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

[F.R. Doc. 68–117; Filed, Jan. 3, 1968; 8:49 a.m.]

[Docket No. 17484; FCC 67–1319]

NORTHLAND ADVERTISING, INC., ET AL.

Order Instituting Hearing

Northland Advertising, Inc., Iron River, Mich., and WJPD, Inc., Ishpeming, Mich., complainants, versus Michigan Bell Telephone Co., Detroit, Mich., defendant; Docket No. 17484.

1. A complaint and a motion for immediate injunction or other relief were filed against Michigan Bell Telephone Co. (Michigan Bell) by Northland Advertising, Inc., licensee of standard broadcast station WIKB, Iron River, Mich., and WJPD, Inc., licensee of standard broadcast station WJPD, Ishpeming, Mich. (complainants) on May 29, 1967.

2. The complaint and motion for immediate injunction involve charges by the complainants that Michigan Bell unlawfully discontinued certain services by which National Broadcasting Co. radio network programing was transmitted from the facilities of Upper Peninsula

Microwave, Inc. (UPM, described in the complaint as, "a point to point" microwave common carrier) to the complainant's studios for broadcast to the public.

3. At the time the complaint was filed Michigan Bell, according to the complainants, had advised them that its local radio network program transmission service was to be discontinued May 31, 1967, because Michigan Bell could provide the entire radio network program transmission service from Rhinelander, Wis., under its Tariff FCC No. 34. Michigan Bell also advised that it would discontinue its local landline service because UPM is not a carrier qualified for connection of its channels with Michigan Bell's channels and because Michigan Bell's service between complainants' studios and UPM's facilities had been provided by error. Complainants' pleadings asked that the Commission require Michigan Bell to continue its service between UPM's facilities and complainants' studios or that Michigan Bell be required to revise its tariffs for its service to carry NBC radio network programing to complainants' studios from Rhinelander, Wis.

4. Michigan Bell responded to complainants' pleadings by answer of June 16, 1967, in which it said that the complaint and motion were without merit and should be dismissed. According to Michigan Bell the local service it had been providing was discontinued on May 31, 1967. Before discontinuing its service Michigan Bell had notified complainants that the service was being provided by error and had offered to make arrangements with complainants to continue network programing transmission, "* * * in accordance with our tariffs." Shortly after the filing of these pleadings, counsel for Complainants requested the Commission to suspend further action on their complaint because they were seeking to make alternative arrangements.

5. In a subsequent telegram, sent August 18, 1967, to the Commission, Complainants' General Manager protested interference by Michigan Bell with existing and proposed arrangements to bring NBC network programing to the Upper Peninsula area of Michigan by the aforementioned alternative means. Michigan Bell's response to this telegram was to deny that it contemplated any action, "* * * which would constitute a threat of immediate discontinuance of NBC radio network programing to Station WIKB * * *".

6. On the basis of the allegations and responses in the pleadings and telegrams described, we sent letters of inquiry to the Complainants, Michigan Bell and UPM, asking that they answer certain factual questions. From the responses to these questions and the documents previously filed as described above, it appears that:

a. Michigan Bell provided local audio channels to carry the NBC programs between facilities of UPM and stations WIKB and WJPD from February 16, 1967, until May 31, 1967.

b. Charges for these local audio channel services to the broadcast stations were made under Michigan Bell Tariff FCC No. 34. No refunds of these charges were made.

c. No facilities were constructed or extended by Michigan Bell to provide local audio channels between UPM facilities and station WIKB and WJPD over which the NBC raido network programs were carried for broadcast.

d. Stations WIKB and WJPD have affiliation agreements to broadcast NBC radio network programs. NBC arranged with UPM to carry its radio network programs from Wisconsin to UPM facilities in the Upper Peninsula of Michigan, the area served by WIKB and WJPD.

e. Michigan Bell, over the objections of WIKB and WJPD discontinued its local audio service on the ground that it had been provided by error.

f. Michigan Bell has not restored its local audio service and is not now providing any facilities for the purpose of transmitting NBC radio network programs to either WIKB or WJPD.

g. UPM continues to transmit NBC radio network programs to the Upper Peninsula of Michigan. WIKB is broadcasting such radio network programs using the local wire facilities of Iron River CATV Corp. WJPD was not able to arrange a similar arrangement and is not now broadcasting NBC radio network programs.

7. On the basis of the foregoing it appears that violations of the Communications Act of 1934, as amended, may have occurred; that charges may have been made and payments collected for common carrier communications services which were not in accord with or provided for by tariffs filed with this Commission as required by the Communications Act of 1934, as amended; and that common carrier communications services that may be required in the public interest are not now being provided.

8. Further inquiry by the Commission being warranted: *It is ordered*, Pursuant to sections 4(i), 208, and 403 of the Communications Act of 1934, as amended, that a hearing be held at the office of the Commission in Washington, D.C., before a hearing examiner, at a time and place to be hereafter specified, upon the following issues:

a. Did Michigan Bell discontinue local landline service, carrying NBC radio network programs, between the facilities of UPM and radio stations WIKB and WJPD on or about May 31, 1967, in violation of section 201(a).

b. Did Michigan Bell provide service between the UPM facilities in the Upper Peninsula of Michigan and the facilities of Stations WIKB and WJPD in violation of section 203 of the Communications Act, as amended;

c. Did Michigan Bell discontinue or refuse to provide service to WIKB and WJPD required by its lawfully filed tariffs;

d. Did Michigan Bell make charges or collect payment for common carrier communications services in violation of the requirements of section 203 of the Communications Act of 1934, as amended;

e. Is it necessary or desirable in the public interest that the Commission, pursuant to section 201(a) of the Communications Act of 1934, as amended, order that Michigan Bell provide facilities for local transmission service to carry NBC radio network programs from the facilities of UPM in the Upper Peninsula of Michigan to the facilities of radio station WIKB, Iron River, Mich., and WJPD, Ishpeming, Mich.;

f. Should the Commission order refunds to Northland Advertising, Inc. and WJPD, Inc. for charges paid by them to Michigan Bell for local landline services provided prior to May 31, 1967, and if so, what should be the amount of such refunds.

9. *It is further ordered*, That, in addition to Michigan Bell Telephone Co., the Upper Peninsula Microwave, Inc., Northland Advertising, Inc., and WJPD, Inc., are made parties to this proceeding;

10. *It is further ordered*, That leave to intervene in this proceeding is granted to the National Broadcasting Company, Inc. subject to its filing a notice of intention to appear and participate within 20 days of the date of release of this order;

11. *It is further ordered*, That the hearing examiner designated to preside in the proceeding ordered herein shall prepare an initial decision on all of the issues designated for hearing herein as provided in § 1.267 of the Commission's rules; and that a copy of this order shall be served upon Michigan Bell Telephone Co., Northland Advertising, Inc., WJPD, Inc., Upper Peninsula Microwave, Inc., and the National Broadcasting Co.

Adopted: December 13, 1967.

Released: December 20, 1967.

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

[F.R. Doc. 68-118; Filed, Jan. 3, 1968; 8:49 a.m.]

[Docket No 17914; FCC 67-1327]

SECOND THURSDAY CORP.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Second Thursday Corporation, Nashville, Tenn., Docket No. 17914, File No. BR-4380; for renewal of license of Station WWGM.

Before us for consideration are: (a) An application (BR-4380) for the renewal of the license of Station WWGM, Nashville, Tenn.; (b) the assignment of that license and of the construction permit for WSET-FM, Nashville, Tenn. (an unconstructed station), from Second Thursday Corp. to Apex Communications Corp.; and (c) a petition to deny the assignment application, filed by Central Broadcasting Corp., licensee of Station WENO, Madison, Tenn., together with responsive pleadings.

1. Petitioner, Central Broadcasting Corp. (Central or Petitioner), is the licensee of Radio Station WENO, Madison, Tenn. Madison is a suburb of Nashville,

the location of the subject Station WWGM and the construction permit for WSET–FM. Although, as will be clear from the discussion infra, we conclude Central is not a party in interest, the Petition raises substantial and material questions of fact affecting the assignor's qualifications to be a licensee of the Commission. Therefore the Commission on its own motion will designate Second Thursday's application for the renewal of the license of Station WWGM for hearing. Additionally, when the assignor files an application for extension of time to construct WSET–FM, that application will be designated for hearing and consolidated in the proceeding to be ordered herein. Since no substantial and material questions of fact are raised against the assignee (Apex Communications Corp.), the assignment applications (BAL–6074) and (BAPH–417) will not be designated for hearing, but will be held in abeyance pending the outcome of the renewal hearing to be ordered.

2. For a fuller understanding of the questions raised and not resolved, a chronology affecting the assignor's (WSET–FM) construction permit is deemed helpful.

(a) *December 20, 1965.* The Commission released an order designating for hearing the applications of Central and of Second Thursday Corp. (assignor), for a new FM station to operate on Channel 225,[1] Madison and Nashville, respectively. Second Thursday had an issue against it to determine whether it had a valid loan commitment "or other source of funds adequate to finance construction and operation of the proposed station for a period of 1 year."

(b) *January 19, 1966.* Central petitioned the Commission's Review Board to enlarge the issues to include an issue to determine whether the assignor was prosecuting its application for the FM in good faith and whether it contemplated construction and operation of the FM. In support of its position, it included a copy of a letter dated January 12, 1966, from a broker to a prospective purchaser of Second Thursday's AM Station (WWGM) and argued that in view of the financial issue against Second Thursday and the pending sale of its AM Station, it should be determined whether Second Thursday (assignor) was prosecuting its FM application in good faith.

(c) *February 14, 1966.* Second Thursday filed its opposition pleading to the Petition to enlarge issues. It withdrew authority for the sale of its AM and stated "* * * even if the AM station had subsequently been sold, Second Thursday would have continued the processing of its FM application."

(d) *March 28, 1966.* The Review Board considered the Petition and the Second Thursday Opposition, including its statement that "* * * even if the AM station had subsequently been sold, Second Thursday would have continued the processing of its FM application" and denied the requested issue, stating: "There is absolutely no allegation that a sale of the AM station would necessarily be accompanied by a failure to further prosecute the present FM application." 66 R–117.

(e) *June 6, 1966.* Central and Second Thursday filed a "Joint Request for Approval of Agreement Relating to Dismissal of Application of Central Broadcasting Corporation." The joint agreement provided for the payment by Second Thursday (assignor herein) to Central of $5,926.17 in reimbursement for expenses legitimately and prudently incurred in Central's preparation and prosecution of its application.

(f) *August 9, 1966.* The agreement was approved by the Commission's Review Board.

(g) *August 30, 1966.* Initial decision finding Second Thursday financially qualified and awarding Channel 225, Nashville, Tenn., to Second Thursday Corp. FCC 66 D–54.

(h) *October 19, 1966.* The initial decision became final.

(i) *May 15, 1967.* Application dated April 30, 1967 (contract dated Apr. 5, 1967), for the assignment of the license of Radio Station WWGM and the construction permit for WSET–FM from the Second Thursday Corp. to Apex Communications Corp., was filed.

3. In its petition to deny, Central alleges it is "a party in interest" to the assignment application because its station (WENO) competes in the greater Nashville market and would thus be in direct competition with FM Station WSET "should that station be constructed and go on the air." That position is not tenable. Petitioner received $5,926.17 in contemplation that WSET–FM may do the very thing for which Central received legitimate and prudent expenses. Nevertheless, the petition to deny raises substantial and material questions of fact not resolved by the pleadings, and there are others not raised in the pleadings.

4. In opposition to Central's petition to enlarge the issues in the FM proceeding (supra 3(c)), the assignor (Second Thursday) stated: " * * * even if the AM station had subsequently been sold, Second Thursday would have continued the processing of its FM application."

5. Principally on the basis of this statement Central's request for a good faith issue against Second Thursday was denied. This led to the award of the construction permit for Channel 225 to the assignor, Second Thursday. Now, in an application filed less than 6 months after the grant became final, it seeks the Commission's authorization for its assignment. In face of the representations made and the award of the construction permit for FM Channel 225 which followed, the financial reverses suffered by the assignor at its AM station are unimpressive as a reason for sale.[2] In Second Thursday's own pleading to Central's petition to deny the present assignment application, it stated that: "Second Thursday Corp. in its operation of WWGM lost $50,702 in 1963, $99,864 in 1964, $77,915 in 1965, and $27,561 in 1966." Thus it is clear that when Second Thursday was awarded FM Channel 225 (1966), it had already suffered substantial losses at its AM station. Yet despite these losses, it continued to prosecute the FM application through the hearing processes to demonstrate its financial ability to construct and operate its proposed FM facility. On the basis of the testimony and exhibits placed in evidence by Second Thursday during the course of the hearing, the initial decision (FCC 66 D–54) found it to be financially qualified to construct and operate its proposed FM station. Since the assignor's reasons for the sale were extant during the entire period it was prosecuting its application, it is necessary to explore in the hearing process the question of Second Thursday's continuing good faith in prosecuting its FM application. This question is necessarily dependent on whether Second Thursday, in stating that it intended to construct and operate its proposed FM station in the event its application was granted, misrepresented its intentions to the Commission.

6. In its petition to deny, Central alleged that Second Thursday's motive was never to build but to augment the price of its daytime only AM. Since WWGM is a daytime-only station, we will place in issue the question of whether the FM application was prosecuted to make the sale of WWGM more attractive and/or to augment the price thereof.

7. In view of the foregoing unresolved material and substantial questions of fact: *It is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-entitled application for renewal of the license of Station WWGM is designated for a hearing to be held in Washington, D.C., at a time to be specified in a subsequent order, upon the following issues:

1. To determine whether Second Thursday filed and prosecuted its application for FM Channel 225, Nashville, Tenn. in good faith, with the intent to construct and operate WSET–FM.

2. To determine whether Second Thursday misrepresented material questions of fact when it represented[3] that it would construct and operate FM Channel 225, Nashville, if it were awarded a construction permit.

3. To determine whether Second Thursday Corp. has trafficked, or attempted to traffic in broadcast authorizations, in seeking to use the construction permit for FM Channel 225, Nashville, Tenn., to augment the price of its daytime only AM and/or to make its sale more attractive.

4. To determine, in light of the aforementioned issues, whether Second Thursday Corp. possesses the requisite qualifications for renewal of the license of Station WWGM, Nashville, Tenn., and whether the public interest would be

[1] While Madison is a separate community, it is within the Nashville metropolitan area.

[2] The assignor gave no other reason for the assignment.

[3] See Second Thursday's opposition pleading to Central's petition to enlarge issues.

served by a grant of the above-entitled renewal application.

8. *It is further ordered,* That the petition to deny is dismissed, but that Central Broadcasting Corp., licensee of Station WENO, Madison, Tenn., is made a party to this proceeding.

9. *It is further ordered,* That the assignment applications (BAL–6074) and (BAPH–417) be held in abeyance pending the outcome of the instant proceeding.

10. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicant and Central Broadcasting Corp., pursuant to § 1.221(c) of the Commission's rules, in person or by its attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating its intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

11. *It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: December 13, 1967.

Released: December 29, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–119; Filed, Jan. 3, 1968; 8:49 a.m.]

[Docket No. 17777; FCC 67M–2138]

TRI-STATE BROADCASTING CO., INC. (KUPD)

Order Continuing Hearing

In re application of Tri-State Broadcasting Co., Inc. (KUPD), Tempe, Ariz., Docket No. 17777, File No. BP–16895; for construction permit.

The Hearing Examiner having under consideration a change in the scheduled date for hearing in the above-entitled matter, and

It appearing that a prehearing conference was held on December 21, 1967 at which time further proceedings were discussed and dates agreed upon:

It is ordered, That the now scheduled date for hearing of January 11, 1968, is changed to April 8, 1968.

Issued: December 27, 1967.

Released: December 28, 1967.

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

[F.R. Doc. 68–120; Filed, Jan. 3, 1968; 8:49 a.m.]

[4] Commissioner Cox concurring in the result.

[Docket Nos. 17853, 17854; FCC 67M–2131]

TRIPLE C BROADCASTING CORP. AND COLLINS BROADCASTING CO.

Order Regarding Procedural Dates

In re applications of Triple C Broadcasting Corp., Thomasville, Ga., Docket No. 17853, File No. BPH–5739; T. O. Collins and Robert P. Singletary doing business as Collins Broadcasting Co., Thomasville, Ga., Docket No. 17854, File No. BPH–5840; for construction permits.

To formalize the agreements and rulings made on the record at a prehearing conference held on December 21, 1967, in the above-entitled matter concerning the future conduct of this proceeding:

It is ordered, That:

Further prehearing conference is scheduled for January 5, 1968 at 9 a.m.;

Exchange of exhibits is scheduled for February 13, 1968;

Further prehearing conference is scheduled for February 21, 1968; and

Hearing presently scheduled for January 11, 1968 is continued to February 28, 1968.

Issued: December 21, 1967.

Released: December 29, 1967.

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

[F.R. Doc. 68–121; Filed, Jan. 3, 1968; 8:49 a.m.]

[Docket No. 17560; FCC 67M–2144]

V.W.B., INC.

Order Regarding Procedural Dates

In re application of V.W.B., Inc., Bridgeton, N.C., Docket No. 17560, File No. BP–16766; for construction permit.

Upon letter request from the applicant's counsel delivered by hand on December 20, 1967, and with the agreement of all other counsel: *It is ordered,* That the following procedural dates are changed as shown:

1. Preliminary exchange of exhibits: From December 20, 1967, to January 8, 1968,

2. Final exchange: From December 28, 1967, to January 16, 1968,

3. Notification of witnesses: From December 20, 1967, to January 18, 1968, and

4. The hearing now scheduled for January 8, 1968, is rescheduled to commence at 10 a.m., January 25, 1968, in the Commission's offices in Washington, D.C.

Issued: December 27, 1967.

Released: December 29, 1967.

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

[F.R. Doc. 68–122; Filed, Jan. 3, 1968; 8:49 a.m.]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

DECEMBER 29, 1967.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on February 7, 1968, the standard broadcast applications listed below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on February 6, 1968, which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on February 6, 1968, or (b) the earlier effective cut-off date which a listed application or by any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: December 26, 1967.

Released: December 29, 1967.

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

Applications from the top of the processing line:

BP–17695	KCJB, Minot, N. Dak. Big K, Inc. Has: 910 kc, 1 kw, DA–N, U. Req: 910 kc, 1 kw, 5 kw–LS, DA–2, U.
BP–17717	WJMS, Ironwood, Mich. Upper Michigan-Wisconsin Broadcasting Co., Inc. Has: 630 kc, 1 kw, DA–N, U. Req: 590 kc, 1 kw, 5 kw–LS, DA–N, U.
BP–17756	New, Jacksonville, Ala. University Broadcasting Co. Req: 1090 kc, 500 w, D.
BP–17787	KRAI, Craig, Colo. Northwestern Colorado Broadcasting Co. Has: 550 kc, 500 w, 1 kw–LS, DA–N, U. Req: 550 kc, 500 w, 5 kw–LS, DA–N, U.
BP–17796	KMER, Kemmerer, Wyo. Lincoln Broadcasting Co. Has: 950 kc, 1 kw, D. Req: 950 kc, 5 kw, D.
BP–17800	New, Tylertown, Miss. Tylertown Broadcasting Co. Req: 1290 kc, 1 kw, D.
BP–17821	New Warsaw, N.C. Big D Radio. Req: 1560 kc, 10 kw (DA–CH), D.

BP-17823 WKPM, Princeton, Minn.
P. M. Broadcasting Co.
Has: 1300 kc, 500 W, U.
Req: 1300 kc, 1 kw, D.

BP-17824 New, Minot, N. Dak.
KNOX Radio, Inc.
Req: 1430 kc, 5 kw, D.

BP-17827 WWDR, Murfreesboro, N.C.
Murfreesboro Broadcasting Corp.
Has: 1080 kc, 500 w, D.
Req: 1080 kc, 1 kw, D.

BP-17830 New, Broadway-Timberville, Va.
Massanutten Broadcasting Co., Inc.
Req: 11470 kc, 5 kw, D.

BP-17833 New, Durand, Wis.
Pepin County Broadcasting Co.
Req: 1430 kc, 1 kw, D.

BP-17835 New, Charlevoix, Mich.
New Broadcasting Corp.
Req: 1270 kc, 5 kw, D.

BP-17836 WAMG, Gallatin, Tenn.
Southern Broadcasters, Inc.
Has: 1130 kc, 250 w, D.
Req: 1140 kc, 5 kw (1 kw-CH), D.

BP-17837 New, Parsippany-Troy Hills, N.J.
Percypeny Radio.
Req: 1310 kc, 1 kw, DA, D.

BP-17840 New, Peterborough, N.H.
Contoocook Broadcast Co.
Req: 1050 kc, 1 kw, D.

BMP-12126 WMIC, Sandusky, Mich.
Sanilac Broadcasting Co.
Has: 1560 kc, 1 kw, DA, D.
Req: Changes in DA system, studio location and type transmitter.

Application deleted from Public Notice of July 10, 1967 (Mimeo No. 2767) (32 F.R. 10389):

BP-17573 New, Red Springs, N.C.
K & R Broadcasting Corp.
Req: 710 kc, 5 kw, DA, D.
(Assigned new File Number BP-17849)

[F.R. Doc. 68-123; Filed, Jan. 3, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2717, etc.]

FRED M. WHITING ET AL.

Findings and Order

DECEMBER 21, 1967.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending certificates, permitting and approving abandonment of service, terminating certificates, severing proceeding, terminating rate proceeding, making successor co-respondent, redesignating proceeding, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and proposed to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of Texas are authorized to be made at the applicable area base rates and under the conditions prescribed in opinion Nos. 468 and 468-A.

Moran Pipe & Supply Co., Inc., Applicant in Dockets Nos. G-16915 and G-18062, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Phillips Petroleum Co. FPC Gas Rate Schedule Nos. 335 and 343, respectively. Said rate schedules will be redesignated as those of Applicant. The presently effective rate under said rate schedules is in effect subject to refund in Docket No. RI65-127. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on December 14, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI68-560 should be canceled and that the application filed herein should be processed as a petition to amend the certificate heretofore issued in Docket No. G-10746.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-2717, G-3079, G-8407, G-8816, G-10746, G-10984, G-14245, G-16218, G-16528, G-16915, G-18062, CI60-604, CI62-1104, CI62-1522, CI63-234, CI63-597, CI64-175, CI64-474, CI64-662, CI65-229, CI65-453, CI65-844, CI66-784, CI66-1310, CI67-1108 and CS67-82 should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. RI67-78 should be severed from the consolidated proceeding in Docket No. AR67-1, et al., and the rate suspension proceeding pending in Docket No. RI67-78 should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Moran Pipe & Supply Co., Inc., should be made a co-respondent

in the proceeding pending in Docket No. RI65–127, that said proceeding should be redesignated accordingly, and that Moran Pipe & Supply Co., Inc., should be required to file an agreement and undertaking in said proceeding.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date as indicated by footnote 28 in the tabulation set forth below.

(E) The initial rates for sales authorized in Docket Nos. CI67–865 and CI68–192 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality, or the contract rates, whichever are lower; and no increases in rate in excess of said initial rates shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicants in Docket Nos. CI67–865 and CI68–192 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Within 90 days from the date of initial delivery Applicants in Docket Nos. CI67–865 and CI68–192 shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A.

(H) The certificates issued herein in Docket Nos. CI68–192 and CI68–284, involving the sales of gas by Pecos Co. (Operator) and Anadarko Production Co., respectively, to their affiliates, El Paso Natural Gas Co. and Panhandle Eastern Pipe Line Co., respectively, determines the rates which legally may be paid by the buyers to the sellers, but is without prejudice to any action which the Commission may take in any rate proceedings involving the respective companies.

(I) A certificate is issued herein in Docket No. CI67–1311 authorizing Applicant to continue the sale of natural gas which was initiated without prior Commission authorization by the predecessor.

(J) A certificate is issued herein in Docket No. CI68–549 authorizing Applicant to continue the sale of natural gas which was initiated without prior Commission authorization.

(K) A certificate is issued herein in Docket No. CI68–579 authorizing Applicant to continue the sale of natural gas being rendered on June 7, 1954, by the predecessor.

(L) Applicant in Docket No. CI68–542 shall file three copies of a sample billing statement for the first month's service showing the method of billing and prices used as required by the regulations under the Natural Gas Act.

(M) The certificates heretofore issued in Docket Nos. G–10984, G–16218, CI62–1522, CI63–234, CI63–597, CI64–175, CI64–662, CI65–229, CI65–453, CI66–784, CI66–1310, and CI67–1108 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(N) The authorization granted in paragraph (M) above in Docket No. CI65–229, involving the sale of gas by Horizon Oil & Gas Co. of Texas (Operator) et al., to its affiliate, Baca Gas Gathering System, Inc., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(O) The certificates heretofore issued in Docket Nos. G–3079, G–14245, and CI62–1104 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI68–568, CI62–188[1] and CI68–537, respectively; and the certificates heretofore issued in Docket Nos. G–8816 and G–16528 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. G–10984.

(P) The certificate heretofore issued in Docket No. CI60–604 is amended to include the interest of the co-owner, Humble Oil & Refining Co., as indicated in the tabulation herein.

(Q) Docket No. CI68–560 is canceled.

(R) The certificates heretofore issued in Docket Nos. G–2717, G–8407, G–10746, G–16915, G–18062, CI64–474, CI65–844, and CS67–82 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(S) Collection of the 16-cent rate by Applicant in Docket No. CS67–82 pursuant to its FPC Gas Rate Schedule No. 31 shall be subject to the refunding provisions of ordering paragraph (D) of Opinion No. 468.

(T) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(U) Permission for and approval of the abandonment in Docket No. CI68–564 shall not be construed to relieve Applicant of any refund obligations which may be ordered in the rate suspension proceeding pending in Docket No. G–17138.

(V) The certificate heretofore issued in Docket No. G–3291 is terminated only insofar as it pertains to N. H. Wheless Oil Co. FPC Gas Rate Schedule No. 3.

(W) The certificates heretofore issued in Docket Nos. G–2638, G–2830, G–7633, CI67–1727[2], CI62–263, CI63–225, CI63–533, CI64–429, CI65–869, CI65–1311, CI66–59, and CI66–930 are terminated.

(X) Docket No. RI67–78 is severed from the consolidated proceeding in Docket No. AR67–1 et al., and the rate suspension proceeding pending in Docket No. RI67–78 is terminated.

(Y) Moran Pipe & Supply Co., Inc., is made a co-respondent in the proceeding pending in Docket No. RI65–127 and

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[1] The sale herein is authorized at the initial price of 17.7 cents per Mcf at 15.025 p.s.i.a.

[2] Temporary certificate.

said proceeding is redesignated accordingly.[3]

(Z) Within 30 days from the issuance of this order Moran Pipe & Supply Co., Inc., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI67–127 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(AA) Moran Pipe & Supply Co., Inc., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by it in Docket No. RI65–127 shall remain in full force and effect until discharged by the Commission.

(BB) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated by the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[3] Phillips Petroleum Co. and Moran Pipe & Supply Co., Inc.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–2717 E 8–25–67	Fred M. Whiting, agent (successor to Glenville Gas Production Co.).	Carnegie Natural Gas Co., Glenville District, Gilmer County, W. Va.	Glenville Gas Production Co., FPC GRS No. 1.	1	
			Supplement Nos. 1–2	1	1–2
			Contract 12–28–38 [1]	1	3
			Notice of succession 8–24–67.		
			Assignment 4–27–64 [2]	1	4
			Agreement 1–15–65 [3]	1	5
			Effective date: 4–27–64		
G–8407 E 5–22–67	Astra Oil & Gas Corp. (successor to Swan-Finch Gas Development Corp.).	The Manufacturers Light & Heat Co., Benezette Township, Elk County, Pa.	Swan-Finch Gas Development Corp., FPC GRS No. 1.	1	
			Supplement No. 1	1	1
			Notice of succession 5–18–67.		
			Trustee's bill of sale 11–8–65.[4] [5]	1	2
G–10984 (G–8816) (G–16528) C 8–1–67 as amended 11–6–67.[6]	Sun Oil Co	United Gas Pipe Line Co., Maxie Pistol Ridge Fields, Forrest, Lamar and Pearl River Counties, Miss.	Amendment 7–13–67 [7]	77	4
			Assignment 6–12–67 [8]	77	5
			Assignment 8–25–67 [9]	77	6
			Assignment 6–23–67 [10] [11]	77	7
G–16528 [12]	Fred LaRue (Operator) et al.	do	Assignment 6–12–67 [13]	2	5
			Assignment 6–23–67 [14]	2	6
			Effective date: 11–26–67		
G–16218 D 10–16–67	Gulf Oil Corp. (Operator) et al.	Transwestern Pipeline Co., acreage in Texas County, Okla.	Letter agreement 9–28–67.[15] [16]	196	45
G–16915 E 10–13–67	Moran Pipe & Supply Co., Inc. (successor to Phillips Petroleum Co.).	Wunderlich Development Co., Autwine Field, Kay County, Okla.	Phillips Petroleum Co., FPC GRS No. 335.	1	
			Supplement Nos. 1–2	1	1–2
			Notice of succession 10–11–67.		
			Assignment 6–29–67 [17]	1	3
			Assignment 7–2–67 [18]	1	4
			Effective date: 7–1–67		
G–18062 E 10–13–67	do	do	Phillips Petroleum Co., FPC GRS No. 343.	2	
			Supplement Nos. 1–2	2	1–2
			Notice of succession 10–11–67.		
			Assignment 6–29–67 [17]	2	3
			Assignment 7–2–67 [18]	2	4
			Effective date: 7–1–67		
CI60–604 9–25–67 [19]	Union Oil Co. of California (Operator) et al.	El Paso Natural Gas Co., Spraberry Field, Midland County, Tex.	Assignment 6–22–67 [20]	73	23
			Effective date: 4–1–67		
			Assignment 6–27–67 [21]	73	24
			Assignment 6–27–67 [22]	73	25
			Effective date: 6–1–67		
CI62–188 (G–14245), F 8–14–61	Camerina Petroleum Corp. (successor to Mobil Oil Corp.).	El Paso Natural Gas Co., Aneth Field, San Juan County, Utah.	Contract 11–25–57 [23]	1	
			Assignment 4–1–61 [24]	1	1
			Letter agreements (Various Dates).	1	2
			Compliance 12–29–61 [25]	1	3
CI62–1522 D 9–29–67	Pan American Petroleum Corp.	Northern Natural Gas Co., acreage in Beaver County, Okla.	Amendatory agreement 8–22–67.[16] [26]	336	5
CI63–60 A 7–16–62	Roy L. Cook	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Contract 6–18–62	2	
CI63–234 D 9–18–67	Mobil Oil Corp. (Operator) et al. (partial abandonment).	Arkansas Louisiana Gas Co., Red Oak area, Haskell and Latimer Counties, Okla.	Notice of partial cancellation 9–15–67.[16] [27]	333	17
CI63–597 C 10–18–67 [28]	John Douglas Pitman (Operator) et al.	Northern Natural Gas Co., Novi Lime Field, Ochiltree County, Tex.	Supplemental agreement 6–5–67.	2	3
			Statement (Undated).[11] [29]	2	4
CI64–175 C 8–24–67 [28]	Pan American Petroleum Corp. (Operator) et al.	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.	Letter agreement 7–18–67.[11]	363	17
CI64–474 E 10–11–67	Hazel Woodford et al. (successor to A. C. Woodford et al.).	Pennzoil Co., Union District, Ritchie County, W. Va.	A. C. Woodford et al., FPC GRS No. 2.	2	
			Notice of succession 10–9–67.		
			Will and Probate Order 4–12–67.[30]	2	1
			Effective date: 4–12–67		
		Pennzoil Co., Grant District, Ritchie County, W. Va.	A. C. Woodford et al., FPC GRS No. 3.	3	
			Notice of succession 10–9–67.		
			Will and Probate Order 4–12–67.[30]	3	1
			Effective date: 4–12–67		
CI64–662 C 9–28–67 [28]	The Waverly Oil Works Co.	Equitable Gas Co., Otter District, Braxton County, W. Va.	Letter agreement 9–7–67.[11]	4	1
CI65–229 C 9–22–67 [28]	Horizon Oil & Gas Co. of Texas (Operator) et al.	Baca Gas Gathering System, Inc., Flank et al., Fields, Baca County, Colo.	Amendatory agreement 9–19–67.[11] [31]	2	5

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI65-453 D 9-20-67	Atlantic Richfield Co. (Operator) et al.	Northern Natural Gas Co., acreage in Crockett County, Tex.	Assignment 4-5-67 [32]	290	3
			Assignment 4-14-67 [16 33]	290	4
CI65-844 E 9-18-67	Featherstone Farms Ltd. (successor to Olen F. Featherstone and Martha Featherstone).	Montana-Dakota Utilities Co., Wind River Basin, Fremont County, Wyo.	Olen F. Featherstone and Martha Featherstone, FPC GRS No. 1.	1	
			Notice of succession 9-8-67.		
			Assignment 4-27-67 [34]	1	1
			Effective date: 4-27-67		
CI66-784 C 10-24-67	Sun Oil Co	The Manufacturers Light & Heat Co., Wharton Township, Fayette County, Pa.	Supplemental agreement 10-5-67.[11]	198	1
CI66-1310 C 9-27-67 [28]	Tidewater Oil Co. (Operator) et al.	Northern Natural Gas Co., West Tangier Field, Woodward County, Okla.	Agreement 8-28-67 [11]	145	5
CI67-865 A 1-16-67 [35]	Cities Service Oil Co.[36]	El Paso Natural Gas Co., Toro Field, Reeves County, Tex.	Contract 11-28-66	219	
CI67-1108 C 10-6-67 [28]	Jamaco Properties, Inc. (Operator) et al.	United Fuel Gas Co., Union District, Kanawha County, W. Va.	Amendatory agreement 9-7-67.[11]	1	1
CI67-1311 A 3-15-67 [37]	Astra Oil & Gas Corp. et al.	The Manufacturers Light & Heat Co., Huston Township, Clearfield County, Pa.	Contract 5-31-57 (2288)[38]	2	
			Trustee's bill of sale 11-8-65.[4 5]	2	1
		The Manufacturers Light & Heat Co., Union Township, Clearfield County, Pa.	Contract 7-30-57 (2293)[38]	3	
			Trustee's bill of sale 11-8-65.[4 5]	3	1
		The Manufacturers Light & Heat Co., Benezette Township, Elk County; Driftwood Township, Cameron County, Pa.	Contract 9-14-51 (2-0138)[39]	4	
			Supplemental agreement 6-10-53.	4	1
			Supplemental agreement 10-20-53.	4	2
			Trustee's bill of sale 11-8-65.[4 5]	4	3
CI68-192 A 8-22-67 [35]	Pecos Co. (Operator)[40]	El Paso Natural Gas Co., Wilshire Gasoline Plant, Upton County, Tex.	Contract 5-17-66 [41]	7	
			Assignment 8-1-66 [11 42]	7	1
CI68-224 A 8-25-67 [28]	Milton F. Shaffer (Operator) et al.	Colorado Interstate Gas Co., West Panhandle Field, Hutchinson County, Tex.	Contract 8-11-67 [11 43]	6	
CI68-284 A 9-18-67 [28]	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., Richfield area and the S. W. Cimarron Valley Field, Morton County, Kans.	Contract 7-21-67 [11]	137	
CI68-318 (CI65-1311) B 9-26-67	Robert E. Aikman et al., d.b.a. Aikman 61, Ltd.	Northern Natural Gas Co., Six Mile Field, Beaver County, Okla.	Notice of cancellation 9-22-67.[16 44]	7	2
CI68-320 A 9-26-67 [28]	Richard F. McCullough	Consolidated Gas Supply Corp., Central District, Doddridge County, W. Va.	Contract 7-19-67 [11]	2	
CI68-499 A 9-28-67 [28]	Texaco Inc	Mountain Fuel Supply Co., West Side Canal Field, Carbon County, Wyo.	Contract 8-25-67 [11]	406	
CI68-504 A 9-29-67 [28]	Phillips Petroleum Co.	Natural Gas Pipeline Co. of America, Anadarko Basin area, Ochiltree County, Tex.	Contract 7-11-67 [11]	440	
CI68-509 A 10-2-67	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co.	Arkansas Louisiana Gas Co., Chismville Field, Logan County, Ark.	Contract 9-17-65 [45]	91	
			Contract 6-11-65	91	1
			Letter agreement 2-11-66.	91	2
			Letter 4-29-66	91	3
			Letter 8-1-67 [11]	91	4
CI68-522 (G-7633) B 10-9-67	Glenn Devitt	The Manufacturers Light & Heat Co., Hanover Township, Washington County, Pa.	Notice of cancellation 10-5-67.[16 44]	1	2
			Notice of cancellation 10-5-67.[16 44]	2	1
CI68-524 (CI61-1727) B 10-9-67	Hall-Jones, Ltd. (Operator), agent et al.	Transwestern Pipeline Co., acreage in Beaver County, Okla.	Notice of cancellation 10-4-67.[16 44]	1	5
CI68-525 A 10-9-67 [28]	George Jackson	Equitable Gas Co., Otter District, Braxton County, W. Va.	Contract 4-13-67 (6181).[11]	42	
CI68-531 A 10-11-67 [28]	Shell Oil Co	Southern Natural Gas Co., Tallahalla Creek Field, Smith County, Miss.	Contract 9-28-67 [46]	352	
CI68-532 (G-3291) [47] B 10-11-67	N. H. Wheless Oil Co	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	Notice of cancellation 10-2-67.[16 48]	3	7
CI68-533 A 10-11-67 [28]	Jas. F. Smith (Operator) et al.	Northern Natural Gas Co., acreage in Beaver County, Okla.	Contract 9-26-67	22	
CI68-534 A 10-11-67 [28]	Cleary Petroleum, Inc. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Laverne area, Woodward County, Okla.	Contract 9-16-67	27	
			Letter agreement 9-8-67	27	1
CI68-537 (CI62-1104), F 10-12-67	Butler-Johnson, Inc. (Operator) et al. (successor to Union Producing Co.).	United Gas Pipe Line Co., South Downsville Field, Lincoln and Union Parishes, La.	Contract 3-15-62 [49]	2	
			Letter agreement 3-15-62.	2	1
			Letter agreement 7-1-64.	2	2
			Assignment 5-29-67	2	3
			Effective date: 10-8-66		
CI68-541 A 10-16-67 [28]	Fair Oil Co. (Operator) et al.	Arkansas Louisiana Gas Co., Excelsior Field, Marion County, Tex.	Contract 9-19-67 [50]	51 4	
			Contract 9-19-67 [50]	52 4	1
			Contract 4-7-66	4	2
CI68-542 A 10-16-67 [28]	Ashland Oil & Refining Co.	Consolidated Gas Supply Corp., Sherman District, Boone County, W. Va.	Contract 9-27-67 [11]	186	
CI68-545 A 10-16-67 [28]	Joe Stydahar, d.b.a. Stydahar Oil & Gas Co.	Consolidated Gas Supply Corp., Elk District, Barbour County, W. Va.	Contract 7-11-67 [11]	6	
CI68-546 A 10-16-67 [28]	Hays & Co., agent for Parker Petroleum Co. et al.	Consolidated Gas Supply Corp., Parkersburg District, Wood County, W. Va.	Contract 6-12-67 [11]	298	
CI68-547 A 10-16-67 [28]	A. Burke Hertz et al., d.b.a. Franconia Oil & Gas Co.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Contract 7-10-67 [11]	1	
CI68-549 A 10-16-67 [53]	S. W. Jack Drilling Co. et al.	Consolidated Gas Supply Corp., Sandy Township, Clearfield County, Pa.	Contract 8-20-59 [11]	5	
CI68-551 A 10-16-67	do	do	Contract 4-8-60	6	
CI68-552 (CI63-225), B 10-16-67	Amax Petroleum Corp. (Operator) et al.	Florida Gas Transmission Co., Bayou-Mallet Field, Acadia Parish, La.	Notice of cancellation 10-13-67.[16 44]	20	3
					3
CI68-553 (CI66-59), B 10-13-67	Mesa Petroleum Co. (Operator) et al.	Phillips Petroleum Co., West Panhandle Field, Moore County, Tex.	Notice of cancellation 10-12-67.[16 44]	6	2
CI68-554 (G-2830), B 10-13-67	Sinclair Oil & Gas Co.	Texas Gas Pipe Line Corp., North Port Neches Field, Orange County, Tex.	Notice of cancellation 10-16-67.[16 44]	292	7

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI68-555 (G-4521) [54] B 10-13-67	George H. Daggett et al.	Consolidated Gas Supply Corp., Benezette Township, Elk County, Pa.	Notice of cancellation 10-12-67.[16] [44]	1	1
CI68-556 (CI62-263), B 10-18-67	Getty Oil Co (Operator) et al. (successor to Tidewater Oil Co. (Operator) et al.).	Arkansas Louisiana Gas Co., South Marlow Field, Stephens County, Okla.	Notice of cancellation (Undated).[16] [44] [55]	[56] 114	3
CI68-557 (CI63-533), B 10-17-67	Mutual Oil Co	Consolidated Gas Supply Corp., Cove District, Doddridge and Gilmer Counties, W. Va.	Notice of cancellation 10-16-67.[15] [44]	1	1
CI68-559 (CI65-869), B 10-17-67	West Vandyfy Trust	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Notice of cancellation 10-16-67.[15] [16]	1	1
CI68-560 [57] (G-10746), E 10-17-67	Grace E. Lowther et al. (successor to Willard E. Ferrell d.b.a. Pine Run Development Co.).	Consolidated Gas Supply Corp., Grant District, Wetzel County, W. Va.	Willard E. Ferrell d.b.a. Pine Run Development Co., FPC GRS No. 1.	2	
			Notice of succession 9-20-67.		
			Assignment 6-14-67 [58]	2	1
			Effective date: 6-14-67		
CI68-562 (CI64-429) B 10-18-67	Glenn L. Haught et al., d.b.a. Phillips Gas Co.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Notice of cancellation 10-16-67.[15] [16]	23	1
CI68-564 (G-2638), B 10-18-67	Phillips Petroleum Co. (Operator) et al.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Pavelock Lease, La Rosa Field, Refugio County, Tex.	Notice of Cancellation 10-16-67.[16] [44]	[59] 29	10
CI68-565 A 10-19-67 [28]	Edwin H. Chapman et al.	Consolidated Gas Supply Corp., Cove District, Doddridge County, W. Va.	Contract 9-12-67 [11]	1	
CI68-566 A 10-16-67	S. W. Jack Drilling Co. et al.	Consolidated Gas Supply Corp., Sandy Township, Clearfield County, Pa.	Contract 2-2-60 [11]	7	
CI68-568 (G-3079), F 10-16-67	Humble Companies Charitable Trust (successor to Humble Oil & Refining Co.).	Trunkline Gas Co., Sabine Tram Field, Newton County, Tex.	Contract 7-31-52 [60]	1	
			Amendment 7-1-64 [61]	1	1
			Assignment 7-13-67 [62]	1	2
			Effective date: 7-1-67		
G-3079 [12]	Humble Oil & Refining Co.	do	Assignment 7-13-67 [62]	1	[63] 14
			Effective date: 11-9-67		
CI68-570 A 10-19-67 [28]	Union Drilling, Inc	Equitable Gas Co., Collins Settlement, Courthouse and Skin Creek Districts, Lewis County, W. Va	Contract 5-9-67 [11]	37	
CI68-571 A 10-19-67 [28]	Hugh K. Spencer et al., d.b.a. J. & S. Gas Co.	Consolidated Gas supply Corp., Center District, Gilmer County, W. Va.	Contract 8-24-67 [11]	20	
CI68-572 A 10-19-67 [28]	Hays & Co., agent for Arlen Carpenter et al.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	Contract 8-21-67 [11]	303	
CI68-574 A 10-23-67 [28]	Spartan Gas Co	United Fuel Gas Co., Shale Field, Duval District, Lincoln County, W. Va.	Contract 10-16-67 [11]	13	
CI68-576 (CI66-930), B 10-23-67	Golden Oil Co	Pennsylvania Gas Co., Sheffield Township, Warren County, Pa.	Notice of cancellation 10-19-67.[15] [16]	1	1
CI68-579 A 10-20-67 [64]	Roy E. Crawford et al	The Manufacturers Light & Heat Co., Porter Township, Clarion County, Pa.	Contract 1-24-53 (L-2173) [65]	1	
			Bill of sale 11-14-53 [66]	1	1
			Assignment 7-5-66 [67]	1	2
			Effective date: 7-5-66		

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI68-580 A 10-24-67 [28]	Texaco Inc. (Operator) et al.	El Paso Natural Gas Co., Texaco-Moxa Unit, Lincoln and Sweetwater Counties, Wyo.	Contract 8-29-67	407	
			Letter agreement 8-29-67.	407	1
			Letter agreement 9-27-67.[11]	407	2
CI68-581 A 10-24-67 [28]	M. J. Moran et al	Equitable Gas Co., Skin Creek District, Lewis County, W. Va.	Contract 10-12-67 [11]	21	
CS67-82 E 8-29-67	Mesa Petroleum Co., et al. (successor to Petroleum Exploration, Inc. of Texas et al.).	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	Petroleum Exploration, Inc. of Texas et al.		
			FPC GRS No. 12	31	
			Supplement Nos. 1-8	31	1-8
			Notice of succession 9-27-67.		
			Merger agreement 4-14-67.	31	9
			Effective date: 4-30-67		

[1] Contract supersedes contract dated Jan. 14, 1938.
[2] Instrument by which Applicant acquired his interest.
[3] Agreement consolidating two contracts.
[4] Document covering transfer of the subject properties to Astra Oil & Gas Corp.
[5] Effective date: Date of transfer of properties involved.
[6] Jan. 1, 1970, moratorium for previously undedicated acreage.
[7] Provides for the sale of gas from newly acquired acreage and acreage acquired from Humble Oil & Refining Co. and Fred LaRue et al.
[8] Transfers acreage from Fred LaRue et al. to Sun Oil Co. to a depth of 11,605 feet. Acreage previously dedicated to contract dated Aug. 11, 1958, between Fred LaRue et al., as sellers and United Gas Pipe Line Co., as buyer; on file as Fred LaRue (Operator) et al., FPC GRS No. 2 (Docket No. G-16528).
[9] Transfers acreage from Humble Oil & Refining Co. to Sun Oil Co. with various depth limitations. Acreage previously dedicated to contract dated Apr. 15, 1955, between Humble, as seller and United, as buyer; on file as Humble Oil & Refining Co. FPC GRS No. 110 (Docket No. G-8816).
[10] Transfers additional acreage from Larco Drilling Co. to Applicant to a depth of 11,605 feet. Acreage previously dedicated to contract dated Aug. 11, 1958, between Fred LaRue et al. and United; on file as Fred LaRue (Operator) et al., FPC GRS No. 2.
[11] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[12] No certificate filing made or necessary, only the rate filing is being accepted for filing by this order.
[13] Transfers acreage from Fred LaRue et al. to Sun Oil Co. to a depth of 11,605 feet.
[14] Transfers additional acreage from Larco Drilling Co. to Sun Oil Co. to a depth of 11,605 feet.
[15] Production of gas no longer economically feasible.
[16] Effective date: Date of this order.
[17] Assigns acreage from Phillips Petroleum Co. to Eli Wilkonson.
[18] Assigns acreage from Eli Wilkonson to Moran Pipe & Supply Co., Inc.
[19] Amendment to the certificate filed to include interest of co-owner, Humble Oil & Refining Co. By agreement of Aug. 31, 1967, Humble elected to let its acquired interest remain under Union's rate schedule.
[20] Assignment of Interest from Union to Humble Oil & Refining Co. (Lillie Midkiff Unit, Tract No. 6).
[21] Assignment of interest from Union to Humble Oil & Refining Co. (Midkiff Unit Tract No. 4).
[22] Assignment of interest from Union to Humble Oil & Refining Co. (Shackelford Unit Tract No. 39).
[23] Between General Petroleum Corp. (now Mobil Oil Corp.) and El Paso Natural Gas Co.; on file as Mobil Oil Corp. FPC GRS No. 218.
[24] From Socony Mobil Oil Co. (now Mobil) to Camerina Petroleum Corp.
[25] Specifies a rate of 17.7 cents per Mcf in accordance with the temporary certificate issued Dec. 11, 1961.
[26] Deletes acreage in W/2 of sec. 34-T2N-R25ECM because the well cannot produce against buyer's pipeline pressure.
[27] Contains letter agreement dated June 27, 1967, canceling contract with respect to certain nonproductive acreage.
[28] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[29] Provides for 5-year make-up period.
[30] Transfers properties involved from A. C. Woodford, deceased, to Hazel Woodford.
[31] Adds acreage owned by Cities Service Oil Co. Filing also includes an operating agreement dated July 19, 1965, authorizing Horizon, as unit operator, to sell Cities Service's gas.
[32] From Atlantic Richfield Co. to R. K. Ganter & Associates.
[33] From R. K. Ganter & Associates to Ryan Consolidated Petroleum Corp. Interest covered by Small Producer Certificate issued in docket No. CS66-137.
[34] From Olen F. Featherstone and Martha Featherstone to Featherstone Farms, Ltd. (production from the Fort Union Formation).
[35] Jan. 1, 1968, moratorium provided by opinion No. 468.
[36] By letter filed Sept. 5, 1967, Applicant agreed to accept a permanent certificate consistent with opinion No. 468.
[37] Sale being rendered without prior Commission authorization by predecessor.
[38] By and between Lomega Explorations Ltd., et al., and The Manufacturers Light and Heat Co.
[39] By and between Keta Gas and Oil Co. and The Manufacturers Light and Heat Co.
[40] By letter dated October 19, 1967 (filed October 20, 1967) Applicant agreed to accept a permanent certificate consistent with opinion No. 468.

[41] Between Hunt Oil Co. and El Paso Natural Gas Co.
[42] From Hunt Oil Co. to Pecos Co.
[43] Covers the sale of sour gas, buyer does the treating of the gas.
[44] Source of gas depleted.
[45] Adopts terms of contract dated June 11, 1965, between buyer and Socony Mobil Oil Co., Inc. (now Mobil Oil Corp.).
[46] Acreage dedicated to the top of The Leu Ann Salt found at a depth of 17,390 feet.
[47] Other sales covered under Docket No. G-3291; therefore, the certificate in said docket will be terminated only insofar as it pertains to N. H. Wheless Oil Co. FPC GRS No. 3.
[48] Contract was for sale of excess gas only. Excess gas no longer exists.
[49] Contract between Union Producing Co. and United Gas Pipe Line Co.; on file as Union Producing Co. FPC GRS No. 248.
[50] Ratifies contract dated Apr. 7, 1966, between Barnwell Production Co. et al., and Arkansas Louisiana Gas Co.; also on file as Barnwell Production Co. et al., FPC GRS No. 14.
[51] Between Fair Oil Co. et al., and buyer.
[52] Between Gibson Drilling Co. et al., and buyer.
[53] Sale being rendered without prior Commission authorization.
[54] The certificate granted in Docket No. G-4521 was terminated inadvertently by order permitting and approving abandonment of service in Docket No. CI64-880 to Paul E. Kahle et al.
[55] Cancels Tidewater Oil Co. (Operator) et al., FPC GRS No. 114.
[56] Rate in effect subject to refund in Docket No. RI67-78, effective Mar. 13, 1967. Applicant states the well ceased to produce before effective date of rate increase and no money was collected subject to refund; therefore, the rate suspension proceeding pending in Docket No. RI67-78 will be terminated.
[57] Application erroneously assigned Docket No. CI68-560 will be treated as a petition to amend the certificate issued in Docket No. G-10746 and Docket No. CI68-560 will be canceled.
[58] From Willard E. Ferrell doing business as Pine Run Development Co. to A. B. and Grace E. Lowther.
[59] Rate in effect subject to refund in Docket No. G-17138.
[60] Basic contract between Humble Oil & Refining Co., as seller and Trunkline Gas Co., as buyer; currently designated as Humble Oil & Refining Co. FPC GRS No. 1.
[61] Amends contract to provide for a rate of 15 cents per Mcf which is the settlement rate approved by Commission order issued July 7, 1964, in Docket Nos. G-9287 and G-9288 et al.
[62] Transfers acreage from Humble Oil & Refining Co. to Humble Companies Charitable Trust to a depth of 200 feet below the "Subsurface Interval" the top of which is 7,150 feet and the bottom 8,550 feet.
[63] Notice of partial cancellation dated Oct. 4, 1967, made an Exhibit to Supplement No. 14.
[64] Sale being rendered on June 7, 1954, by predecessor (no certificate or rate filings were made by predecessor).
[65] Between H. E. White, agent and W. M. Shaner and Donald H. White, sellers, and Manufacturers, buyer.
[66] From Shaner to Donald H. White.
[67] From H. E. and Donald H. White to Roy E. Crawford et al.

Suggested agreement and undertaking:

(Name of Respondent _____)

Docket No. _____

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENTS) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF § 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of § 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ____ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto),[1] this _____ day of _____, 196__.

(Name of Respondent)

By _____

Attest:

_____

[F.R. Doc. 68-1; Filed, Jan. 3, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 28, 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 December 29, 1967, through January 7, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-86; Filed, Jan. 3, 1968; 8:46 a.m.]

[1] If a corporation

FASTLINE, INC.

Order Suspending Trading

DECEMBER 28, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Fastline, Inc., New York, N.Y., 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 December 29, 1967, through January 7, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-87; Filed, Jan. 3, 1968; 8:46 a.m.]

[70-4570]

NEW JERSEY POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Notes to Banks

DECEMBER 28, 1967.

Notice is hereby given that New Jersey Power & Light Co. ("NJP&L"), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public Utilities Corp. ("GPU"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

NJP&L has outstanding $3,400,000 principal amount of unsecured promissory notes issued to the banks named below, pursuant to the provisions of the first sentence of section 6(b) of the Act. NJP&L proposes to issue and sell, from time to time not later than February 28, 1969, additional notes so that the aggregate principal amount to be outstanding at any one time will not exceed $7,900,000. All the notes will mature not later than 9 months from the respective dates of issue and may be prepaid at any time without premium. The interest rate on the notes is, or will be, the prime commercial rate in effect at each bank on the date of issuance.

Although no commitments or agreements for such borrowings have been made, if this declaration is granted by the Commission, NJP&L expects that, as and to the extent that its cash needs require, borrowings will be effected from among the following banks.

The maximum amount of notes to be outstanding at any one time with any bank are as follows:

The Chase Manhattan Bank NA, New York, N.Y.	$4,000,000
Fidelity Union Trust Co., Newark, N.J.	1,900,000
Trust Company National Bank, Morristown, N.J.	900,000
The First National Iron Bank of New Jersey, Morristown, N.J.	700,000
The National Union Bank of Dover, Dover, N.J.	400,000
Total	$7,900,000

The proceeds from the sale of the notes will be used by NJP&L for construction expenditures and/or to repay other short-term borrowings, the proceeds from which having been so applied. NJP&L represents that if any permanent debt securities are issued and sold by it prior to the maturity of all the notes proposed to be issued under this filing, the net proceeds thereof will be applied in reduction of or in total payment of such notes, and that the maximum amount of notes authorized to be outstanding hereunder will be reduced by the amount of such net proceeds.

NJP&L estimates that its expenses incident to the proposed transactions will be approximately $3,000, including counsel fees of $2,600, and it states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. However, it is also stated that approval by the Board of Public Utility Commissioners of the State or New Jersey will be required for a renewal, extension, or replacement of any notes issued by NJP&L, if, as a result thereof, the loan evidenced thereby is not repaid within 12 months of the original date of the note or notes.

Notice is further given that any interested person may, not later than January 19, 1968, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request, that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-88; Filed, Jan. 3, 1968; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

DECEMBER 28, 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 December 29, 1967, through January 7, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-89; Filed, Jan. 3, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 29, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41203—*Commodity rates from and to Port Arthur, Tex.* Filed by Texas-Louisiana Freight Bureau, agent (No. 607), for interested rail carriers. Rates on property moving on import, export, or coastwise commodity rates, in carloads, from or to Port Arthur, Tex., on the one hand, to or from specified points in Louisiana and Texas, on the other.

Grounds for relief—Rate relationship, and market competition.

Tariff—Supplement 95 to Texas-Louisiana Freight Bureau, agent, tariff ICC 1014.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-79; Filed, Jan. 3, 1968; 8:46 a.m.]

[Notice 479]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 29, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 4963 (Deviation No. 21), JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. 19475, filed December 20, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Breezewood, Pa., over Interstate Highway 70 to junction Interstate Highway 70S, thence over Interstate Highway 70S to Washington, D.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Hanover, Pa., over Pennsylvania Highway 116 to junction U.S. Highway 30, thence over U.S. Highway 30 to York, Pa., thence over U.S. Highway 111 to Harrisburg, Pa., thence over U.S. Highway 11 to the Carlisle Tollgate, thence over the Pennsylvania Turnpike to the Irwin Tollgate, thence over U.S. Highway 30 to Pittsburgh, Pa., (2) from Hanover, Pa., over Pennsylvania Highway 94 to Mount Holly Springs, Pa., thence over Pennsylvania Highway 34 to Carlisle Tollgate, (3) from Baltimore, Md., over U.S. Highway 140 to Reisterstown, Md., thence over Maryland Highway 30 to the Maryland-Pennsylvania State line, thence over Pennsylvania Highway 94 to Hanover, Pa., thence over Pennsylvania Highway 116 to junction U.S. Highway 30 to York, Pa., and (4) from Dallastown, Pa., over Pennsylvania Highway 24 to York, Pa., thence over unnumbered highway (formerly U.S. Highway 111) to Baltimore, Md., thence over U.S. Highway 1 to Washington, D.C., and return over the same routes.

No. MC 29910 (Deviation No. 9), ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901, filed December 20, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, Ohio, over Interstate Highway 70 to the Hebron Exit, thence over Ohio Highway 79 to Newark, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Newark, Ohio, and Columbus, Ohio, over Ohio Highway 16.

No. MC 107353 (Deviation No. 3), HELPHREY MOTOR FREIGHT, INC., 3417 East Springfield, Spokane, Wash. 99202, filed December 18, 1967. Carrier proposes to operate as a *common carrier*,

by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Washington Highway 12 and U.S. Highway 97 near Maryhill, Wash., over Washington Highway 12 to Kennewick, Wash., thence over U.S. Highway 395 to junction with Interstate Highway 90 near Ritzville, Wash., thence over Interstate Highway 90 to Spokane, Wash., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Coram, Mont., over U.S. Highway 2 to junction unnumbered highway approximately two miles east of Glasgow, Mont., thence over unnumbered highway to the site of the Glasgow Air Force Base, (2) from Glasgow, Mont., over Montana Highway 24 to Fort Peck, Mont., (3) from Havre, Mont., over U.S. Highway 2 to junction U.S. Highway 87, thence over U.S. Highway 87 to Great Falls, Mont., (4) from Browning, Mont., over U.S. Highway 2 to junction U.S. Highway 89, thence over U.S. Highway 89 to Great Falls, Mont., (5) from Shelby, Mont., over U.S. Highway 2 to junction U.S. Highway 91, thence over U.S. Highway 91 to Great Falls, Mont., (6) from Spokane, Wash., over U.S. Highway 2 (formerly shown as Alternate U.S. Highway 10) to Wilbur, Wash., thence over Washington Highway 21 (formerly Washington Highway 4) to junction Washington Highway 174 (formerly Washington Highway 4C), thence over Washington Highway 174 to Coulee Dam, Wash., thence over Washington Highway 155 (formerly Washington Highway 10A) to Omak, Wash.; also from Wilbur over U.S. Highway 2 (formerly shown as Alternate U.S. Highway 10) to junction Washington Highway 17 (formerly Washington Highway 10), thence over Washington Highway 17 to junction Washington Highway 172, thence over Washington Highway 172, via Mansfield, Wash., to junction unnumbered highway, thence over unnumbered highway to junction Washington Highway 17 (formerly portion Washington Highway 10), thence over Washington Highway 17 to Brewster, Wash., thence over U.S. Highway 97 to Omak, Wash., thence over U.S. Highway 97 to Oroville, Wash.

(7) From Oroville, Wash., over U.S. Highway 97 to the United States-Canada boundary line, (8) from Wenatchee, Wash., over U.S. Highway 2 to junction U.S. Highway 97, thence over U.S. Highway 97 to Brewster, Wash., (9) from Brewster, Wash., over Washington Highway 173 (formerly Washington Highway 10) to junction Washington 17 (formerly portion Washington Highway 10), thence over Washington Highway 17 to junction Washington Highway 174 (formerly Washington Highway 10B) thence over Washington Highway 174 to Grand Coulee, Wash., (10) from Tonasket, Wash., over Washington Highway 30 (formerly Washington Highway 4) to Republic, Wash., (11) from Grand Coulee, Wash., over Washington Highway 155 (formerly Washington Highway 2F) to Coulee City, Wash., (12) from Coulee City, Wash., over U.S. Highway 2 to junction Washington Highway 17 (formerly Washington Highway 7) thence over Washington Highway 17 to junction Washington Highway 28 (formerly portion Washington Highway 7), thence over Washington Highway 28 via Quincy to Wenatchee, Wash., (13) from Spokane, Wash., over U.S. Highway 2 to junction U.S. Highway 97, thence over U.S. Highway 97 to Teanaway, Wash., thence over U.S. Highway 10 at Seattle, Wash., (14) from Quincy, Wash., over Washington Highway 28 (formerly Washington Highway 7) to junction Washington Highway 293 (formerly U.S. Highway 10), thence over Washington Highway 283 to junction U.S. Highway 10, thence over U.S. Highway 10 to Ellensburg, Wash., (15) from Prosser, Wash., over U.S. Highway 410 to Yakima, Wash., thence over U.S. Highway 97 to Ellensburg, Wash., thence over U.S. Highway 10 to Teanaway, Wash., (16) from Yakima, Wash., over U.S. Highway 97 to Maryhill, Wash., thence over U.S. Highway 830 to Vancouver, Wash., thence over U.S. Highway 99 to Portland, Oreg., and return over the same routes.

No. MC 107353 (Deviation No. 4), HELPHREY MOTOR FREIGHT, INC., 3417 East Springfield, Spokane, Wash., 99202, filed December 18, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toppenish, Wash., over Washington Highway 22 to junction U.S. Highway 410 near Prosser, Wash., thence over U.S. Highway 410 to Kennewick, Wash., thence over U.S. Highway 395 to junction Interstate Highway 90 near Ritzville, Wash., thence over Interstate Highway 90 to Spokane, Wash., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Coram, Mont., over U.S. Highway 2 to junction unnumbered highway approximately 2 miles east of Glasgow, Mont., thence over unnumbered highway to the site of the Glasgow Air Force Base, (2) from Glasgow, Mont., over Montana Highway 24 to Fort Peck, Mont., (3) from Havre, Mont., over U.S. Highway 2 to junction U.S. Highway 87, thence over U.S. Highway 87 to Great Falls, Mont., (4) from Browning, Mont., over U.S. Highway 2 to junction U.S. Highway 89, thence over U.S. Highway 89 to Great Falls, Mont., (5) from Shelby, Mont., over U.S. Highway 2 to junction U.S. Highway 91, thence over U.S. Highway 91 to Great Falls, Mont.

(6) From Spokane, Wash., over U.S. Highway 2 (formerly shown as Alternate U.S. Highway 10) to Wilbur, Wash., thence over Washington Highway 21 (formerly Washington Highway 4) to junction Washington Highway 174 (formerly Washington Highway 4C), thence over Washington Highway 174 to Coulee Dam, Wash., thence over Washington Highway 155 (formerly Washington Highway 10A) to Omak, Wash.; also from Wilbur over U.S. Highway 2 (formerly shown as Alternate U.S. Highway 10) to junction Washington Highway 17 (formerly Washington Highway 10), thence over Washington Highway 17 to junction Washington Highway 172, thence over Washington Highway 172 via Mansfield, Wash., to junction unnumbered highway, thence over unnumbered highway to junction Washington Highway 17 (formerly portion Washington Highway 10), thence over Washington Highway 17 to Brewster, Wash., thence over U.S. Highway 97 to Omak, Wash., thence over U.S. Highway 97 to Oroville, Wash., (7) from Oroville, Wash., over U.S. Highway 97 to the United States-Canada boundary line, (8) from Wenatchee, Wash., over U.S. Highway 2 to junction U.S. Highway 97, thence over U.S. Highway 97 to Brewster, Wash., (9) from Brewster, Wash., over Washington Highway 173 (formerly Washington Highway 10) to junction Washington Highway 17 (formerly portion Washington Highway 10), thence over Washington Highway 17 to junction Washington Highway 174 (formerly Washington Highway 10B) thence over Washington Highway 174 to Grand Coulee, Wash., (10) from Tonasket, Wash., over Washington Highway 30 (formerly Washington Highway 4) to Republic, Wash., (11) from Grand Coulee, Wash., over Washington Highway 155 (formerly Washington Highway 2F) to Coulee City, Wash., (12) from Coulee City, Wash., over U.S. Highway 2 to junction Washington Highway 17 (formerly Washington Highway 7) thence over Washington Highway 17 to junction Washington Highway 28 (formerly portion Washington Highway 7), thence over Washington Highway 28 via Quincy to Wenatchee, Wash., (13) from Spokane, Wash., over U.S. Highway 2 to junction U.S. Highway 97, thence over U.S. Highway 97 to Teanaway, Wash., thence over U.S. Highway 10 to Seattle, Wash., (14) from Quincy, Wash., over Washington Highway 28 (formerly Washington Highway 7) to junction Washington Highway 293 (formerly U.S. Highway 10), thence over Washington Highway 283 to junction U.S. Highway 10, thence over U.S. Highway 10 to Ellensburg, Wash., (15) from Prosser, Wash., over U.S. Highway 410 to Yakima, Wash., thence over U.S. Highway 97 to Ellensburg, Wash., thence over U.S. Highway 10 to Teanaway, Wash., (16) from Yakima, Wash., over U.S. Highway 97 to Maryhill, Wash., thence over U.S. Highway 830 to Vancouver, Wash., thence over U.S. Highway 99 to Portland, Oreg., and return over the same routes.

MOTOR CARRIER OF PASSENGERS

No. MC 8500 (Deviation No. 12) (Cancels Deviation No. 6), TENNESSEE TRAILWAYS, INC., 710 Sevier Avenue, Knoxville, Tenn. 37920, filed December 19, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Knoxville, Tenn., over Interstate Highway 75 to

junction Tennessee Highway 95, near Lenoir City, Tenn., and (2) from Cleveland, Tenn., over Interstate Highway 75 to Chattanooga, Tenn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Knoxville, Tenn., and Chattanooga, Tenn., over U.S. Highway 11.

By the Commission.

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

[F.R. Doc. 68-80; Filed, Jan. 3, 1968; 8:46 a.m.]

[Notice 1137]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 29, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 13123 (Sub-No. 45), filed December 21, 1967. Applicant: WILSON FREIGHT COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Columbia, Md., as an off-route point in connection with applicant's presently authorized regular route operations at Baltimore, Md.

HEARING: January 15, 1968, at 9:30 a.m., e.s.t., in Room 108, Federal Building, Charles Center, 31 Hopkins Plaza, Baltimore, Md., before Joint Board No. 112.

No. MC 109637 (Sub-No. 332), filed December 27, 1967. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, Louisville, Ky. 40201. Applicant's representative: Frank B. Hand, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt and asphalt products*, in bulk, from the plantsite of the Shell Oil Co. at or near Cincinnati, Ohio, to points in Kentucky and Indiana, and (2) *asphalt and asphalt products, and coal tar and coal tar emulsions*, in bulk, from the plantsite and storage facilities of Bitucote Products Co., at or near Cincinnati, Ohio, to St. Louis, Mo., and points in Indiana and Kentucky.

HEARING: January 23, 1968, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 115841 (Sub-No. 322), filed December 21, 1967. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, West (Post Office Box 2169), Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, chemical compounds, and cleaning compounds* (except, in bulk in tank vehicles) from Utica, Ill., to points in Arkansas, Indiana, Kentucky, Louisiana, Lower Peninsula of Michigan, Mississippi, Missouri, Ohio, Tennessee, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

HEARING: February 6, 1968, in Room 1086-A, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Charles B. Heinemann.

No. MC 116805 (Sub-No. 5), filed December 27, 1967. Applicant: REFINERS TRANSPORT, INC., 3919 Meadows Drive, Indianapolis, Ind. 46205. Applicant's representative: Frank B. Hand, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt and asphalt products*, in bulk, from the plantsite of the Shell Oil Co. located at or near Cincinnati, Ohio, to points in Indiana, and (2) *asphalt and asphalt products, and coal tar and coal tar emulsions*, in bulk, from the plantsite and storage facilities of Bitucote Products Co., located at or near Cincinnati, Ohio, to St. Louis, Mo., and points in Indiana and Kentucky.

HEARING: January 23, 1968, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 117883 (Sub-No. 106), filed December 4, 1967. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products* (except bananas and commodities in bulk, in tank vehicles), from points in the New York, N.Y., commercial zone as defined by the Commission in 1 M.C.C. 665; points in New York within 5 miles of the New York, N.Y., commercial zone; and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, points in Pennsylvania on and west of U.S. Highway 15, West Virginia, and Wisconsin.

HEARING: January 15, 1968, at the Federal Trade Commission, Hearing Room "B", 14th floor, 30 Church Street, New York, N.Y., before Examiner Isadore Freidson.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 59720 (Sub-No. 4), filed December 17, 1967. Applicant: KENMORE TRANSPORTATION CO., a corporation, 22 Eskow Road, Worcester, Mass. Applicant's representative: Robert J. Gallagher, 66 Central Street, Wellesley, Mass. 02181. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Massachusetts. NOTE: Applicant states it intends to tack the proposed operations at points in Massachusetts where it is authorized to operate. This application is a matter directly related to Docket No. MC-F-9981, published in FEDERAL REGISTER issue of December 27, 1967. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9750 (Amendment) (KROBLIN REFRIGERATED XPRESS, INC.—CONTROL & MERGER—ARROW MOTOR FREIGHT LINE, INC.; TAKIN BROS. FREIGHT LINE, INC.—Purchase (Portion)—ARROW MOTOR FREIGHT LINE, INC.), published in the May 24, 1967, issue of the FEDERAL REGISTER, on page 7611. By amendment to the application, filed December 26, 1967, applicants seek to substitute ALLEN E. KROBLIN, individually, as transferee, in lieu of KROBLIN REFRIGERATED XPRESS, INC.

No. MC-F-9986. Authority sought for control by DELTA LINES, INC., 65th and Eastshore Freeway (Post Office Box 8155), Emeryville, Calif. 94608, of CALIFORNIA MOTOR TRANSPORT CO., 50 Brannan Street, San Francisco, Calif. 94119, and for acquisition by THOMAS R. DWYER and P. G. DWYER, both also of Emeryville, Calif., of control of CALIFORNIA MOTOR TRANSPORT CO., through the acquisition by DELTA LINES, INC. Applicants' attorneys and representative respectively: Edward M. Berol, 100 Bush Street, San Francisco, Calif. 94104, Arthur H. Glanz, 639 South Spring Street, Los Angeles, Calif. 90014, and Waldo K. Greiner, Post Office Box

1271, San Diego, Calif. 94112. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between San Francisco, Calif., and Los Angeles, Calif., between San Francisco, Calif., and Oakland, Calif., serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between San Francisco, Calif., on the one hand, and, on the other, Richmond, Calif., and points within 2 miles of Richmond, between points in San Francisco County, Calif.; and under a certificate of registration, in Docket No. MC–15506 Sub-17, covering the transportation of general commodities, as a common carrier in intrastate commerce, within the State of California. DELTA LINES, INC. is authorized to operate as a *common carrier* in California and Nevada. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC–F–9994 (ILLINOIS-CALIFORNIA EXPRESS, INC.—PURCHASE—CALIFORNIA MOTOR TRANSPORT CO.), published this same issue.

No. MC–F–9987. Authority sought for purchase by H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, Okla. 73109, of the operating rights of MUSKE MACHINERY CARTAGE, INC. (STANDARD ACCEPTANCE COMPANY, MORTGAGEE, Suite 1330, 11 South La Salle Street, Chicago, Ill. 60603), 2110 West Division Street, Melrose Park, Ill. 60160, and for acquisition by H. J. JEFFRIES, also of Oklahoma City, Okla., of control of such rights through the purchase. Applicants' attorneys: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224, Axelrod, Goodman, and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *Commodities*, which because of size or weight require the use of special equipment, and *contractors' materials, supplies, and equipment* moving in connection therewith which do not necessarily require the use of special equipment, as a *common carrier*, over irregular routes, between points in Indiana and Illinois; *contractor's equipment and machinery* which, because of size or weight requires specialized handling or the use of special equipment, between Sterling, Ill., and points within 5 miles thereof, on the one hand, and, on the other, points in Minnesota, South Dakota, Nebraska, Missouri, Indiana, Ohio, Iowa, Michigan, and Wisconsin. Vendee is authorized to operate as a *common carrier* in Oklahoma, Kansas, Texas, Arkansas, New Mexico, Illinois, Indiana, Iowa, Kentucky, Missouri, Louisiana, Colorado, Wyoming, Montana, Nebraska, North Dakota, South Dakota, Utah, Nevada, Tennessee, Alaska, Wisconsin, Ohio, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9988. Authority sought for purchase by DELBERT H. STEPHENS AND FERDINAND A. KLEIN, doing business as SPOKANE-ST. MARIES AUTO FREIGHT, 407 North Perry Street, Spokane, Wash. 99202, of a portion of the operating rights and certain property of JIM'S TRANSFER, INC., East 3023 Sprague Avenue, Spokane, Wash. 99202. Applicants' attorney: Joseph L. Thomas, 711 Old National Bank Building, Spokane, Wash. 99201. Operating rights sought to be transferred: *Household goods* as defined by the Commission, *farm machinery, farm implements, and parts thereof, agricultural commodities, livestock, building materials* (except cement), *coal, wood, and other fuel, sand, gravel,* and *seed*, as a *common carrier*, over irregular routes, between points in Washington east of the Cascade Mountains on the one hand, and, on the other, points in Latah, Benewah, and Kootenai Counties, Idaho. Vendee is authorized to operate as a *common carrier* in Washington and Idaho. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9989. Authority sought for control by RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203, of HELM'S EXPRESS, INC., Post Office Box 268, Pittsburgh, Pa. 15230, and for acquisition by INTERNATIONAL UTILITIES, INC., and in turn, by INTERNATIONAL UTILITIES CORPORATION, both of 1500 Walnut Street, Philadelphia, Pa. 19102, of control of HELM'S EXPRESS, INC., through the acquisition by RYDER TRUCK LINES, INC. Applicants' attorneys: Roland Rice, 618 Perpetual Building, Washington, D.C. 20004, and John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Cincinnati, Ohio, and Pittsburgh, Pa., serving all intermediate points and the off-route points of Follansbee, W. Va., those within 10 miles of Cincinnati, those in Pennsylvania within 15 miles of Washington, Pa., and those within 20 miles of Pittsburgh, between Cincinnati, Ohio, and Charleroi, Pa., serving the intermediate points of New Philadelphia and Canton, Ohio, restricted to delivery only, and serving all other intermediate points except those on Ohio Highway 39 east of New Philadelphia, and those on Pennsylvania Highway 68 west of Rochester, Pa., without restriction; and off-route points of Elizabeth, Pa., New Miami, Ohio, those within 10 miles of Rochester, Pa., and those within 5 miles of Dayton, Ohio, between Cincinnati, Ohio, and Greensburg, Pa., serving all intermediate points, between London, Ohio, and Natrona, Pa., serving the intermediate points of Canton, Ohio, restricted to delivery only, and serving all other intermediate points without restriction, between Newcomerstown, Ohio, and Butler, Pa., serving the intermediate points of New Philadelphia and Canton, Ohio, restricted to delivery only, and serving all other intermediate points without restriction, between certain specified Ohio points, serving all intermediate points, between New York, N.Y., and Glens Falls, N.Y., between New York, N.Y., and South Manchester, Conn., between New York, N.Y., and Newark, N.J., serving all intermediate points, and certain off-route points.

Between New York, N.Y., and Boston, Mass., serving certain intermediate and off-route points, and points within 10 miles of Worcester, and points within 10 miles of Springfield, restricted to northbound traffic only; and serving points within 15 miles of State House, Boston, and points within 25 miles of Columbus Circle, N.Y., between New York, N.Y., and Boston, Mass., serving the intermediate and off-route points of Providence, R.I., and points in Rhode Island within 15 miles of Providence, restricted to delivery only on northbound traffic, and serving points within 15 miles of State House, Boston, and points within 25 miles of Columbus Circle, N.Y., with restriction; between Cleveland, Ohio, and Philadelphia, Pa., serving all intermediate points and certain off-route points, between Harrisburg, Pa., and Lancaster, Pa., between Harrisburg, Pa., and Philadelphia, Pa., between Bethlehem, Pa., and Philadephia, Pa., serving all intermediate points, between Akron, Ohio, and Pittsburgh, Pa., serving all intermediate points and certain off-route points, between Canfield, Ohio, and Rochester, Pa., between Norwalk, Ohio, and Youngstown, Ohio, serving all intermediate points, between Pittsburgh, Pa., and Jennerstown, Pa., serving all intermediate points, and the off-route point of Ebensburg, Pa., between West Alexander, Pa., and Uniontown, Pa., between Greensburg, Pa., and Point Marion, Pa., between Pittsburgh, Pa., and Steubensville, Ohio, serving all intermediate points, between Sandusky, Ohio, and New Philadelphia, Ohio, serving all intermediate points and the off-route point of Mansfield, Ohio, between Norwalk, Ohio, and Willoughby, Ohio, serving all intermediate points.

Between Strasburg, Ohio, and Willoughby, Ohio, serving all intermediate points and the off-route point of Painesville, Ohio, between Wadsworth, Ohio, and Canton, Ohio, between Lorain, Ohio, and Mallet Creek, Ohio, serving all intermediate points, between Wheeling, W. Va., and Pittsburgh, Pa., serving all intermediate points, and certain off-route points, between Wheeling, W. Va., and Dormont, Pa., serving all intermediate points, between Weirton, W. Va., and Pittsburgh, Pa., serving all intermediate points, and certain off-route points, between Weirton, W. Va., and East Liverpool, Ohio, serving all intermediate points, between Wheeling, W. Va., and East Liverpool, Ohio, serving all intermediate points; and the off-route points of Dillonvale and St. Clairsville, Ohio, between Bridgeport, Ohio, and Marietta, Ohio, serving all intermediate points; and the off-route point of Neffs, Ohio, between Wheeling, W. Va., and Parkersburg, W. Va., between Parkersburg, W. Va., and Charleston, W. Va., between Clarksburg, W. Va., and Elkins, W. Va., between Clarksburg, W. Va., and Norton, W. Va., serving all intermediate points, between junction U.S. Highway 50 and

West Virginia Highway 77, and junction U.S. Highway 250 and West Virginia Highway 77, between Washington, Pa., and Morgantown, W. Va., between Washington, Pa., and Florence, Pa., between Wheeling, W. Va., and Parkersburg, W. Va., between Morgantown, W. Va., and Fairmont, W. Va., between Morgantown, W. Va., and junction U.S. Highway 250 and West Virginia Highway 7, between Hundred, W. Va., and Waynesburg, Pa., between junction U.S. Highway 250 and West Virginia Highway 89, and junction Pennsylvania Highways 18 and 21, serving all intermediate points, between Washington, D.C., and Richmond, Va., serving the intermediate point of Fredericksburg, Va.; over numerous alternate routes for operating convenience only.

General commodities, excepting, among others, commodities in bulk, but not excepting household goods, between Pittsburgh, Pa., and New York, N.Y., serving all intermediate points except Hamburg, Pa., and those between Phillipsburg, N.J., and Hamburg; and the off-route points of Altoona, Pa., South Alboy and Trenton, N.J., those in Pennsylvania within 30 miles of Pittsburgh, and those in New York and New Jersey within 15 miles of New York, N.Y., between Phillipsburg, N.J., and New York, N.Y., serving intermediate and off-route points in New York and New Jersey within 15 miles of New York, N.Y.; *general commodities*, except classes A and B explosives (except small arms ammunition), livestock, currency, bullion, articles of virtu, household goods as defined by the Commission, and loose bulk commodities, uncrated, between Washington, D.C., and Cleveland, Ohio, serving the intermediate points of Baltimore and Hagerstown, Md., Bedford, Pa., and those between Bedford, Pa., and Cleveland, Ohio; and certain off-route points in Pennsylvania, and Youngstown and Akron, Ohio, unrestricted; and the off-route points of Shippensburg and Conshohocken, Pa., restricted to traffic moving from, to, or through Bedford, Pa.; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, from Cleveland, Ohio, and points in Ohio within 50 miles of Cleveland, to certain specified points in Pennsylvania, from Blairsville, Pa., and points in Pennsylvania within 60 miles of Blairsville, to points in Ohio east of Ohio Highway 13 and north of Ohio Highway 39, including points on the indicated portions of the highways specified, between Columbus, Ohio, and Bridgeport, Ohio, from Pittsburgh, Pa., to certain specified points in Pennsylvania, between points in the Washington, D.C., commercial zone as defined by the Commission, between points in the Philadelphia, Pa., commercial zone, as defined by the Commission. RYDER TRUCK LINES, INC., is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii) and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9990. Authority sought for purchase by MERRILL MOTOR LINE, INC., 2520 Northeast 35th Street, Fort Worth, Tex., of a portion of the operating rights of A. W. DUNN TRANSFER & STORAGE CO., INC., 510 South Grove Street, Marshall, Tex., and for acquisition by W. H. MERRILL, SR., W. H. MERRILL, JR. and J. W. HULSEY, all of Post Office Box 1545, Fort Worth, Tex., of control of such rights through the purchase. Applicants' attorney: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Operating rights sought to be transferred: *Packinghouse products*, as a *common carrier*, over irregular routes, between Shreveport, La., and Marshall, Tex., on the one hand, and, on the other, Longview, Kilgore, Gladewater, Henderson, Tyler, Jacksonville, Palestine, Overton, Arp, Ironton, Carlisle, and Athens, Tex. Vendee is authorized to operate as a *common carrier* in Oklahoma and Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9991. Authority sought for control by JOHN P. KAVOORAS, 25200 West Six Mile Road, Detroit, Mich. 48204, of AUTOMOBILE TRANSPORT, INC., 36555 Michigan Ave., Post Office Box 805, Wayne, Mich. 48184. Applicants' attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Ave., Detroit, Mich. 48226. Operating rights sought to be controlled: *New automobiles*, and numerous other specified commodities in initial movements, in truckaway and driveaway service, as a *common carrier*, over irregular routes, from, to, and between specified points in the United States (except Alaska and Hawaii), with certain restrictions, as more specifically described in Docket No. MC–87928 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. JOHN P. KAVOORAS, individually holds no authority from this Commission. However, he controls AUTO HAULAWAY LIMITED, 25200 West Six Mile Road, Detroit, Mich. 48204, which is authorized to operate as a *common carrier* in New York and Michigan, and DOMINION AUTO CARRIERS, LTD., 7121 Fairmount Drive, Calgary Alberta, Canada, which is authorized to operate as a *common carrier* in Washington, Idaho, and Montana. Application has not been filed for temporary authority under section 210a(b). NOTE: A motion to dismiss the application simultaneously filed.

No. MC–F–9992. Authority sought for control by RED STAR EXPRESS LINES OF AUBURN, INC., doing business as RED STAR EXPRESS LINES, 24–50 Wright Avenue, Auburn, N.Y. 13021, of P. S. DUBREY TRUCKING CO., INC. (THOMAS F. MULHERN, RECEIVER), 539 Hartford Pike, Shrewsbury, Mass. 01545, and for acquisition by JOHN BISGROVE, 264 East Genesee Street, Auburn, N.Y., of control of P. S. DUBREY TRUCKING CO., INC. (THOMAS F. MULHERN, RECEIVER), through the acquisition by RED STAR EXPRESS LINES OF AUBURN, INC., doing business as RED STAR EXPRESS LINES. Applicants' attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005, and Arthur Wentzell, 539 Hartford Pike, Shrewsbury, Mass. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Worcester, Mass., and Boston, Mass., between Worcester, Mass., and Gloversville, N.Y., serving all intermediate points, between Albany, N.Y., and Walloomsac, N.Y., between Providence, R.I., and Boston, Mass., serving all intermediate and certain off-route points, between New York, N.Y., and Utica, N.Y., between Worcester, Mass., and Newburyport, Mass., serving all intermediate points, between Springfield, Mass., and Windsor, Vt., between Springfield, Mass., and South Deerfield, Mass., between South Hadley, Mass., and Sunderland, Mass., between junction U.S. Highway 5 and Vermont Highway 11, and Ascutney, Vt., serving all intermediate and certain off-route points, between Athol, Mass., and Shelburne Falls, Mass., serving all intermediate points; and the off-route points of Turners Falls and Millers Falls, Mass., between Brattleboro, Vt., and Concord, N.H., serving all intermediate points; and off-route points in New Hampshire within 15 miles of Keene, N.H., and those within 15 miles of Concord, between Jaffrey, N.H., and Newport, N.H., between Palmer, Mass., and Amherst, Mass., serving all intermediate points, between junction U.S. Highway 5 and Vermont Highway 103, and Rutland, Vt., serving all intermediate points; and off-route points within 15 miles of Bellows Falls, Vt., and those within 15 miles of Rutland, between Albany, N.Y., and Rutland, Vt., serving all intermediate and certain off-route points, between Albany, N.Y., and points in New York, and Vermont, serving intermediate points in New York north of Lake George and Kingsbury, N.Y., including Lake George and Kingsbury, and intermediate points in Vermont north of Burlington, Vt., including Burlington, and certain off-route points; between Sanford, Maine, and Providence, R.I., serving the intermediate points of Newburyport and Boston, Mass., with restriction; between Boston, Mass., and Waterville, Maine, serving all intermediate and certain off-route points;

General commodities, excepting, among others, household goods and commodities in bulk, over irregular routes, between Albany, and Plattsburg, N.Y., on the one hand, and, on the other, certain specified counties in New York, between counties in New York as above, on the one hand, and, on the other, Burlington, Vt.; between points within 20 miles of Boston, Mass., Providence, R.I., and Stanford, Maine, with exceptions, and points in Maine on and east of U.S. Highway 1, with restriction; *new textile machinery*, between Worcester, Mass., on the one

hand, and, on the other, Carolina and Providence, R.I.; *waste* and *rags*, between Worcester, Mass., on the one hand, and, on the other, certain specified points in New Hampshire, New York, Philadelphia, Pa., certain specified counties in Rhode Island, and points in Connecticut east of U.S. Highway 5 and north of Connecticut Highway 2, including points on the indicated portions of the highways specified, traversing New Jersey for operating convenience; *used textile machinery, second hand materials and supplies* used in connection with the manufacture of textile products, and *textile mill waste materials*, between Worcester, Mass., and points within ten miles of Worcester, on the one hand, and, on the other, points in Rhode Island, that part of New Hampshire on and south of U.S. Highway 4, and certain specified counties in Connecticut; *sash* and *elevator weights*, from Worcester, Mass., to certain specified points in Rhode Island, and Nashua, N.H.; *wool*, from Boston, Mass., and West Warwick, R.I., to Worcester, Mass.; and *petroleum products*, in containers, from Albany, N.Y., to Burlington, and White River Junction, Vt. RED STAR EXPRESS LINES OF AUBURN, INC., doing business as RED STAR EXPRESS LINES, is authorized to operate as a *common carrier* in New York, New Jersey, Massachusetts, Vermont, Pennsylvania, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9993. Authority sought for purchase by SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606, of the operating rights of CAPITOL MOTOR TRANSPORTATION CO., INC., 69 Norman Street, Everett, Mass., and for acquisition by SPECTOR INDUSTRIES, INC., and, in turn by W. STANHAUS, both also of Chicago, Ill., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and Phil David Fine, 1 State Street, Boston, Mass. 02109. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Boston, Mass., and Woonsocket, R.I., serving all intermediate points, and the off-route points within 5 miles of the described route, those within 10 miles of Providence, R.I., and those within 15 miles of Boston, Mass., between Boston, Mass., and Bridgeport, Conn., serving all intermediate points, and off-route points within 5 miles of the described route, those within 15 miles of Boston, Mass., and those within 15 miles of Springfield, Mass., between Boston, Mass., and Concord, N.H., serving all intermediate points, and off-route points within 5 miles of the described route, and those within 15 miles of Boston, Mass., between Boston, Mass., and New Bedford, Mass., serving all intermediate points, and off-route points within 5 miles of the described routes, and those within 15 miles of Boston, Mass., between Boston, Mass., and Old Town, Maine, serving all intermediate points and off-route points within 5 miles of the described route, and those within 15 miles of Boston, Mass., between points in Maine, serving all intermediate points and off-route points within 5 miles of the described routes, between Portsmouth, N.H., and Rochester, N.H., serving all intermediate points, and off-route points within 5 miles of the described route, between Lowell, Mass., and Portland, Maine, serving all intermediate points, and off-route points within 5 miles of the described route (service is authorized over irregular routes, in connection with the above-described regular routes, to and from certain specified points in Connecticut, Massachusetts, and Maine), between points in New Hampshire, serving all intermediate and certain off-route points, between Boston, Mass., and New York, N.Y., serving the intermediate and off-route points in New Jersey within 15 miles of New York, N.Y., points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, and those within 15 miles of Boston, and the off-route point in Manville, N.J.; over one alternate route for operating convenience only;

General commodities, excepting, among others, household goods and commodities in bulk, over irregular routes, between Boston, Mass., on the one hand, and, on the other, points in Massachusetts within 5 miles of Boston; *roofing* in rolls, *wallboard, building board, insulation board, fiberboard, pulpboard, and strawboard*, from the site of the plant of U.S. Gypsum Co., at Lisbon Falls, Maine, to points in Ohio, Indiana, Illinois, Wisconsin, and Michigan; *limestone*, from points in Monroe and Lawrence Counties, Ind., to points in Maine, New Hampshire, and Vermont; *wallboard, fiberboard, pulpboard and strawboard*, from Lisbon Falls, Maine, to points in Delaware, Maryland, North Carolina, Virginia, and the District of Columbia; *paint*, in containers only, from New York, N.Y., to Providence and Pawtucket, R.I.; *sheet drawn jalousie glass, window glass, and shower door glass*, in containers, from Providence, R.I., to points in New Jersey (with exceptions), points in Pennsylvania on and east of U.S. Highway 15, points in New York (with exceptions), Wilmington, Del., and Baltimore and Salisbury, Md.; from points in the New York, N.Y., commercial zone, to points in Nassau and Suffolk Counties, N.Y., with restriction; *stone*, cut and uncut, rough and finished, from Franklin County, Ala., to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, and Vermont; *wallboard* and *pulpboard, and incidental materials and supplies* moving in the same vehicle, from Lisbon Falls, Maine, to points in Pennsylvania (with exception); and *wallboard, building board, insulation board, fiberboard, pulpboard and strawboard*, and *incidental materials and supplies* used in or in connection with the installation thereof, from Lisbon Falls, Maine, to points in New York (with exception), New Jersey (with exceptions), and West Virginia. Vendee is authorized to operate as a *common carrier* in Missouri, Massachusetts, Indiana, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Illinois, Maryland, Ohio, Wisconsin, Minnesota, Kansas, Colorado, Iowa, Nebraska, Oklahoma, Texas, Delaware, Michigan, Maine, New Hampshire, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9994. Authority sought for purchase by ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216, of the operating rights and certain property of CALIFORNIA MOTOR TRANSPORT CO., 50 Brannan Street, San Francisco, Calif. 94119. Applicants' attorneys and representative: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and Edward M. Berol, 100 Bush Street, San Francisco, Calif. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between San Francisco, Calif., and Los Angeles, Calif., between San Francisco, Calif., and Oakland, Calif., serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between San Francisco, Calif., on the one hand, and, on the other, Richmond, Calif., and points within 2 miles of Richmond, between points in San Francisco County, Calif.; and under a certificate of registration, in Docket No. MC 15506 Sub 17, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of California. Vendee is authorized to operate as a *common carrier* in California, Colorado, New Mexico, Arizona, Illinois, Iowa, Nebraska, Kansas, Oklahoma, Missouri, Wyoming, Nevada, and Texas. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC–F–9986 (DELTA LINES, INC.—Control—CALIFORNIA MOTOR TRANSPORT CO.) published in this same issue.

MOTOR CARRIER OF PASSENGERS

No. MC–F–9995. Authority sought for purchase by CAPITOL BUS COMPANY, Fourth and Chestnut Streets, Harrisburg, Pa., of the operating rights and certain property of JOHN G. SCHUSTER, JR., doing business as SCHUSTER'S BUS LINES, 1390 West Laurel Street, Pottsville, Pa., and for acquisition by JOSEPH L. MAGUIRE, LENA F. MAGUIRE, both of Pottsville, Pa., JOHN T. MAGUIRE, EVELYN Z. MAGUIRE, R. W. VAN ATTA, M. D. VAN ATTA, MARY ANN MAGUIRE, CAROLINE E. KERR, and JANET K. HESS, all of Harrisburg, Pa., of control of such rights and property through the purchase. Applicants' attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Operating rights sought to be transferred: Passengers and their baggage, in special operations, on round-trip sightseeing or pleasure tours beginning and ending at the points indicated, as a *common carrier*, over irregular routes, from certain specified points in

Pennsylvania, to New York, N.Y., Atlantic City, N.J., and Washington, D.C., and return; and passengers and their baggage, restricted to traffic originating in the territory indicated, in round-trip charter operations, from points in Schuylkill County, Pa., other than Ashland and Girardsville, Pa., to Washington, D.C., Wilmington, Del., and points in New York and New Jersey, and return. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, New York, New Jersey, Connecticut, Delaware, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9996. Authority sought for purchase by GENERAL DELIVERY, INC., 1822 Morgantown Avenue, Fairmont, W. Va. 26554, of a portion of the operating rights of DAVIS & RANDALL, INC., 154 Chautauqua Street, Fredonia, N.Y. 14063, and for acquisition by VIRGINIA L. THOMPSON, 1776 Morgantown Avenue, Fairmont, W. Va., of control of such rights through the purchase. Applicants' attorneys: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005, and Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701. Operating rights sought to be transferred: *Malt beverages* and *advertising material*, as a *common carrier*, over irregular routes, from Newark, N.J., to points in West Virginia on and north of U.S. Highway 50. Vendee is authorized to operate as a *common carrier* in West Virginia, Maryland, New York, Ohio, Virginia, Pennsylvania, Connecticut, New Jersey, Kentucky, Indiana, Illinois, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 68-81; Filed, Jan. 3, 1968; 8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 29, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 67-278-MP/A, filed November 30, 1967. Applicant: INSIDE ALASKA TOURS, INC., 1014 Southwest Sixth Avenue, Portland, Oreg. 97204. Applicant's representative: Donald A. Schafer, 1314 Public Service Building, Portland, Oreg. 97204. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *passengers and their baggage* in the territory and manner as follows: (1) Sightseeing tour and charter service commencing or ending at Anchorage, Alaska, to or from points and places within a 200-mile radius of Anchorage, (2) sightseeing tour and charter service commencing or ending at Fairbanks, Alaska, to or from points and places within a 200-mile radius of Fairbanks, during the period May 1, to September 30, (3) sightseeing tour and charter service commencing and ending at Juneau, Alaska, to points and places on the highway system contiguous with Juneau, not including the Marine Highway system, during the period May 1, to September 30, restricted to round-trip service. Between Anchorage, Alaska, and Anchorage International Airport; between Fairbanks, Alaska, and Fairbanks International Airport and between Juneau, Alaska, and Juneau International Airport, transportation to and from these airports restricted to the transportation of individuals and/or groups who have purchased sightseeing tours or charter service offered by Inside Alaska Tours, Inc. Both intrastate and interstate authority is sought.

HEARING: January 29, 1968, 9:30 a.m., before the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska. Request for procedural information, including the time for filing protests concerning this application should be addressed to the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 68-82; Filed, Jan. 3, 1968; 8:46 a.m.]

[Notice 520]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 29, 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 protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 103993 (Sub-No. 313 TA), filed December 22, 1967. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages with hitch ball connector from points in Franklin County, Va., to points in the United States, east of the Mississippi River, including Minnesota and Louisiana, for 180 days. Supporting shipper: Continental Homes, Post Office Box 1800, Roanoke, Va. 24008. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 105375 (Sub-No. 37 TA), filed December 21, 1967. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: R. W. Swanson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Osceola, Kickinson, Emmet, Plymouth, and Sioux Counties, Iowa, to points in Minnesota, North Dakota, and South Dakota, for 180 days. Supporting shippers: Northwestern Refining Co., St. Paul Park, Minn.; Wood River Oil & Refining Co., St. Paul, Minn.; Midland Cooperatives, Inc., Minneapolis, Minn.; Murphy Oil Corp., Minneapolis, Minn.; Farmers Regional Cooperative, Fort Dodge, Iowa. Send protests to: District Supervisor, A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 110525 (Sub-No. 851 TA), filed December 26, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fumaric acid*, in bulk, in tank vehicles, from Neville Island, Pa., to Wallingford, Conn., for 170 days. Supporting shipper: United States Steel Corp., 525 William Penn Place, Pittsburgh, Pa. 15219. Send

protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 113678 (Sub-No. 306 TA), filed December 21, 1967. Applicant: CURTIS, INC., 770 East 51st Avenue, Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 806, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts and articles* distributed by meat packinghouses; (2) *frozen fish and salad dressing* when moving in the same vehicles with meats, meat products and articles distributed by meat packinghouses; from Denver, Colo., and its commercial zone, points in Nebraska, Kansas, Iowa, Missouri, and Illinois (except Omaha, Nebr.; Des Moines and Ottumwa, Iowa; and Chicago, Ill.), for 150 days. Supporting shippers: Pepper Packing Co., 901 East 46th Avenue, Denver, Colo.; Home Provision Co., 835 East 50th Avenue, Denver, Colo.; United Fryer & Stillman, Inc., 5300 Franklin Street, Denver, Colo.; Foster Frosty Foods, Inc., 1421 Oneida Street, Denver, Colo.; Gold Star Meat Co. 1050 10th Street, Denver, Colo.; Mapelli-Lindner-Sigman, Ltd., 1624 Market Street, Denver, Colo. 80202; Shurtenda Steaks, Inc., 2468 West Second Avenue, Denver, Colo.; Cardinal Meat Co., 801 East 50th Avenue, Denver, Colo. Send protests to: District Supervisor H. C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 119577 (Sub-No. 15 TA), filed December 26, 1967. Applicant: OTTAWA CARTAGE INC., Rural Route 30, Post Office Box 458, Ottawa, Ill. 61350. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from plantsite of Jones & Laughlin Steel Corp. at Hennepin, Putnam County, Ill., to points in Indiana, Iowa, Arkansas, Kentucky, Minnesota, Michigan, Missouri, Ohio, Oklahoma, Nebraska, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Jones & Laughlin Steel Corp., 3 Gateway Center, Pittsburgh, Pa. 15230; Attention: C. F. Combs—Manager Traffic and Transportation. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn, Chicago, Ill. 60604.

No. MC 121057 (Sub-No. 2 TA), filed December 22, 1967. Applicant: NORTH LOOP TRANSPORTATION CO., INC., 5855 North Loop East, Post Office Box 16200, Houston, Tex. 77022, Houston, Tex. 77026. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Fannin at Capitol, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and plywood*, from Houston, Tex., to Lufkin, Dallas, Grand Prairie, Fort Worth, and Arlington, Tex., on shipments having a prior movement by water, for 180 days. Supporting shippers: (1) Dorf International Inc. (John E. Guida, Vice President) 231 Houston World Trade Center, Houston, Tex. 77002; (2) Import Lumber Co. (R. R. Nolan, Manager) 905 World Trade Building, Houston, Tex. 77002; (3) Angelina Hardwood Sales Co., Post Office Box 1028, Lufkin, Tex. 75902. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 123310 (Sub-No. 8 TA), filed December 22, 1967. Applicant: VERNON L. HUNT, doing business as HUNT TRUCKING, 1014 Madison Avenue, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in blocks, bulk, and sacks, from Denver, Colo. to points in Cascade County, Mont., for 180 days. Supporting shipper: Ralston Purina Co., 4599 York Street, Denver, Colo. 80216. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, D&S Building, 255 North Center Street, Casper, Wyo. 82601.

No. MC 123502 (Sub-No. 22 TA), filed December 22, 1967. Applicant: FREE STATE TRUCK SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. 21061. Applicant's representative: Donald E. Freeman, Post Office Box 806, Westminster, Md. 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap glass*, in bulk, in dump vehicles, from Trenton, N.J., to Baltimore, Md., for 150 days. Supporting shipper: Alexander J. Butrym, 108 Rosedale Avenue, Trenton, N.J. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 127834 (Sub-No. 15 TA) (Amendment), filed December 4, 1967, published FEDERAL REGISTER, issue of December 15, 1967, and republished as amended this issue. Applicant: CHEROKEE HAULING & RIGGING, INC., 540 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: M. Bryan Stanley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Jones & Laughlin Steel Corp., Putnam County, Ill., to points in Alabama, Arkansas, Georgia, Florida, Mississippi, and Tennessee, and *materials, equipment, and supplies used in the manufacture and processing in bulk*, from points in Alabama, Arkansas, Georgia, Florida, Mississippi, and Tennessee, to the plantsite of Jones & Laughlin Steel Corp., Putnam County, Ill., for 180 days. NOTE: The purpose of this republication is to show that the commodities proposed to be transported have been amended. Supporting shipper: Jones & Laughlin Steel Corp., 3 Gateway Center, Pittsburgh, Pa. 15230. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 129459 (Sub-No. 1 TA), filed December 26, 1967. Applicant: KEARNEY'S TRUCKING SERVICE, INC., Post Office Box 264, Portland, Pa. 18331. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry salt*, in bulk, from Port Newark, N.J., to points in New York, for 90 days. Supporting shipper: Diamond Crystal Salt Co., St. Clair, Mich. Send protests to: F. W. Doyle, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse Building, Philadelphia, Pa. 19106.

By the Commission.

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

[F.R. Doc. 68-83; Filed, Jan. 3, 1968; 8:46 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under Title 2—The Congress. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 90th Congress, First Session.

Approved December 27, 1967

H.R. 4765 ..... Public Law 90-225
An Act to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of certain distributions pursuant to the Bank Holding Company Act of 1956, as amended, and for other purposes.

H.R. 10783 ..... Public Law 90-226
An Act relating to crime and criminal procedure in the District of Columbia.

H.R. 10964 ..... Public Law 90-227
An Act to enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes.

Approved December 28, 1967

H.R. 10242 ..... Public Law 90-228
An Act to amend Title 10, United States Code, relating to the authorized strengths by grade for medical and dental officers on active duty in the Army, Navy, and Air Force.

Approved December 29, 1967

H.R. 8580 ..... Public Law 90-229
An Act to declare that certain lands are held in trust for the Squaxin Island Indian Tribe.

H.J. Res. 960 ..... Public Law 90–230
Joint Resolution establishing that the second regular session of the Ninetieth Congress convene at noon on Monday, January 15, 1968.

H.R. 12505 ..... Public Law 90–231
An Act to provide that a District of Columbia public school teacher may retire on a full annuity at age fifty-five after thirty years of service or at age sixty after twenty years of service, and for other purposes.

H.R. 13833 ..... Public Law 90–232
An Act to provide that the post office and Federal office building to be constructed in Bronx, New York, shall be named the "Charles A. Buckley Post Office and Federal Office Building" in memory of the late Charles A. Buckley, a Member of the United States House of Representatives from the State of New York from 1935 through 1964.

S. 1477 ..... Public Law 90–233
An Act to amend section 301 of title III of the Act of August 14, 1946, relating to the establishment by the Secretary of Agriculture of a national advisory committee, to provide for annual meetings of such committee.

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during January.

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FEDERAL REGISTER

VOLUME 33 • NUMBER 2

Thursday, January 4, 1968 • Washington, D.C.

PART II

Department of Health, Education, and Welfare

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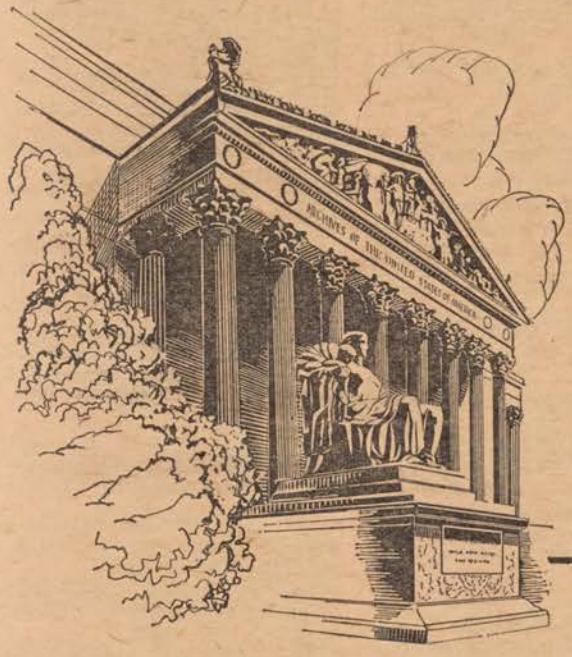
CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Proposed 1970 Standards



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 85]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Proposed 1970 Standards for Exhaust Emissions, Fuel Evaporative Emissions, and Smoke Emissions

On March 30, 1966, Part 85 was adopted setting out regulations for the control of air pollution from new motor vehicles and new motor vehicle engines. The standards so promulgated were applicable to the model years beginning with 1968 and dealt with crankcase emissions and exhaust emissions from gasoline powered vehicles. Commercial vehicles over one-half ton or equivalent, and motorcycles, were excepted from compliance with the exhaust emission standards, and motorcycles were subsequently excepted from the crankcase emission standards for the 1968 model year.

On February 4, 1967, notice was published in the FEDERAL REGISTER (32 F.R. 12851) of a proposed amendment to establish standards for "Fuel Evaporative Emissions" beginning with 1969 model year vehicles and engines. After consideration of the comments received, substantial changes were made in the test procedures which are included as part of this proposal.

Notice is hereby given that it is now proposed to amend the regulations in this part to:

(a) Establish revised exhaust emission standards for new gasoline powered motor vehicles and motor vehicle engines in the passenger car and light duty vehicle classes.

(b) Establish standards for fuel evaporative emissions for new gasoline powered motor vehicles and motor vehicle engines in the passenger car and light duty vehicle classes.

(c) Establish exhaust emission standards for new gasoline powered heavy duty motor vehicles and engines.

(d) Establish exhaust smoke emission standards for new diesel powered heavy duty motor vehicles and engines.

The proposed standards represent the application of current technology to the control of such motor vehicle emissions which, in the judgment of the Secretary, cause or contribute to, or are likely to cause or contribute to, air pollution which endangers the health or welfare of any person.

Taking into consideration the technological feasibility and economic costs of meeting these standards, and the lead time necessary under current manufacturing procedures to conform to these requirements, Part 85 as revised by the proposed amendments will become effective on republication and will be applicable to new motor vehicles and new motor vehicle engines beginning with the 1970 model year. The current Part 85 will not be affected by the proposed revision for the purpose of its applicability to 1968 and 1969 model year vehicles and engines.

Interested persons may submit written data, views, or arguments (in quadruplicate) in regard to the proposed regulations to the Secretary of Health, Education, and Welfare, Washington, D.C. 20201. All relevant material received not later than 30 days after the publication of this notice will be considered.

Dated: December 26, 1967.

[SEAL] JOHN W. GARDNER,
Secretary.

Subpart A—General Provisions

Subpart B—Crankcase Emissions (Gasoline Engines)

Subpart C—Exhaust Emissions and Fuel Evaporative Emissions (Gasoline Engines) (Passenger Cars and Light Duty Vehicles)

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Subpart J—Test Procedures for Vehicle and Engine Exhaust Emissions (Diesel Engines) (Heavy Duty Vehicles)

Subpart A—General Provisions

§ 85.1 Definitions.

(a) As used in this part, all terms not defined herein shall have the meaning given them in the Act.

(b) "Act" means the Clean Air Act as amended by the Air Quality Act of 1967, 42 U.S.C. 1857, et seq.

(c) "Secretary" means the Secretary of Health, Education, and Welfare.

(d) "Surgeon General" means the Surgeon General of the Public Health

Service, Department of Health, Education, and Welfare.

(e) "Exhaust emission" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

(f) "Model year" means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends, provided that if the manufacturer does not so designate vehicles and engines manufactured by him, then the model year with respect to such vehicles and engines shall mean the 12-month production period beginning January 1 of the year specified herein.

(g) "System or device" includes any motor vehicle engine modification which controls or causes the reduction of substances emitted from motor vehicles or motor vehicle engines.

(h) "Lifetime emissions" means the average level of exhaust emissions from a new motor vehicle engine equivalent to 100,000 miles of normal operation of a motor vehicle in an urban area.

(i) "Fuel evaporative emissions" means vaporized fuel emitted into the atmosphere from the fuel system of a motor vehicle.

(j) "Fuel system" means the combination of fuel tank, fuel pump, fuel lines, and carburetor, or fuel injector, and includes all fuel system vents and fuel evaporative emission control systems or devices.

(k) "Hot soak losses" means fuel evaporative emissions during the 1-hour hot soak period which begins immediately after the engine is turned off.

(l) "Diurnal breathing losses" means fuel evaporative emissions as a result of the daily range in temperature to which the fuel system is exposed.

(m) "Tank fuel parking temperature" means 84° F. ±2° F. [Exception (manufacturer's option): "Tank fuel parking temperature" means the maximum fuel temperature measured at the midpoint of the "tank fuel volume" resulting from parking the test vehicle on dark pavement with that area of the vehicle enclosing the fuel tank exposed to bright sunlight during an 8-hour day when the peak ambient temperature is at least 85° F. The fuel temperature measurement will be performed during the hours of 10 a.m. and 6 p.m. using a test vehicle the color of which represents the darkest shade offered for sale by the manufacturer. The manufacturer shall submit data to the Surgeon General which provides an adequate basis for verifying such lower "tank fuel parking temperature."]

(n) "Tank fuel volume" means the volume of fuel in the fuel tank, prescribed to be 40 percent tank capacity, rounded to the nearest whole gallon, or nearest whole liter.

(o) "Smoke" means the solid or liquid matter discharged from a motor vehicle engine which obscures the transmission of light.

(p) "Motorcycle" means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels (including any tricycle wheel arrangement) in contact with the ground and weighing less than 1,500 pounds.

(q) "Commercial vehicle" means a vehicle designed primarily for the transportation of persons for hire or for the transportation of property.

(r) "Light duty vehicle" means a commercial vehicle of 6,000 pounds, or less, GVW.

(s) "Heavy duty vehicle" means a commercial vehicle of more than 6,000 pounds GVW.

(t) "Rated power and load" is defined to encompass the following parameters: maximum brake horsepower at maximum governed speed, maximum torque at a stated engine speed, maximum governed speed, and maximum fuel delivery rate as developed under the conditions of the test described in this part.

(u) "Gross vehicle weight" means the manufacturer's maximum gross weight rating.

(v) "Vehicle curb weight" means the weight which results when 100 pounds is added to the published shipping weight. If published weight is unknown, the actual weight of the vehicle in operational status may be used as the vehicle curb weight.

(w) "Engine" means the propulsive element designed for a motor vehicle complete with all appurtenances which reasonably might be expected to influence the vehicle's pollutant potential including, but not restricted to: radiator (exception: air-cooled engines), fan, generator, water pump, oil pump, air brake compressor, power accessory units, air conditioner, fuel system (including carburetor or fuel injector) and all systems and devices employed to limit pollutant emissions from the vehicle. The gasoline powered "engine" is further defined to include the fuel tank in order to comply with the requirements for evaporative emission testing.

§ 85.2 General standards: Increase in emissions; unsafe conditions.

(a) In addition to all other standards or requirements imposed by this part, any system or device installed on or incorporated in a new motor vehicle or new motor vehicle engine to prevent or control air pollution therefrom in compliance with regulations in this part:

(1) Shall not in its operation or function cause the emission into the ambient air of any noxious or toxic matter that is not emitted in the operation of such motor vehicle or motor vehicle engine without such system or device, except as specifically permitted by regulations; and

(2) Shall not in its operation or function, or malfunction, result in any unsafe condition endangering the motor vehicle, or its occupants, or persons or property in close proximity to the vehicle.

(b) The manufacturer of any new motor vehicle or new motor vehicle engine on or in which a system or device is installed or incorporated to comply with the regulations in this part shall, prior to any of the actions specified in section 203(a)(1) of the Act, test, or cause to be tested, such motor vehicle or engine in accordance with good engineering practice to ascertain that vehicles or engines so equipped will meet the requirements of this section for not less than 50,000 miles, or 1,500 hours, or 1,000 hours, as specified, and as measured in accordance with durability testing provisions of the test procedures of this part.

§ 85.3 Abbreviations.

The abbreviations used in this part have the following meanings in both capital and lower case:

AMA—Automobile Manufacturers Association.
Accel.—Acceleration.
ASTM—American Society for Testing Materials.
BHP—Brake Horsepower.
CFH—Cubic feet per hour.
CO_2—Carbon Dioxide.
CO—Carbon Monoxide.
Conc.—Concentration.
CT—Closed Throttle.
C.f.m.—Cubic feet per minute.
Cu. in.—Cubic inch(es).
Decel.—Deceleration.
EP—End Point.
Evap.—Evaporated.
F.—Fahrenheit.
FL—Full Load.
Gal.—Gallon(s).
GVW—Gross Vehicle Weight.
HC—Hydrocarbon(s).
Hg—Mercury.
Hi—High.
HP.—Horsepower.
IBP—Initial Boiling Point.
ID—Internal Diameter.
Lb.—Pound(s).
LVW—Loaded Vehicle Weight.
Max.—Maximum.
Min.—Minimum; also minute(s).
Ml.—Milliliter(s).
M.p.h.—Miles per hour.
Mm.—Millimeter(s).
Mv.—Millivolt(s).
N_2—Nitrogen.
No.—Number.
P.p.m.—Parts per million (parts by volume).
P.s.i.—Pounds per square inch.
P.s.i.g.—Pounds per square inch gauge.
PTA—Part Throttle Accel.
PTD—Part Throttle Decel.
R.p.m.—Revolutions per minute.
RVP—Reid Vapor Pressure.
SAE—Society of Automotive Engineers.
Sec.—Second(s).
SS—Stainless Steel.
TEL—Tetraethyl Lead.
TML—Tetramethyl Lead.
V.—Volt(s).
VCW—Vehicle Curb Weight.
Vs.—Versus.
WOT—Wide open throttle.
Wt.—Weight.
'—Feet.
''—Inches.
°—Degrees.
%—Percent.

§ 85.4 Test conditions.

All atmospheric emission control systems or devices installed on or incorporated in a new motor vehicle or new motor vehicle engine to comply with the requirements of this part shall be functioning during all tests of any such vehicle or vehicle engine under all test procedures in this section.

§ 85.5 Special test procedures.

The Surgeon General may, on the basis of written application therefor, ap-

prove test procedures other than those set forth in this part if he determines that the test procedures prescribed in this part are not satisfactory. The applicant shall submit information which he believes supports his request for a change in the test procedures and a description of the other test procedure he desires to employ. The Surgeon General shall indicate in writing his approval or disapproval of the application within 30 days after receipt thereof.

Subpart B—Crankcase Emissions (Gasoline Engines)

§ 85.10 Applicability.

The provisions of this subpart are applicable to all gasoline powered new motor vehicles and new motor vehicle engines beginning with the model year 1970 for such vehicles or engines except motorcycles and motorcycle engines.

§ 85.11 Standard for crankcase emissions.

No crankcase emissions shall be discharged into the ambient atmosphere from any new motor vehicle or new motor vehicle engine subject to this subpart.

§ 85.12 Standards for crankcase emission control systems and devices.

The manufacturer of any new motor vehicle or new motor vehicle engine on or in which a system or device is installed or incorporated to comply with the requirements of § 85.11 shall, prior to any of the actions specified in section 203 (a)(1) of the Act, test, or cause to be tested, such motor vehicle or engine, in accordance with good engineering practice to ascertain that vehicles or engines so equipped and maintained in accordance with the manufacturer's recommendations can be expected to meet the requirements of § 85.11 for not less than 1 year after sale and delivery to the ultimate purchaser.

Subpart C—Exhaust Emissions and Fuel Evaporative Emissions (Gasoline Engines) (Passenger Cars and Light Duty Vehicles)

§ 85.20 Applicability.

The provisions of this subpart are applicable to gasoline powered new motor vehicles and new motor vehicle engines in the passenger car and light duty vehicle class beginning with the model year 1970 for such vehicles or engines except motorcycles and motorcycle engines, and motor vehicles with an engine displacement of less than 50 cubic inches.

§ 85.21 Standards for exhaust emissions.

(a) Exhaust emissions from new passenger cars and engines, and new light duty vehicles and engines subject to this subpart shall not exceed:

(1) Hydrocarbons—2.2 grams per vehicle mile.

(2) Carbon monoxide—23 grams per vehicle mile.

(b) The standards set forth in paragraph (a) of this section refer to a composite sample representing the driving cycles set forth in the applicable part of "Test Procedures for Vehicle and Engine Exhaust and Fuel Evaporative Emissions (Gasoline Engines) (Passenger Cars and Light Duty Vehicles)" of this part and measured in accordance with those procedures.

§ 85.22 Standard for fuel evaporative emissions.

(a) Fuel evaporative emissions from new gasoline powered passenger cars and engines and new gasoline powered light duty vehicles and engines subject to this subpart shall not exceed: Hydrocarbons—6 grams per test.

(b) The standard set forth in paragraph (a) of this section refers to a composite sample representing the fuel evaporative emissions under the conditions set forth in the "Test Procedures for Vehicle and Engine Exhaust and Fuel Evaporative Emissions (Gasoline Engines) (Passenger Cars and Light Duty Vehicles)" of this part and measured in accordance with those procedures.

§ 85.23 Standards for exhaust and fuel evaporative emission control systems and devices.

The manufacturer of any new motor vehicle or new motor vehicle engine on or in which a system or device is incorporated or installed to comply with the requirements of § 85.21 and § 85.22 shall, prior to any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested such motor vehicle or engine in accordance with the "Test Procedures for Vehicle and Engine Exhaust and Fuel Evaporative Emissions (Gasoline Engines) (Passenger Cars and Light Duty Vehicles)" of this part to ascertain that the lifetime emissions of motor vehicles or engines so equipped, as measured and calculated in accordance with those procedures, and tested for durability as therein set forth, will meet the requirements of §§ 85.21 and 85.22.

Subpart D—Exhaust Emissions (Gasoline Engines) (Heavy Duty Vehicles)

§ 85.30 Applicability.

The provisions of this subpart are applicable to gasoline powered new heavy duty motor vehicles and new heavy duty motor vehicle engines beginning with the model year 1970 for such vehicles or engines.

§ 85.31 Standards for exhaust emissions.

(a) Exhaust emissions from new heavy duty motor vehicles and new heavy duty motor vehicle engines subject to this subpart shall not exceed:

(1) Hydrocarbons—275 p.p.m.

(2) Carbon monoxide—1.5 percent by volume.

(b) The standards set forth in paragraph (a) of this section refer to a composite sample representing the driving cycles set forth in the applicable parts of "Test Procedures for Vehicle and Engine Exhaust Emissions (Gasoline Engines) (Heavy Duty Vehicles)" of this part and measured in accordance with those procedures.

§ 85.32 Standards for exhaust emission control systems and devices.

The manufacturer of any new motor vehicle or new motor vehicle engine on or in which a system or device is incorporated or installed to comply with the requirements of § 85.31 shall, prior to any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested such motor vehicle or engine in accordance with the "Test Procedures for Vehicle and Engine Exhaust Emissions (Gasoline Engines) (Heavy Duty Vehicles)" of this part to ascertain that the lifetime emissions of motor vehicles or engines so equipped, as measured and calculated in accordance with those procedures, and tested for durability as therein set forth, will meet the requirements of § 85.31.

Subpart E—Exhaust Emissions (Diesel Engines) (Heavy Duty Vehicles)

§ 85.40 Applicability.

The provisions of this subpart are applicable to all diesel powered new heavy duty motor vehicles and new heavy duty motor vehicle engines beginning with the model year 1970 for such vehicles or engines.

§ 85.41 Standards for exhaust smoke.

(a) Exhaust smoke emissions from diesel powered new heavy duty motor vehicles and new heavy duty motor vehicle engines subject to this subpart shall not reduce the transmission of a beam of light by more than 20 percent except that reduction of light transmission of not more than 40 percent for a total of not more than 5 seconds shall be permitted during the running of the two dynamometer test sequences described in § 85.122(a) (2) and (3).

(b) The standard set forth in paragraph (a) of this section refers to exhaust emissions generated under the conditions set forth in the Test Procedures for Vehicle and Engine Exhaust Emissons (Diesel Engines) (Heavy Duty Vehicles) of this part and measured in accordance with these procedures.

NOTE: The standard of 20 percent light obscuration is equivalent to 80 percent light transmission as measured by the smoke inspection guide developed by the U.S. Public Health Service and described in the FEDERAL REGISTER (42 CFR Part 75) (Mar. 3, 1960). The 20 percent light obscuration is also generally equivalent to Number 1 on the Ringelman Chart (Published by the U.S. Bureau of Mines, I.C. 7718, Aug. 1955) when said chart is employed in a proper manner. However, these devices may not be used for compliance testing under provisions of this part.

§ 85.42 Standards for exhaust smoke control systems and devices.

The manufacturer of any new motor vehicle or new motor vehicle engine on or in which a system or device is incorporated or installed to comply with the requirements of § 85.41 shall, prior to any of the actions specified in section 203 (a)(1) of the Act, test or cause to be tested such motor vehicle or engine in accordance with the "Test Procedures for Vehicle and Engine Exhaust Emis-

sions (Diesel Engines) (Heavy Duty Vehicles)" of this part to ascertain that the lifetime emissions of motor vehicles or engines so equipped, as measured and calculated in accordance with those procedures, and tested for durability as therein set forth, will meet the requirements of § 85.41.

Subpart F—Certification of Motor Vehicles and Motor Vehicle Engines

§ 85.50 Applicability.

The provisions of this subpart are applicable to new motor vehicles and new motor vehicle engines subject to the standards prescribed in this part.

§ 85.51 Application for certification.

(a) An application for a certificate of conformity to regulations applicable to any new motor vehicle, new motor vehicle engine, or new motor vehicle engine-transmission-fuel system combination may be made to the Secretary by any manufacturer.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(1) Identification and description of the vehicles and engines with respect to which certification is requested.

(2) Durability data on such vehicles and engines tested in accordance with the applicable test procedures of this part, or demonstrably equivalent procedures, and in such numbers as there specified, which will show the performance of the systems or devices installed on or incorporated in the vehicle or engine for extended mileage, as well as a record of all pertinent maintenance performed on the test vehicles.

(3) Emission data on such vehicles and engines tested in accordance with the applicable emission test procedures, or demonstrably equivalent procedures, and in such numbers as there specified, which will show the low mileage performance on all the engines for which certification is requested.

(4) A description of emission control systems and tests performed to ascertain compliance with the general standards of § 85.2 and the data derived from such tests.

(5) A statement of recommended maintenance and procedures necessary to assure that the vehicle and engine in operation conform to the regulations, a description of the program for training of personnel for such maintenance, and the equipment required.

(6) With respect to diesel engines for use in heavy duty vehicles, a statement certifying that a permanent, legible inscription containing the following information will be affixed to each engine manufactured, of a type which has been certified, at a place which will enable it to be readily seen when the engine is installed in a vehicle:

(i) Engine Smoke Emission Certification—This engine conforms to a prototype certified by the U.S. Department of Health, Education, and Welfare as conforming to Federal regulations pertaining to exhaust smoke emissions. Test models of this engine met smoke emission requirements under the following operating conditions: _____ horsepower @ _____ r.p.m.; _____ ft. pounds torque @ _____ r.p.m.; _____ cc. of fuel per stroke; No. _____ grade of fuel; air inlet restriction _____ in. water, max., @ _____ r.p.m.; Exhaust Back pressure _____ in. mercury, max., @ full load.

(ii) Model number.

(iii) Serial number.

(iv) Date of manufacture.

(v) Name of manufacturer.

(vi) Address of manufacturer.

The numbers applicable to each engine are to be inserted in the places indicated by underlines before the engine leaves the factory where the engine was made.

(7) A statement that the vehicles and engines with respect to which data are submitted have been tested in accordance with the applicable test procedures, that they meet the requirements of such tests, and that, on the basis of such tests, they conform to the requirements of the regulations in this part. If such statements cannot be made with respect to any vehicle or engine tested, the vehicle or engine shall be identified, and all pertinent test data relating thereto shall be supplied.

(8) An agreement that, upon the Surgeon General's request made not later than 1 month after the submission of the application pursuant to this section, any one or more of the test vehicles or engines will be supplied to the Surgeon General at such place or places in the United States as he may designate for such testing as he may require, or will be made available at the manufacturer's facility for such testing: *Provided,* That in the latter case, it is further agreed that instrumentation and equipment specified by the Surgeon General will be made available for test operations. Any testing conducted at a manufacturer's facility pursuant to this subparagraph will be scheduled as promptly as possible subject to the availability of personnel and funds for such purpose.

(9) An agreement that a reasonable number of vehicles which are representative of the engines, fuel systems, and transmissions offered and typical of production models available for sale to the public, covered under section 206(b) of the Act by a certificate of conformity issued with respect to such vehicles or their engines, and selected from time to time by the Surgeon General, will be supplied to him for testing for such reasonable periods as he may require.

§ 85.52 Certification.

(a) If, after a review of the test reports and data submitted by the manufacturer and data derived from such additional testing as the Surgeon General may conduct, the Secretary determines that a new motor vehicle or new motor vehicle engine conforms to the regulations of this part, he will issue a certificate of conformity with respect to such vehicle or engine.

(b) Such certificate will be issued for such period not less than 1 model year as the Secretary may determine and upon such terms as he may deem necessary to assure that any new motor vehicle or new motor vehicle engine meeting the requirements of section 206(b) of the Act will meet the requirements of these regulations relating to durability and performance.

Subpart G—Hearings on Certification

§ 85.60 Hearing.

(a) If, after a review of the test reports and data submitted by the manufacturer and data derived from such additional testing as the Surgeon General may conduct, the Secretary has reason to believe that any new motor vehicle, new motor vehicle engine, new motor vehicle engine-transmission combination, or new motor vehicle engine-transmission-fuel system combination, covered by an application for certification filed pursuant to § 85.51 does not conform with the regulations of this part or that any certificate with respect thereto should be made on terms, as specified in § 85.52(b), he will prior to the denial of a certificate or the issuance of a certificate on terms not agreed to by the applicant with respect to such vehicle, engine, engine-transmission combination, or engine-transmission-fuel system combination, give reasonable notice in writing and opportunity for a hearing to the applicant on such matters, and a statement, as applicable, of the grounds on which such certification is proposed to be denied or of the terms on which such certificate is proposed to be issued together with copies of any reports, data, or record of tests conducted by the Surgeon General which are considered to support the proposed action.

(b) A Presiding Officer will be designated by the Secretary for the purposes of the hearing either in the notice or after receipt of a request for a hearing.

(c) The General Counsel will represent the Department of Health, Education, and Welfare in any hearing under this subpart and will be deemed a party to all proceedings in connection with such hearing.

(d) A request for a hearing pursuant to notice given under paragraph (a) of this section shall be made in writing by an authorized representative of the applicant and shall be filed with the Secretary, or if a Presiding Officer has been designated, with such Officer, within the time allowed by such notice. The request shall specify which of the grounds or terms set out in the notice, or in the statement accompanying such notice, is claimed to be erroneous and the reasons therefor.

(e) A brief or memorandum of arguments in support of the applicant's position may be filed with the request for a hearing or within 15 days after the mailing or filing of the request.

(f) If a time and place for the hearing have not been fixed by the Secretary in the notice given under paragraph (a) of this section, the hearing shall be held as soon as practicable at a time and place fixed by the Secretary or by the Presiding Officer.

§ 85.61 Hearing file.

(a) Upon receipt of a request for a hearing pursuant to this section, a hearing file will be established by the Presiding Officer. The file shall consist of the notice issued by the Secretary under § 85.60 together with any accompanying material, the request for a hearing and the memorandum of arguments, if any, submitted therewith and all documents relating to the request for certification, including the application for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

(b) The appeal file will be available for inspection by the applicant at the office of the Presiding Officer.

§ 85.62 Representation.

An applicant may appear in person, or may be represented by counsel or by any other duly authorized representative.

§ 85.63 Prehearing conference.

(a) The Presiding Officer upon the request of any party, or in his discretion, may arrange for a prehearing conference at a time and place specified by him to consider the following:

(1) Simplification of the issues;

(2) Stipulations, admissions of fact, and the introduction of documents;

(3) Limitation of the number of expert witnesses;

(4) Possibility of agreement disposing of all or any of the issues in dispute;

(5) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(b) The results of the conference shall be reduced to writing by the Presiding Officer and made a part of the record.

§ 85.64 Conduct of hearings.

(a) Hearings shall be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to the exclusion by the Presiding Officer of irrelevant, immaterial, and repetitious evidence.

(b) Witnesses will not be required to testify under oath. However, the Presiding Officer shall call to the attention of witnesses that their statements may be subject to the provisions of Title 18 U.S.C. 1001 which imposes penalties for knowingly making false statements or representations, or using false documents in any matter within the jurisdiction of any department or agency of the United States.

(c) Any witness may be examined or cross-examined by the Presiding Officer, the parties, or their representatives.

(d) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(e) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Presiding Officer of their authenticity, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(f) Oral argument may be permitted in the discretion of the Presiding Officer and shall be reported as part of the record unless otherwise ordered by him.

§ 85.65 Findings, recommendations, and decision.

(a) The Presiding Officer shall submit written findings and recommendations to the Secretary. Such findings and recommendations shall be based upon the substantial evidence of record.

(b) The decision will be rendered by the Secretary. A copy of the decision shall be provided to the parties and shall be available for public inspection at the Office of the Director, National Center for Air Pollution Control, Public Health Service.

Subpart H—Test Procedures for Vehicle and Engine Exhaust and Fuel Evaporative Emissions (Gasoline Engines) (Passenger Cars and Light Duty Vehicles)

§ 85.70 Introduction.

The following procedure will be used in the testing program under section 206 of the Act to determine the conformity of new motor vehicles and new motor vehicle engines with the applicable standards set forth in this part.

(a) The test consists of prescribed sequences of vehicle fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are sampled continuously for specific component analysis through the analytical train. The fuel evaporative emissions are collected for subsequent weighing during both vehicle parking and operating events. The tests are applicable to vehicles equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems or devices, or to uncontrolled vehicles and engines. The test applies to all passenger cars and light duty vehicles which employ the spark ignition principle and operate on gasoline fuel.

(b) The basic exhaust emission test is designed to determine hydrocarbon and carbon monoxide concentrations while simulating an average trip in a metropolitan area of about 21 minutes from a cold start. The test consists of two parts: Four 7-mode warmup cycles and five 7-mode hot cycles (5th, 8th, and 9th cycles not read for exhaust emissions). The average concentrations for the warmup cycles and the hot cycles are combined to yield the reported values.

(c) The basic fuel evaporative emission test is designed to determine fuel hydrocarbon evaporative emissions to the atmosphere as a consequence of metropolitan driving practices, and diurnal temperature fluctuations during parking. It is associated with a series of events, representative of a motor vehicle's operation, which are known to result in fuel vapor losses directly from the fuel tank and carburetor. The test procedure is specifically aimed at collection and weighing:

(1) Total breathing losses from the fuel tank and carburetor when the fuel system is subjected to a temperature increase representative of the diurnal range;

(2) Breathing losses from the fuel tank resulting from an "average" trip in a metropolitan area of about 20 minutes from a cold start;

(3) Hot soak losses from the fuel tank and carburetor which result when the vehicle is parked and the hot engine is turned off.

The "average" trip is simulated by operating the vehicle on a chassis dynamometer. Either cold traps or activated carbon traps are employed in collection of the vaporized fuel which, otherwise, would escape to the atmosphere.

(d) It will be noted that these test procedures yield single values for hydrocarbon and carbon monoxide exhaust concentrations, and a single value for fuel evaporative emissions, from a given vehicle for comparison with the standards. However, the finding that the vehicle or engine operates within the standards is not judged on the basis of a single vehicle or single engine. Performance is judged on the basis of emissions of groups of test vehicles.

§ 85.71 Gasoline fuel specifications.

(a) Fuel having the following specifications, or substantially equivalent specifications approved by the Surgeon General, will be used in exhaust and evaporative emission testing.

Item	*Specifications*
Octane, Research, Min	100.
TEL, ml/U.S. gal	3.0.
Distillation range, percent Evap	Temperature °F.
IBP	85–95.
10 percent	120–130.
50 percent	205–230.
90 percent	300–360.
EP, Max	415.
Sulfur, percent Wt. (Max.)	0.10.
Phosphorous, percent theory	0.
RVP, lb	8.7–9.2.
Hydrocarbon Composition:	
Olefins, percent Max	10.
Aromatics, percent Max	40.
Saturates	Remainder.

(b) Fuel having the following specifications, or substantially equivalent specifications approved by the Surgeon General, will be used in mileage accumulation. The octane rating of the fuel used shall be in the range recommended by the vehicle or engine manufacturer. The volume of fuel in the tank shall not exceed 50 percent of the tank capacity and the Reid Vapor Pressure and temperature of the fuel, at time of filling, shall be that which is characteristic of the motor fuel generally available to the public, in the area where mileage accumulation is being performed and at the time it is performed.

Item	Regular	Premium
TEL, TML, ml/U.S. gallon	2.0–3.0	2.0–3.0
Sulfur, percent weight	0.02–0.10	0.02–0.10
Phosphorous, percent theory	Nil	0.10–0.20
Hydrocarbon composition:		
Olefins, percent maximum	30	15
Aromatics, percent maximum	40	40
Saturates	Remainder	Remainder

(c) The octane rating and grade of the fuel used under paragraph (b) of this section shall be reported in test results submitted under § 85.51.

§ 85.72 Vehicle and engine preparation.

(a)(1) Apply appropriate leak-proof fittings to all fuel system external vents with a view to collecting the effluent vapors from these vents during the course of the prescribed tests to follow. Since the prescribed test requires the temporary plugging of the inlet pipe to the air cleaner, it will be necessary to install a probe for collecting the normal effluents from this source. Where anti-surge/vent filler caps are employed on the fuel tank, it will be necessary to plug off the normal vent if it does not conveniently lend itself to the collection of vapors which emanate from it, and to introduce a separate vent, with appropriate fitting, on the cap. Where the fuel tank vent line terminus is inaccessible, it will be necessary to sever the line at a convenient point, near the fuel tank, for installation of the collection system in a closed circuit assembly with the severed ends. All fittings shall terminate in 5/16-inch ID tube sections for ready connection to the collection systems and shall be designed for minimum dead space.

(2) Care should be exercised, in the design and installation of the necessary fittings, not to disturb the normal function of the fuel system components. In any case, the normal pressure drop across the fuel system should not be more than 0.05-inch water column.

(b) (1) Inspect the fuel system carefully for possible leaks to the atmosphere of either liquid or vapor which might affect the accuracy of the test or the performance of the control system.

(2) Devise appropriate means for detecting and eliminating any such leaks. Particular attention should be given to the fuel tank, the air cleaner seat and wing nut and to the carburetor accelerator pump, choke butterfly and throttle shafts.

(3) An account of any corrective action taken shall be included in the test results reported under § 85.61.

(4) Care should be exercised, in the performance of any pressure tests employed, neither to purge nor load the evaporative emission control system.

(c) Provide additional fittings and adapters, as required, to accommodate temperature sensors. These include:

(1) Thermocouple patch on engine block adjacent to thermostat housing.

(2) Thermocouple well in fuel tank at the geometric center of the "tank fuel volume" as defined in § 85.1(n).

§ 85.73 Vehicle and engine preconditioning.

Test vehicles or engines equipped with fuel evaporative emission control systems or devices employing vapor trapping media having limited trapping capacities shall be normalized according to paragraphs (a), (b), (c), and (d) of this section (See appendix D for summary). All other test vehicles shall be stored, after draining the fuel tank, for 1 hour at an ambient air temperature of 76° F.–86° F. prior to initiation of the evaporative emission collection procedure (§ 85.74) which follows this section.

(a) The fuel tank shall be drained and recharged with the specified test fuel, § 85.71(a), to a volume not to exceed 40 percent of capacity. Care should be exercised against abnormal purging or loading of the evaporative emission control system or device as a result of draining or fueling the tank.

(b) The test vehicle shall be placed on the dynamometer and shall then be operated over nine 7-mode cycles, according to the applicable requirements and procedures of §§ 85.75–85.80. During the run the ambient temperature should be between 68° F. and 86° F.

(c) The motor shall be stopped upon completion of the dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand at an ambient temperature between 76° F. and 86° F. for a period of 1 hour.

(d) The fuel tank shall be drained.

§ 85.74 Evaporative emission collection procedure.

There are three parts to the standard test procedure. They must be performed in the order presented and without any intervening interruption in the test conditions prescribed. A summary of the procedure is presented in appendix D.

(a) *Diurnal breathing loss tests.* Choice is optional.

(1) Ambient heating option:

(i) The prepared and, if necessary, preconditioned test vehicle shall be transferred to a "soak" area where the ambient temperature is maintained at 83° F. ±3° F. and recorded on a multichannel recorder at a chart speed of approximately 3 inches per hour (or equivalent record). The prescribed thermocouples are connected to the recorder and secured to the thermocouple patch on the engine block and inserted into the thermocouple well inside the fuel tank. The fuel tank shall be recharged to 40 percent tank capacity, rounded to the nearest whole gallon or nearest whole liter, with the specified test fuel, § 85.71(a). The temperature of the fuel following the charge to the tank shall be 60° F. ±2° F. Care should be exercised against abnormal loading of the evaporative emission control system or device as a result of fueling the tank.

(ii) Immediately following the fuel charge to the tank the exhaust pipe(s) and inlet pipe to the air cleaner shall be plugged and the prescribed vapor collection systems will be installed on all fuel system external vents. Multiple vents may be connected to a single collection trap provided that, where there is more than one external vent on a fuel system distinguishing between carburetor and tank vapors, separate collection systems shall be employed to trap the vapors from the separate sources. Every precaution shall be taken to minimize the lengths of the collection tubing employed and to avoid sharp bends across the entire system.

(iii) The test vehicle shall be required to soak over a vapor collection period of 11 hours, then moved onto the dynamometer stand for the subsequent part of the test. The thermocouples may be disconnected to permit moving the test vehicle. Plugs shall be removed from the exhaust pipe(s) and inlet pipe to the air cleaner.

(2) Artificial heating option:

(i) The test vehicle shall be transferred to a "soak" area where the ambient temperature is maintained between 60° F. and 86° F. for a period of 10 hours. The vehicle preparation requirements of § 85.72 may be performed during this period. Subsequently it shall be transferred to a soak area where the ambient temperature is maintained between 76° F. and 86° F. Upon admittance to the 76° F.–86° F. soak area, the ambient temperature is recorded at a chart speed of approximately 12 inches per hour (or equivalent record). The prescribed thermocouples are connected to the recorder and secured to the thermocouple patch on the engine block and inserted into the thermocouple well inside the fuel tank.

(ii) The fuel tank of the prepared and, if necessary, preconditioned test vehicle shall be recharged to 40 percent of capacity, rounded to the nearest whole gallon or nearest whole liter, with the specified test fuel, § 85.71(a). The temperature of the fuel following the charge to the tank shall be 60° F.±2° F. Care should be exercised against abnormal loading of the evaporative emission control system or device as a result of fueling the tank.

(iii) Immediately following the fuel charge to the tank, the exhaust pipe(s) and inlet pipe to the air cleaner shall be plugged and the prescribed vapor collection systems installed on all fuel system external vents. Multiple vents may be connected to a single collection trap provided that, where there is more than one external vent on a fuel system distinguishing between carburetor and tank vapors, separate collection systems shall be employed to trap the vapors from the separate sources. Every precaution shall be taken to minimize the lengths of the collection tubing employed and to avoid sharp bends across the entire system.

(iv) Artificial means shall be employed to heat the fuel in the tank to the "tank fuel parking temperature" as defined in § 85.1. The prescribed temperature of the fuel shall be approached at a linear rate over a period of 60 minutes ±10

minutes. After a minimum of one hour, following admittance to the 76° F.–86° F. soak area, the vehicle shall be moved onto the dynamometer stand for the subsequent part of the test. The thermocouples may be disconnected to permit moving the test vehicle. Plugs shall be removed from the exhaust pipe(s) and inlet pipe to the air cleaner.

(b) *Running loss test.* (1) The test vehicle shall be placed on the dynamometer with the blower outlet positioned 8 inches from the front bumper and the thermocouples reconnected. [Exception: Fixed speed fan—see § 85.75(b)(4).] The ambient air temperature shall be maintained at 68° F.–86° F. and recorded, together with the vehicle temperatures, at a chart speed of approximately 12 inches per hour (or equivalent record).

(2) Where the only external vent(s) is located in the immediate vicinity of the carburetor air horn, such that any "running loss" emissions would be inducted into the engine, there is no requirement to collect any vapor losses during this part of the test and such portions of the vapor-loss measurement system shall be temporarily disconnected and clamped.

(3) The vehicle shall be operated on the dynamometer according to the requirements and procedures of §§ 85.75–85.85. The engine and blowers shall be turned off upon completion of the dynamometer run and the exhaust and air cleaner inlet pipes shall be replugged.

(4) Any vapor collection systems employed during this part of the test shall be left intact for their continued use during the following part. Any part of the vapor collection system disconnected during this part of the test shall be reconnected for the subsequent part of the test.

(c) *Hot soak test.* Upon completion of the dynamometer run, the test vehicle shall be allowed to soak with hood down for a period of 1 hour at an ambient temperature between 76° F. and 86° F. This operation completes the test. The traps are disconnected and weighed according to § 85.82.

§ 85.75 Dynamometer operation cycle.

(a) The following 7-mode cycle shall be followed in dynamometer operation tests.

Sequence No.	Mode	Acceleration mph/sec.	Time in mode seconds	Cumulative time seconds	Weighting factor
1	Idle		20	20	0.042
2	0–25	2.2	11.5 } 14	31.5	.244
3	25–30		2.5 }	34	(1)
4	30		15	49	.118
5	30–15	−1.4	11	60	.062
6	15		15	75	.050
7	15–30	1.2	12.5 } 29	87.5	.455
8	30–50		16.5 }	104	(1)
9	50–20	−1.2	25	129	0.029
10	20–0	−2.5	8	137	(1)

[1] Data not read.

(b) The following equipment shall be used for dynamometer tests:

(1) Chassis dynamometer—equipped with power absorption unit and flywheels.

(2) Proportional air blower—operated to match equivalent vehicle air speeds up to 50 m.p.h. (See appendix C for blower specifications.)

(3) Air deflectors—walls extending from the air blower to the rear of the vehicle, positioned along the sides of the dynamometer to direct the ambient air rearward, over the engine, in a manner simulating vehicle road operation. The deflectors shall be positioned 2 feet from the sides of the vehicle and shall extend from the blower to at least 1 foot beyond the rear bumper and from the floor to a height at least 2 feet above the top of the dynamometer rolls. Where the dynamometer rolls are above the surface of the floor, a false floor shall be installed, at the level of the ramp, to extend the full distance of the air deflectors. The minimal height prescribed for the blower outlet (appendix C) shall be measured from the surface of such false floor.

(4) A propeller-type fixed-speed fan may be used instead of the proportional blower, provided that it has sufficient capacity to maintain engine cooling during sustained operation on the dynamometer and provided that its air moving capacity does not exceed 5300 c.f.m. When such option is employed, there shall be no requirement to provide air deflectors as in subparagraph (3) of this paragraph.

§ 85.76 Dynamometer procedure.

(a) The vehicle shall be tested from a cold start. Four warmup cycles and five hot cycles make a complete dynamometer run; this is followed by a 5-minute idle to facilitate evaporative emission testing. Exhaust emission measurements for hydrocarbons and carbon monoxide shall be performed during the four warmup cycles and during the sixth and seventh hot cycles. Exhaust smoke measurements, when required, shall be performed during the five hot cycles.

(b) Special considerations:

(1) On rolls less than 20 inches in diameter, the drive wheel tires shall be inflated to 45 p.s.i. pressure in order to prevent casing damage.

(2) The vehicles shall be nearly level when tested in order to prevent fuel distribution unusual from that normally observed.

(3) (i) Dynamometer run shall be made with hood down and proportional blower directed at front of vehicle. The blower outlet shall be positioned 8 inches from the front bumper.

(ii) When the fixed speed fan option is employed, it shall be positioned between 8 and 12 inches from the grill and directed squarely at the radiator (exception: air-cooled engines) and the dynamometer run shall be made with hood up.

(4) Flywheels giving equivalent inertia as shown in the following table shall be used.

Loaded vehicle weight, lbs.[1]	*Equivalent inertia wheels, lbs.*
Up to 1750	1500
1751 to 2250	2000
2251 to 2750	2500
2751 to 3250	3000
3251 to 3750	3500
3751 to 4250	4000
4251 to 4750	4500
4751 to 5250	5000
5251 to 5750	5500
5751 to 6000	6000

[1] To obtain passenger car loaded weights, add 400 pounds to the published shipping weight. If published weight is unknown, add 300 pounds to the actual weight of the vehicle in operational status to determine weight category. The loaded vehicle weight for light duty vehicles shall be calculated by the formula

$$LVW = VCW + \frac{GVW - VCW}{2}$$

(c) The power absorption unit shall be adjusted to produce road load at 50 m.p.h. as follows:

(1) Determine the absolute manifold pressure of the test vehicle at 50 m.p.h. true speed on a level road (average of both directions, stabilized for a minimum of 30 seconds).

(2) Adjust the dynamometer to reproduce the experimentally determined value when the test vehicle is operated on the dynamometer at 50 m.p.h. true speed.

(d) Practice cycles shall be run to find the correct throttle action to allow completion of the accelerations in the specified time at the constant rates of acceleration specified. A tape recorded instruction playback or a pretraced speed vs. time recorder shall be used to guide the operator in following the cycle. Care should be taken to avoid throttle closures in the transition from acceleration to 30 cruise.

(e) The car speed (m.p.h.) as measured from the dynamometer rolls shall be used for all conditions.

§ 85.77 Three-speed manual transmissions.

(a) All test conditions except as noted shall be run in highest gear.

(b) Cars equipped with free wheeling or overdrive units shall be tested with this unit (free wheeling or overdrive) locked out of operation.

(c) Idle: Idle shall be run with transmission in gear and with clutch disengaged (except first idle; see § 85.80.)

(d) Cruise: The vehicle shall be driven at a constant throttle position to maintain the cruising speed. An engine tachometer and vacuum gauge may be used as driving aids.

(e) Acceleration: Modes shall be run at nearly constant acceleration with the shift speeds as indicated below (where possible; if not, cut into time of next mode). Shifting shall be accomplished rapidly to minimize closed-throttle time.

Mode	*Shift speed*
0–25 accel	Shift at 15 and 25.
15–30 accel	Use highest gear.

(f) Deceleration:

(1) The modes shall be run at closed throttle in high gear with clutch engaged, maintaining a constant deceleration rate by using the vehicle brakes. For those modes which decelerate to zero, the clutch should be depressed when speed drops below 15 m.p.h.

(2) If the vehicle decelerates more rapidly than required with no braking, the decelerations should be made at closed throttle even though less than the specified time is required. Indicate the end of the (50–0 or 30–15) deceleration, continue at that speed until the specified time has elapsed, then proceed with the next sequence.

(g) Optional shift points: When recommended by the manufacturer in the owner's operating manual, second gear may be used in sequences six and seven of § 85.75(a). If this potion is utilized. it shall be reported in test results submitted under § 85.51 and a copy of the applicable owner's operating manual shall be submitted with such report.

§ 85.78 Four- and five-speed manual transmissions.

(a) Use the same procedure as three-speed manual transmissions with the following exceptions:

Mode	*Shift speed*
0–25 accel	15 and 25.
30 cruise	3d gear.
30–15 decel	3d gear.
15 cruise	3d gear.
15–30 accel	3d gear.
30–50 accel	3d to 4th gear at 40 m.p.h.
50–20 decel	4th gear.

(b) If transmission ratio in first gear exceeds 5, follow the procedure for three-speed manual transmission vehicles as if the first gear did not exist.

(c) If an acceleration cannot be made within the specified time, reduce the time in the next steady speed mode to the extent necessary to compensate for time lost.

(d) Optional shift points: When recommended by the manufacturer in the owner's operating manual, second gear may be used in sequences six and seven of § 85.75(a). If this option is utilized, it shall be reported in test results submitted under § 85.51 and a copy of the applicable owner's operating manual shall be submitted with such report.

§ 85.79 Automatic transmissions.

(a) All test conditions shall be run with the transmission in "Drive" (highest gear).

(b) Idle: Idle shall be run with the transmission in "Drive" and the wheels braked (except first idle; see § 85.80).

(c) Cruise: The vehicle shall be driven at constant throttle position to maintain specified speed in highest gear.

(d) Accelerations: Modes shall be run at nearly constant acceleration, allowing the transmission to shift automatically through the normal sequence of gears.

(e) Decelerations: These modes shall be run at closed throttle, maintaining a constant deceleration by using the vehicle brakes. If the vehicle decelerates more rapidly than required, the test shall be run as for Manual Transmission Vehicle (see § 85.77).

§ 85.80 Engine starting.

(a) The engine shall be started according to the manufacturer's recommended starting procedure and run in the neutral position at about 1,100 r.p.m. (or maximum r.p.m. at which clutch remains disengaged if automatically operated) for a total of 20 seconds.

(b) Put the transmission in gear after 20 seconds so that the first acceleration can be started at the end of 40 seconds. The emissions for the first idle are to be read during the last 3 seconds preceding the first acceleration mode. This initial idle replaces the idle in the first 7-mode cycle.

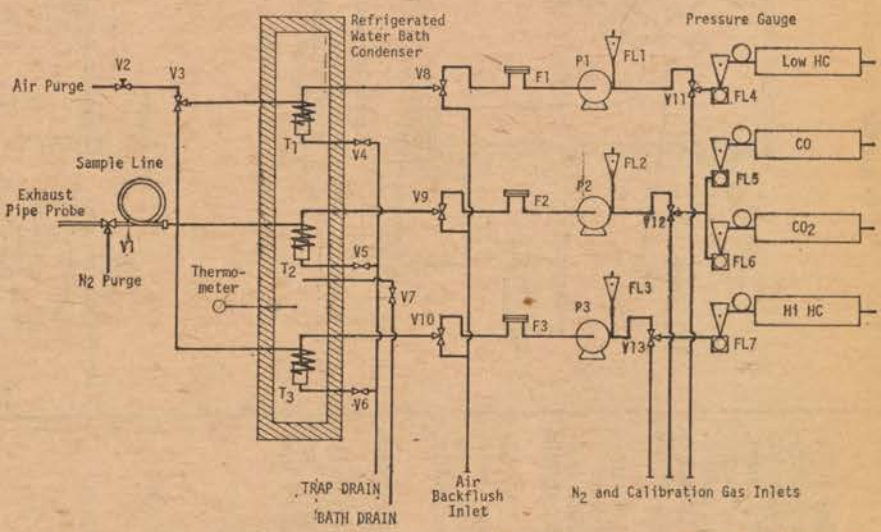
(c) Vehicles equipped with manual choke shall be started according to the manufacturer's procedure. Use of the choke shall be discontinued near the end of sequence eight of the first cycle.

(d) In all of these sequences the operator may use more choke, more r.p.m., and decreased rate of acceleration, etc., in the first cycle, where necessary to keep the engine running.

§ 85.81 Sampling and analytical system (exhaust emissions).

(a) *Schematic drawing.* The following figure (Figure 1) is a schematic drawing of the exhaust gas sampling and analytical system used in Federal facilities for testing under the regulations in this part.

Figure 1
FLOW SCHEMATIC OF TYPICAL EXHAUST GAS ANALYSIS SYSTEM



(b) *Component description.* The following components are employed in the sampling and analytical system.

(1) Exhaust pipe probe, 0.180'' ID stainless steel tubing.

(2) Valves V_1, V_3, V_8, V_9, V_{10}, V_{11}, V_{12}, V_{13}—Stainless steel three-way ball valves with teflon seals.

(3) Sample line, ¼'' ID, teflon coated (length determined by sample system requirements).

(4) Valve V_2—Bar stock needle valve.

(5) Traps T_1, T_2, T_3—Condensate traps with drains.

(6) Valves V_4, V_5, V_6, V_7—On-off toggle valves.

(7) Thermometer, 0° F.–60° F.

(8) Refrigerated water bath, designed to keep all three condenser coils at approximately 32° F.

(9) Condenser—4–5' Coil, 0.180'' ID stainless steel tubing in refrigerated water bath.

(10) Filters, F_1, F_2, F_3—Low volume high capacity particulate filters. Stainless steel body.

(11) Pumps, P_1, P_2, P_3—Sampling pumps, high volume (40 CFH, min.), with teflon diaphragms.

(12) Flowmeters, FL_1, FL_2, FL_3—0–18 CFH flowmeters with needle valve flow adjustments.

(13) Flowmeter, FL_4, FL_5, FL_6, FL_7—Stainless steel flowmeters with integral pressure regulators. Regulators employ teflon diaphragms.

(14) Pressure gauges, 0–15'' water, 4.

(15) Infrared analyzers, 4: Nondispersive infrared analyzers.

(16) High range hydrocarbon analyzer (0–10,000 p.p.m.) utilizing detector sensitized with n-hexane to 50-mm. Hg pressure, 1¼'' sample cell and 1½'' filter cell.

(17) Low range hydrocarbon analyzer (0–1,000 p.p.m.) utilizing detector sensitized with n-hexane to 50-mm. Hg pressure, 5¼'' sample cell and 1½'' filter cell.

(18) Carbon monoxide analyzer (0–10%) utilizing detector sensitized with carbon monoxide to 50-mm. Hg pressure, ⅛'' sample cell.

(19) Carbon dioxide analyzer (10–16%) utilizing detector sensitized with carbon dioxide to 200-mm. Hg pressure, ⅛'' sample cell.

(20) Recorders, 2: Dual channel strip chart potentiometric recorders.

The Surgeon General will, upon request by a manufacturer, furnish a list of the specific equipment and operating procedures used in Federal facilities for testing under the regulations in this section.

(c) *Assembling equipment.* (1) The exhaust analyzer components are assembled as shown in Figure 1. There are three parallel sampling trains: One supplying exhaust to the low range hydrocarbon analyzer, one to the high range hydrocarbon analyzer and one to the combined carbon monoxide and carbon dioxide analyzers. Each train has its own filter and pump.

(2) Flowmeters, FL_1, FL_2, FL_3 (Figure 1) which are located downstream of pumps P_1, P_2, and P_3 act as bypasses for part of the sample. The volume bypassed is controlled by adjustments of the needle valves in the flowmeters.

(3) The train containing the low range hydrocarbon analyzer is equipped with a manual three-way valve (V_3, Figure 1) which allows the operator to purge air through the train during decelerations. The instrument operator should anticipate high deceleration hydrocarbons, and trigger the valve manually before a level of 1,000 p.p.m. is registered on the low-range hydrocarbon analyzer.

(4) Minimize length of all connecting lines, using stainless steel line and closely butted hydrocarbon resistant joints.

(5) Locate instrumentation as close as possible to tailpipe.

(6) Check system for leaks.

(7) Ground all units electrically.

(d) *Initial check of assembled equipment.* (1) Turn on power and warm up infrared analyzers (minimum 2 hours). (As a matter of good practice, power is left on continuously; but when instruments are not in use, chopper motor is turned off and should be turned on 30 minutes before testing.)

(2) Check out all equipment according to manufacturer's specifications.

(3) Sample response time from tailpipe probe to recorder deflection should not exceed 5 seconds.

(e) Preventive Maintenance: This includes cleaning sampling system, servicing pumps, filters, recorders, and analyzers. Servicing frequency depends on total operating time.

§ 85.82 Sampling and analytical system (fuel evaporative emissions).

(a) *Schematic drawings.* (1) The following figures (Figures 2, 3, and 4) are flow diagrams of typical evaporative loss collection arrangements.

Figure 2
TYPICAL CARBURETOR EVAPORATIVE LOSS COLLECTION ARRANGEMENT
(Schematic)

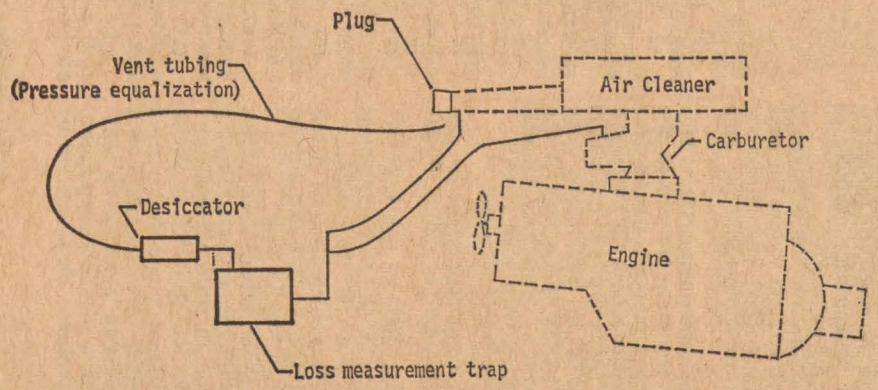


Figure 3
TYPICAL FUEL TANK EVAPORATIVE LOSS COLLECTION ARRANGEMENT
(Schematic)

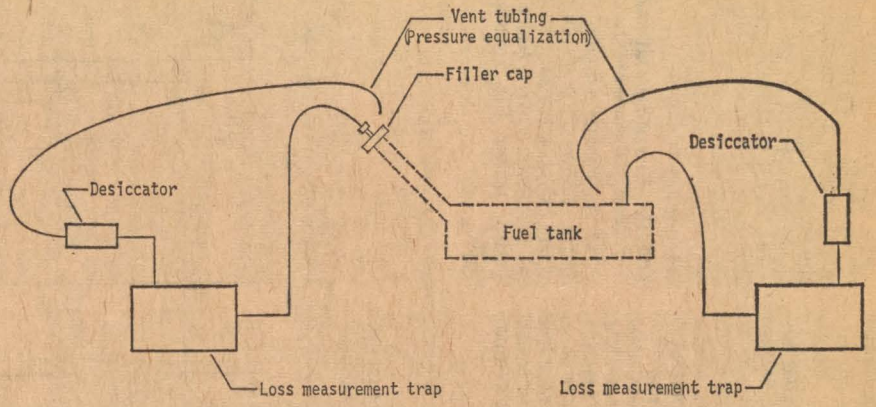
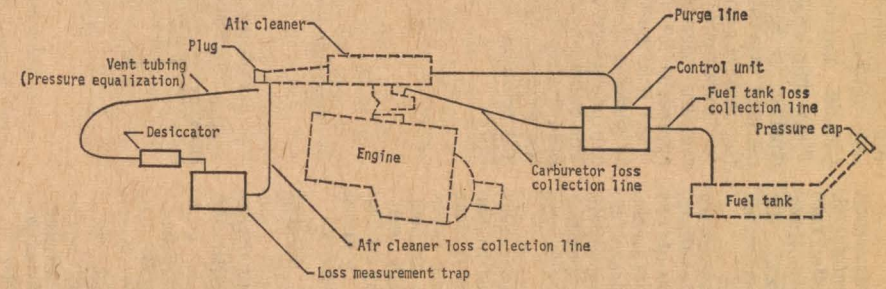


Figure 4
TYPICAL FUEL EVAPORATIVE LOSS COLLECTION ARRANGEMENT
For Vehicle Equipped with Evaporative Emission Control System
(Schematic)



(2) The choice of collection traps, whether cold trap or activated carbon trap, is optional. Figure 2 represents an arrangement for collecting losses which emanate from the carburetor. Figure 3 depicts two possible means for collecting fuel tank emissions. Figure 4 shows an arrangement for collecting the losses from a closed fuel system, vented to the atmosphere solely through the air cleaner, as might be the case with certain fuel evaporative emission control devices.

(3) Schematic drawings of arrangements actually employed shall be submitted with the test results of § 85.51.

(b) *Collection equipment.* The following equipment shall be used for the collection of fuel evaporative emissions. (Item quantities are determined by indi-

vidual test needs.) Collection traps—choice is optional:

(1) *Cold trap.* See Figure 5 for design specifications.

(i) Condensate trap—specially constructed from 100 milliliter, long conical, glass, centrifuge tube.

(ii) "Thermos" flask—1-liter, Dewar type, with wide, open mouth and metal base; height: 13 inches.

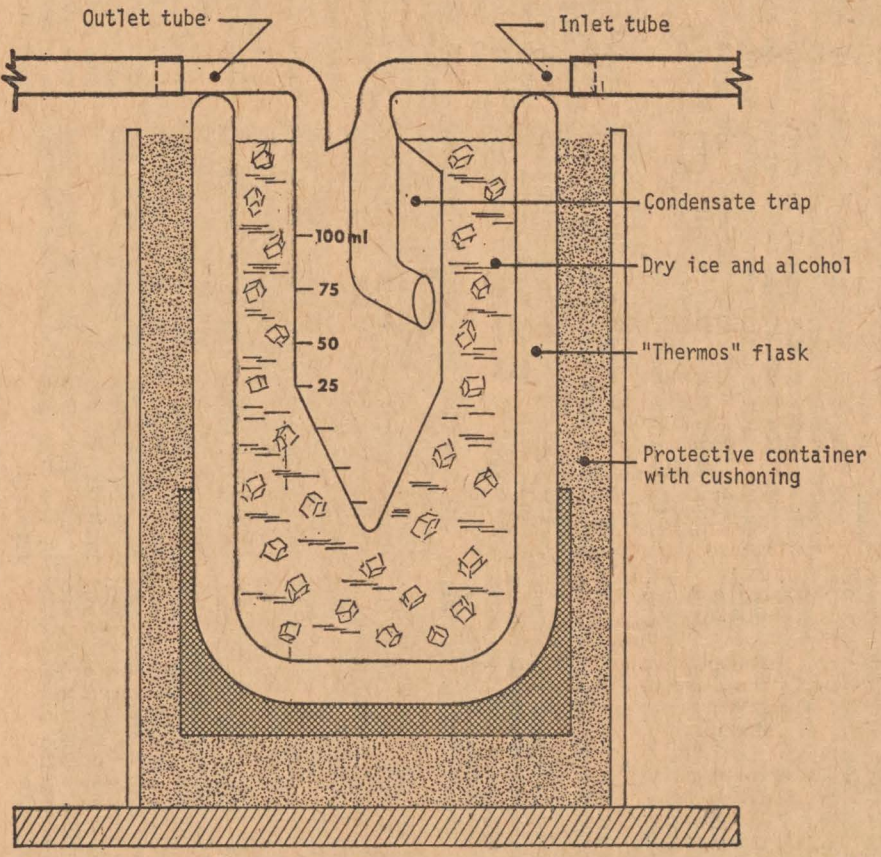
(iii) Protective container—designed to provide stable support, security against breakage and protection from flying glass in case of "thermos" flask breakage.

(iv) Dry ice.

(v) Ethyl alcohol—free of excessive moisture so as to be capable of rapidly achieving the prescribed temperature of −80° F. upon the addition of dry ice.

Figure 5

COLD TRAP



(2) *Activated carbon trap.* See Figure 6 for design specifications.

(i) Canister—900 ml., aluminum, cylindrical container fitted with internally-threaded cap and ring seal. An inlet tube, 5/16-inch ID and 1-inch long is sealed into the cap at its geometric center. A similar outlet tube is sealed into the wall one-half inch from the bottom of the canister. The canister is designed to withstand an air pressure of 2 p.s.i., when sealed, without evidence of leaking when immersed in water for 30 seconds.

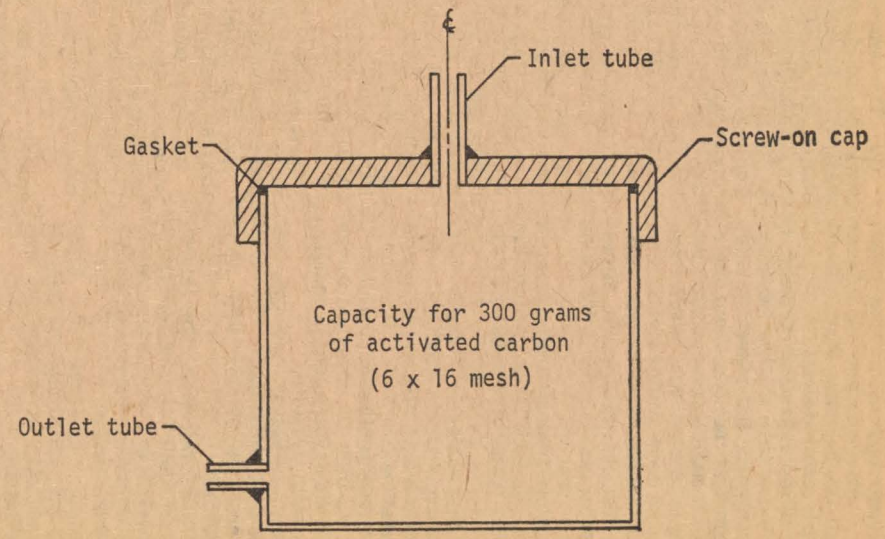
(ii) Activated carbon—6 x 16 mesh (U.S. Sieve Series); free of volatile material, including adsorbed water vapor; 1,000 square meters per gram, surface area (N_2 BET method) [1] 60 weight-percent carbon tetrachloride adsorption capacity. The activated carbon trap is prepared for the test by filling the canister with hot activated carbon which had previously been ovendried for 3 hours at 300° F. Wads of loosely packed glass wool are used to prevent loss of carbon through the inlet and outlet tubes.

(iii) The canister shall be sealed, immediately after filling, using clamped sections of polyvinyl chloride tubing to seal the inlet and outlet tubes. The trap is weighed after cooling and the weight, to the nearest 0.1 gram, is inscribed on the canister body. Within 12 hours of the scheduled test, the weight of the trap is checked and if it has changed by more than 0.5 grams, it is redried to constant weight. This redrying operation is performed by passing dry nitrogen, heated to 275° F., through the trap, via the inlet tube, at a rate of 1 liter per minute until checks made at 30-minute intervals agree to within 0.1 percent of the gross weight. The sealed trap and its contents are allowed to cool to room temperature before use.

[1] Brauner, Emmett & Teller; Journal of the American Chemical Society, Vol. 60, p. 309, 1938.

Figure 6

TYPICAL ACTIVATED CARBON TRAP



(c) *Auxiliary collection equipment.* (1) Drying tube—transparent, tubular body ¾-inch ID, 6-inches long, removable caps with serrated tips.

(2) Desiccant—indicating variety, 8 mesh. The drying tube shall be attached to the outlet tube of the collection traps to prevent ambient moisture from entering the trap. It shall be prepared by filling the empty drying tube with fresh desiccant using loose wads of glass wool to hold the desiccant in place. The desiccant shall be renewed when three-quarters spent, as indicated by color change.

(3) Collection tubing—stainless steel or aluminum, 5/16-inch ID, for connecting the collection traps to the fuel system vents.

(4) Polyvinyl chloride (vinyl) tubing—flexible tubing, 5/16-inch ID, for sealing butt-to-butt joints and to adsorb excessive pressures.

(5) Laboratory tubing—air tight flexible tubing, 5/16-inch ID, attached to the outlet end of the drying tubes to equalize collection system pressure.

(6) Clamps—Hosecock, open side, for pinching off flexible tubing.

(7) Chamois—for drying cold traps prior to weighing.

(d) *Weighing equipment.* The following equipment shall be used for determining the weight of hydrocarbon vapors collected in either the cold traps or the activated carbon traps:

(1) Weighing balance—500 gram capacity, 15 mg. sensitivity, or balance having a precision of 5 mg. for one standard deviation.

(2) Balance weights—1–500 gram set, meeting or exceeding Class P tolerances as specified in the National Bureau of Standards Bulletin 547.

(e) *Temperature measuring equipment.* (1) Temperature recorder—multichannel, variable speed, potentiometric, or substantially equivalent, recorder with a temperature range of 0° F. to 300° F. and capable of simultaneously registering the temperatures of the ambient air, fuel, and engine block within an accuracy of ±2° F.

(2) Thermocouples—iron-constantan junctions designed for specific applications, as required.

(3) The Surgeon General will, upon request by a manufacturer, furnish a list of the specific equipment and operating procedure used in Federal facilities for testing under the regulation in this section.

(f) *Assembly and use of vapor collection systems.* The choice of system (1) or (2) is optional and interchangeable.

(1) *Cold trap collection system.* (i) The inlet and outlet tubes of the clean, dry condensate trap shall be connected by means of a 6-inch loop of vinyl tubing.

(ii) The sealed trap shall be carefully weighed to the nearest 20 milligrams and the weight is recorded as the "tare weight." The vinyl loop is disconnected at the inlet arm and a drying tube is attached to its free end. A short clamped section of vinyl tubing is then attached to the inlet arm of the condensate trap. A length of flexible tubing, for pressure equalization, is connected to the other end of the drying tube.

(iii) The trap-drying tube assembly shall be positioned in the "thermos" flask with the inlet and outlet arms resting on the lip of the flask. (The "thermos" flask should always be secured within its protective housing when in use.) Connection between the inlet arm of the condensate trap and external vent(s) of the fuel system shall be by minimal lengths of stainless steel or aluminum tubing and short sections of vinyl tubing. Butt-to-butt joints shall be made wherever possible and precautions shall be taken against sharp bends in the connection lines, including any manifold systems employed to connect multiple vents to a single trap. The end of the pressure equalization vent line, leading from the drying tube, shall be secured adjacent to the orginal external vent. A mixture of dry ice and alcohol is charged to the "thermos" flask and more dry ice added as needed to maintain an immersion temperature of −80° F., or lower. Care should be exercised to prevent spillage of alcohol over the sections of vinyl tubing attached to the condensate trap while providing sufficient slurry to completely immerse the body of the trap.

(iv) The clamp on the inlet arm of the trap shall be released.

(v) Upon completion of the collection sequence, the collection system is dismantled and the 6-inch section of vinyl tubing shall be used as a connection between the inlet and outlet tubes of the condensate trap.

(vi) The sealed condensate trap is removed from the slurry of dry ice and alcohol and permitted to warm to the dew point temperature of the balance room.

(vii) The trap and fittings shall be wiped dry with a chamois cloth and carefully weighed to the nearest 20 milligrams. This constitutes the "gross weight" which is appropriately recorded.

(viii) The difference between the "gross weight" and "tare weight" represents the "net weight" for purposes of calculating the vapor losses.

(2) *Activated carbon collection system.* (i) The prepared trap, dried to constant weight, cooled to the ambient temperature and equipped with clamped sections of vinyl tubing shall be carefully weighed to the nearest 20 milligrams and the weight is recorded as the "tare weight."

(ii) A drying tube shall be attached to the outlet tube and the clamp released, but not removed. A length of flexible tubing, for pressure equalization, shall be connected to the other end of the drying tube.

(iii) Connection between the inlet tube of the adsorption trap and external vent(s) of the fuel system shall be by minimal lengths of stainless steel or aluminum tubing and short sections of vinyl tubing. Butt-to-butt joints shall be made wherever possible and precautions shall be taken against sharp bends in the connection lines, including any manifold systems employed to connect multiple vents to a single trap.

(iv) The clamp on the inlet tube of the trap shall be released but not removed.

(v) Care shall be exercised to prevent heating of the adsorption trap by radiant or conductive heat from the engine. Upon completion of the collection sequence, the vinyl tubing sections on each arm of the adsorption trap are clamped tight and the collection system dismantled.

(vi) The sealed adsorption trap shall be weighed carefully to the nearest 20 milligrams. This constitutes the "gross weight," which is appropriately recorded. The difference between the "gross weight" and the "tare weight" represents the "net weight" for purposes of calculating the vapor losses.

§ 85.83 Information to be recorded on charts.

The following information shall be recorded with respect to each test:

(a) Test Number.

(b) System or device tested (brief description).

(c) Date and time of day for each part of the test schedule.

(d) Instrument Operator.

(e) Driver or Operator.

(f) Vehicle: Make—Vehicle identification number—Year—Transmission type—Odometer reading—Engine displacement—Carburetor barrels—Idle r.p.m.—Nominal fuel tank capacity and location on vehicle—Number of carburetors—Inertial loading.

(g) Nondispersive infrared analyzers: Analyzer Tuning—Gain—Detector number.

(h) Recorder Charts: Identify zero traces, steady-state traces, calibration traces, and start and finish of each test.

(i) Record sample cell pressure.

(j) Ambient temperature (i.e., air in front of radiator), and other prescribed temperature data.

(k) Type of fuel evaporative emission collection trap (cold or activated carbon).

§ 85.84 Calibration and instrument checks.

(a) Calibrate following assembly, and repeat at least once every 30 days thereafter. Use the same flow rate as when sampling exhaust. Adjust to the same pressure setting on the pressure gauge as observed during sampling. Proceed as follows:

(1) Tune analyzers.

(2) Zero on nitrogen. Check each cylinders of N_2 for contamination with hydrocarbons. Set the instrument gain to give the desired range. Normal operating ranges are as follows:

Low-Range Hydrocarbon Analyzer.	0–1000 p.p.m. hexane equivalent.
High-Range Hydrocarbon Analyzer.	0–10,000 p.p.m. hexane equivalent.
CO Analyzer	0–10% CO.
CO_2 Analyzer	0–16% CO_2.

(3) Calibrate with the following normalizing gases. Flow rates should be set at 10 CFH on the hydrocarbon analyzers and 5 CFH on the carbon monoxide and carbon dioxide analyzers. The concentrations given indicate nominal concentrations and actual concentrations should be kown to within ±2 percent of true value. Dry N_2 is used as the diluent.

Low range HC analyzer	High range HC analyzer	CO analyzer	CO_2 analyzer
(*Hexane equivalent*)	(*Hexane equivalent*)	(*Mole percent*)	(*Mole percent*)
100 ppm	[1] 500 ppm	0.5	2.0
200 ppm	1000 ppm	1.0	5.0
300 ppm	1500 ppm	1.5	7.0
400 ppm	2000 ppm	2.0	9.0
500 ppm	3000 ppm	3.0	11.0
800 ppm	5000 ppm	5.0	13.0
1000 ppm	7000 ppm	8.0	14.0
	9000 ppm	10.0	15.0
	10000 ppm		

[1] Hexane equivalent.

Minimum use temperature of the cylinders should be 70° F.

(4) Compare values with previous curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgment in selecting curve for data reduction.

(5) Check response of hydrocarbon analyzer to 100 percent CO_2. If response is greater than 0.5 percent full scale, refill filter cells with 100 percent CO_2 and recheck. Note any remaining response on chart. If response still exceeds 0.5 percent, replace detector.

(6) Check response of hydrocarbon analyzers to nitrogen saturated with water at ambient temperature. Record ambient temperature. If the low-range instrument response exceeds 5 percent of full scale with saturated nitrogen at 75° F., replace the detector. If the high-range response exceeds 0.5 percent of full scale, check detector on low-range instrument, then reject if response exceeds 5 percent of full scale at 75° F.

(b) Daily instrument check: Allow a minimum of 2 hours warmup for infrared analyzers. (Power is normally left on continuously; but, when instruments are not in use, chopper motor is turned off.) The following should be done before each series of tests:

(1) Zero on clean nitrogen introduced at analyzer inlet. Obtain a stable zero on the amplifier meter and recorder. Recheck after test.

(2) Introduce normalizing gas and set gain to match calibration curve. In order to avoid a correction for sample cell pressure, normalize and calibrate at the same cell pressure used for exhaust sampling. Normalizing or span gases: (See paragraph (a) (3) of this section for allowable variation.)

Low Range Hydrocarbon Analyzer.	1,000 p.p.m. hexane or propane equivalent for the instrument.
High Range Hydrocarbon Analyzer.	10,000 p.p.m. hexane or propane equivalent for the instrument.
CO Analyzer	10% CO in prepurified N_2.
CO_2 Analyzer	12 to 16 % CO_2 in prepurified N_2.

If gain has shifted significantly, check tuning. If necessary, check calibration. Recheck after test. Show actual concentrations on chart.

(3) Check nitrogen zero, repeat (1) and (2) if required.

(4) Check flow rates and pressures.

§ 85.85 Dynamometer test runs.

(a) The vehicle and devices shall be allowed to stand with engine turned off for a period of 12 hours before the exhaust emission test, at an ambient temperature as specified in § 85.74. The vehicle is to be stored prior to the emission tests in such a manner that precipitation (e.g., rain or dew) does not occur on the vehicle. During the run the ambient temperature shall be between 68° F. and 86° F.

(b) The following steps shall be taken for each test:

(1) Place car on dynamometer without starting engine.

(2) Prepare sampling train for test by inserting clean filter paper and draining condensate traps. Record proper heading on charts, § 85.83.

(3) Zero and calibrate instruments. Valves V_8, V_9, V_{10}, V_{11}, V_{12}, and V_{13} must be in the "calibrate" position. Flow rates shall be 10 CFH to the hydrocarbon analyzers and 5 CHF to the carbon monoxide and carbon dioxide analyzers.

(4) Divert valve V_1 from "sample" to "nitrogen purge." With valves V_8, V_9, V_{10}, V_{11}, V_{12}, and V_{13} in the sample position, turn on pumps and draw nitrogen through the system (maintaining the same flow rates used for calibration) until the hydrocarbon "hangup" level registered on the recorder chart is below 5 p.p.m. A reading of less than 5 p.p.m. should be achieved rapidly, otherwise the analytical and sampling system must be cleaned.

(5) Divert valve V_1 to "sample." The sampling and analytical system is now ready for exhaust gas analysis.

(6) Insert the sampling line at least 2 feet into the tailpipe. If this is not possible, a tailpipe extension should be used.

(7) With car hood up, start the cooling fan. (Exception: Hood down with proportional blower.)

(8) Start the engine. Turn on pumps. Adjust sample flow to deliver 10 cfh to the hydrocarbon analyzers and 5 cfh to the carbon monoxide-carbon dioxide analyzer combination.

(9) Run nine 7-mode cycles.

(10) Record manifold vacuum during 50 m.p.h. cruise.

(11) Record on the dynamometer data sheet the engine idle r.p.m.: In drive range for automatics, in neutral for manuals.

(12) At the end of the fourth cycle turn off pumps, divert valves V_{11}, V_{12}, and V_{13} to "calibrate." Check but do not correct zero setting on analyzers by introducing nitrogen gas. Also, engage air backflush by diverting valves V_8, V_9, and V_{10} to "backflush." This operation is designed to purge the system with dry filtered air upstream of valves V_8, V_9, and V_{10} back through the tailpipe probe.

(13) Near the end of the fifth cycle reset system to prepare for sixth cycle. Divert all valves back to "sample" and turn on pumps at the end of the 50–20 deceleration mode. Adjust sample flow rates.

(14) Upon completion of the seventh cycle, divert valve V_1 to "N_2 Purge." Purge with nitrogen and establish a constant hydrocarbon "hangup" level.

(15) Continue the dynamometer run through the ninth cycle in accordance with the requirements of § 85.74(b). The 50 m.p.h. cruise modes of these cycles are monitored by redirecting valve V_1 to "sample".

(16) Withdraw tailpipe sample probe, turn off pumps, drain traps (valves V_4, V_5, and V_6), change filters (F_1, F_2, and F_3), and backflush system (valves V_8, V_9, and V_{10}) with air.

(17) Check zero and calibration at valves V_{11}, V_{12}, and V_{13}, correct if necessary. If either zero or span drift is in excess of 3 percent of the span concentration during the run, the results are questionable.

(18) Divert value V_1 to "N_2 Purge." Purge with nitrogen from V_1 using pumps and establish final "hangup" level. As a guide, the hydrocarbon concentration should drop to 5 percent of scale in 10 seconds and 2–4 percent of scale in 2–3 minutes. If it does not, the test is questionable.

§ 85.86 Chart reading.

The recorder response for measuring exhaust gas concentrations will always lag the engine's operation because of a variable exhaust system delay and a fixed sample system delay. Therefore, the concentrations for each mode will not be located on the charts at a point corresponding to the exact time of the mode. For each warmup cycle to be evaluated, proceed as follows:

(a) Determine whether the cycle was driven in accordance with the specified cycle timing by observing either chart pips, speed trace, manifold vacuum trace, or concentration traces. Deviation by more than 2 seconds from the specified time for each mode will make the data of questionable value.

(b) Time correlate the hydrocarbon, carbon monoxide, and carbon dioxide charts. Use all clues available to determine the location on the chart of concentrations corresponding to each mode. Use judgment in recognizing and compensating for trace abnormalities.

(c) Locate on each chart the last 3 seconds before HC, CO, and CO_2 concentration changes indicate the beginning of the 0–25 acceleration. From this last 3-second period determine the integrated or time average concentration for the idle concentration.

(d) Mark off the 11.5 seconds following the point located in step (c). Integrate or time average the concentrations for the cruise—30 values.

(e) Locate the last 3 seconds before concentration changes indicate the beginning of the 30–15 deceleration. Integrate or time average the concentrations for the cruise—30 values.

(f) Locate chart scale reading (ordinate) where peak width equals 11 seconds for 30–15 deceleration. Integrate or time average the concentrations between the intersections of this scale reading with the curve for the 30–15 deceleration values.

(g) Locate the last 3 seconds before concentration changes associated with the beginning of the 15–30 acceleration

and integrate or time average the concentration for the cruise 15 value.

(h) From the initiation of the 15–30 (50) acceleration located in step (g), measure 12.5 seconds forward in time and evaluate the integrated or time average concentration for the 15–30 value.

(i) Locate chart scale reading where peak width equals 25 seconds for the 50–20 deceleration mode. Integrate or time average the concentrations between the intersections of this scale reading with the curve for the 50–20 deceleration value. Vehicles which utilize a fuel shutoff system on deceleration modes (30–15 and 50–20) should use the CO and CO_2 values of the preceding idle mode to determine the correction factor for these decelerations. The "time average concentrations" equal the sum of the concentration values for each second of time divided by the number of seconds. The concentration at any second is determined by:

(1) Reading recorder deflection.

(2) Referring to the calibration curve to determine concentration. (A table corresponding to the calibration curve is a useful aid.) Integration of the area under the curves has been found to be an acceptable approximation of the more rigorous "time average concentration" method.

(j) Record data for the first four warmup cycles and the sixth and seventh hot cycles.

§ 85.87 Calculations (exhaust emissions).

The final reported test results shall be derived through the following steps:

(a) Exhaust gas concentrations shall be adjusted to a dry exhaust volume containing 15 percent by volume of carbon dioxide plus carbon monoxide.

(b) Determine composite hydrocarbon and carbon monoxide concentrations for the first four 7-mode warmup cycles.

(c) Determine composite hydrocarbon and carbon monoxide concentrations for the sixth and seventh (hot) cycles.

(d) Combine (b) and (c) according to the formula 0.35(b) plus 0.65(e).

EXAMPLE: The following example illustrates the calculation of reported values from raw data. The raw concentrations used in the warmup portion of the example represent the average mode concentrations for the first four cycles.

Since hydrocarbons, carbon monoxide, and carbon dioxide all are measured with the same moisture content, no moisture correction is required to convert the results to a dry basis. The correction factor

$$\frac{15}{CO+CO_2}$$

is applied to the measured concentrations of hydrocarbons and carbon monoxide for each load mode and the idle mode. For the deceleration modes the measured concentrations are multiplied by

$$\frac{15}{6HC+CO+CO_2}$$

(HC expressed as % hexane).[1] This modification is necessary to compensate for the large percentage of carbon atoms which remain in organic form during these modes. (Special treatment will be necessary for cases involving fuel shutoff during deceleration in accordance with a substantially equivalent procedure agreed to by the Surgeon General.)

By a similar procedure the hot portion of the test yields composite values of 680 and 2.21. The reported overall composite values are:

$0.35(697)+0.65(680)=686$ p.p.m. HC.
$0.35(2.27)+0.65(2.21)=2.24\%$ CO.

(e) The overall composite concentration values are converted into mass emission values by substituting in the following two formulas:

$$CO_{mass}=CO_{conc}\times\frac{\text{Exhaust volume}}{\text{mile}}\times Density_{CO}\times K$$

Where:

CO_{mass} = CO emissions in grams per vehicle mile.

CO_{conc} = CO concentration, in percent, as determined in accordance with paragraphs (a) through (d) of this § 85.87.

$Density_{CO}$ = Density of carbon monoxide in pounds per cubic foot at 68°F and 760mm of Hg pressure (0.073 lb./cubic foot).

K = A conversion factor to provide consistency of units $\left(453\ \text{grams/lb.}; \frac{1}{100\%}\right)$

$\frac{\text{Exhaust volume}}{\text{mile}}$ = The exhaust volume in cubic feet per mile for respective dynamometer inertia wheel weights, as calculated from the formula:

$$(-11.5+0.0281W-0.00000193W^2)$$

where W is the dynamometer inertial wheel weight (in pounds) used in emission testing of the particular vehicle (See § 85.76(b)(4)).

$$HC_{mass}=HC_{conc}(6\times1.8)\times\frac{\text{Exhaust volume}}{\text{mile}}\times Density_{HC}\times K$$

Where:

HC_{mass} = HC emissions in grams per vehicle mile.

$HC_{conc}(6\times1.8)$ = HC concentration in p.p.m. as hexane, (HC_{conc}) as calculated in accordance with paragraphs (a) through (d) of this § 85.87, multiplied by 6 to convert from the molar basis to a carbon number basis and multiplied by 1.8 to convert from the HC detected by the infrared analyzers to total HC in the exhaust gas.

$Density_{HC}$ = Density of hydrocarbons in the exhaust gas assuming an average carbon to hydrogen ratio of 1:1.85, in pounds per cubic foot at 68° F. and 760-mm. of Hg (0.036 lb/cubic foot).

K = a conversion factor to provide consistency of units $\left(453\ \text{grams/lb}; \frac{1}{1{,}000{,}000\ \text{p.p.m.}}\right)$.

$\frac{\text{Exhaust volume}}{\text{mile}}$ = Same as above for CO.

EXAMPLE: WARMUP CALCULATION

Mode	Average as measured			Correction factor	Corrected		Weighting factor	Weighted	
	HC	CO	CO_2		HC	CO		HC	CO
Idle	650	5.2	10.1	$\frac{15}{15.3}$	640	5.1	0.042	27	0.22
0–25	430	2.0	12.1	$\frac{15}{14.1}$	460	2.1	.244	112	.51
30	390	2.5	12.1	$\frac{15}{14.6}$	400	2.6	.118	47	.31
30–15	2,600	4.6	8.6	[1] $\frac{15}{14.8}$	2,600	4.7	.062	161	.28
15	470	3.7	11.4	$\frac{15}{15.1}$	470	3.7	.050	23	.18
15–30	350	1.3	12.5	$\frac{15}{13.8}$	380	1.4	.455	173	.64
50–20	4,600	3.9	6.3	[2] $\frac{15}{13.0}$	5,300	4.5	.029	154	.13
Sum								697	2.27

[1] The average concentration for each mode for the first four warmup cycles is determined, and then the CO_2 correction factor is applied to this average for each mode.

[1] $\frac{15}{6\times0.26+4.6+8.6}$

[2] $\frac{15}{6\times0.40+3.9+6.3}$

§ 85.88 Calculations (fuel evaporative emissions).

The net weights of the individual collection traps employed in § 85.74 will be added together to give values for computing compliance with the evaporative emission standard.

§ 85.89 Test vehicles.

(a) Separate test fleets shall be established for each basic combination of exhaust and evaporative emission control systems employed by a manufacturer for emission and durability testing, according to the following selection procedures:

(b) Emission data vehicles:

(1) For each basic exhaust-evaporative emission control system combination, four vehicles of each engine displacement will be run for emission data. When an engine displacement projected sales volume represents less than one-half of 1 percent of the last full model year's total U.S. sales of all vehicles subject to this section, then only two vehicles for each combination would be required for that displacement. Each manufacturer, however, must accumulate data on a minimum of four vehicles to qualify for certification, unless a lesser number is agreed to by the Surgeon General as meeting the objectives of this procedure.

(2) Vehicles shall be selected so as to be equipped as nearly as possible with carburetion, air conditioning, transmission, and other features expected to affect exhaust and evaporative emissions in proportion to the manufacturer's percentages thereof sold in the United States during the latest full model year for which sales statistics are available. Air conditioned vehicles shall be tested with these units operating at full capacity.

(3) An engine, transmission, and air conditioner combination need not be tested in more than one car model except that when the weight, power train, or other characteristics of any car model may reasonably be expected to increase emissions, the combination shall also be tested in such model.

(c) Durability data vehicles: For each basic exhaust-evaporative emission control system combination, a minimum of four and a maximum of 10 vehicles shall be operated for durability data. The number shall be determined by selection of those combinations of engine displacement, air conditioning, carburetion, and transmission options (automatic and manual) which represent at least 70 percent of the manufacturer's total sales in the United States during the latest full model year for which sales statistics are available, selected in order of sales volume: *Provided, however,* That when such manufacturer's total latest full model year sales in the United States represent less than 10 percent of all domestic sales of vehicles subject to this section, the number of durability data vehicles for each control system combination shall be determined by the number of engine displacement, air conditioning, carburetion, and transmission options comprising at least 50 percent of domestic sales by the manufacturer during such model year, but in no event shall there be less than four vehicles, unless a lesser number is agreed to by the Surgeon General as meeting the objectives of this procedure.

§ 85.90 Test conditions.

(a) Maintenance:

(1) A complete record of all pertinent maintenance performed on the test vehicles will be supplied with the application for certification.

(2) Maintenance on the durability vehicles will be performed only as a result of part failure or gross vehicle malfunction with the following exceptions:

(i) Only one major engine tuneup may be performed (at approximately 25,000 miles of scheduled driving): *Provided,* That three such tuneups may be performed for vehicles with an engine displacement of 200 cubic inches or less, at approximately 12,500-mile intervals of scheduled driving. A major engine tuneup shall consist of the following: Replace spark plugs; inspect ignition wiring and distributor cap and replace as required; replace distributor breaker points and condenser; lubricate distributor cam; check distributor advance and breaker point dwell angle and adjust as required; check, and tighten, if necessary, intake manifold bolt torque; adjust tappets if required; check automatic choke for free operation and adjust as required; adjust carburetor idle speed and mixture; check for free operation of exhaust heat control valve and adjust as required; adjust belt tension.

(ii) Spark plugs may be changed if misfire is detected at 35 m.p.h. or below during the 0–70 m.p.h. WOT acceleration in the modified AMA driving schedule (see § 85.91).

(iii) Normal vehicle lubrication services (engine and transmission oil change and oil, fuel, and air filter servicing) will be allowed at recommended mileage intervals.

(iv) Crankcase emission control system may be serviced at 12,000 miles, or longer.

(v) Fuel evaporative emission control systems or devices may be serviced at approximately 12,000 miles of scheduled driving.

(vi) Adjust choke or idle settings only if there is a problem of stalling at stops, or at permitted major tuneups.

(b) Complete emission tests (see §§ 85.71–85.88) shall be run before and after any vehicle maintenance which can be expected to affect emissions.

§ 85.91 Mileage accumulation and emission measurements.

The route for mileage accumulation shall be representative of urban driving with an average speed of 32 m.p.h. or less. The AMA city route (appendix A) or modification thereof approved by the Surgeon General, will meet this requirement. An example of an approved modification is shown in appendix B.

(a) *Emission data vehicles.* Each vehicle shall be driven a minimum of 4,000 miles with all atmospheric emission control systems installed and operating. The results of all emission tests conducted after 4,000 miles driving shall be supplied with the application for certification to establish the low mileage emission level of each vehicle or engine.

(b) *Durability data vehicles.* Each vehicle shall be driven 50,000 miles with all atmospheric emission control systems installed and operating. Emission measurements from a cold start shall be made at least every 4,000 miles.

§ 85.92 Compliance with emission standards.

(a) The emission standards in the regulations in this part apply to the lifetime emissions of equipped vehicles in public use. Prior to certification, lifetime emissions can be obtained by projection of test data to lifetime normal service. Normal service in an urban area or its equivalent for 100,000 miles is taken as the basis for "lifetime emissions."

(b) It is expected that emission control efficiency will change with mileage accumulation on the vehicle. It is assumed that emissions corresponding to 50,000 miles in normal service is the average emission of vehicles over their lifetime. (With some cars, emission deterioration rate could conceivably be greater in the second 50,000 miles. Unless normal service data with particular equipped vehicles after long service indicates to the contrary, however, it will be assumed that 50,000 miles of normal service is the proper average for the whole 0–100,000 period.)

(c) The basic procedure for determining compliance with emission standards of systems or devices, installed on or incorporated in vehicles or engines, is as follows:

(1) Emission deterioration factors will be determined from the emission results of the applicable durability data vehicles for each emission control system combination employed.

(i) All applicable results will be plotted as a function of mileage and the best fit straight line will be drawn through these data points.

(ii) The deterioration factors will be calculated as follows:

$$\text{factor} = \frac{\text{emissions interpolated to 50,000 miles}}{\text{emissions interpolated to 4,000 miles}}$$

(2) The emission test results from all the emission data vehicles for each dynamometer inertial weight loading will be averaged with equal weighting to each test vehicle.

(3) The emissions to compare with the standard will be the emissions of subparagraph (2) of this paragraph multiplied by the respective deterioration factors of subparagraph (1) of this paragraph.

Subpart J—Test Procedures for Vehicle and Engine Exhaust Emissions (Gasoline Engines) (Heavy Duty Vehicles)

§ 85.100 Introduction.

The following procedure will be used in the testing program under section 206 of the Act to determine the conformity of new motor vehicles and new motor vehicle engines with the applicable standards set forth in this part.

(a) The test consists of prescribed sequences of vehicle operating conditions; use of either a chassis or engine dynamometer is provided for in the procedure. The exhaust gases generated during vehicle operation are sampled continuously for specific component analysis through the analytical train. The tests are applicable to vehicles equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems or devices, or to uncontrolled vehicles and engines. The test applies to all heavy duty vehicles which employ the spark ignition principle and operate on gasoline fuel.

(b) The basic exhaust emission test for heavy duty vehicles is designed to determine hydrocarbon and carbon monoxide concentrations during a simulated truck driving pattern in a metropolitan area. The test consists of two warmup cycles and two hot cycles. The average concentrations for the warmup cycles and the hot cycles are combined to yield the reported values.

(c) It will be noted that these test procedures yield single values for hydrocarbon and carbon monoxide exhaust concentrations from a given vehicle for comparison with the standards. However, the finding that the vehicle or engine operates within the standards is not judged on the basis of a single vehicle or single engine. Performance is judged on the basis of emissions of groups of test vehicles.

(d) When an engine is tested for exhaust emissions or is operated for durability testing on an engine dynamometer the complete engine, as defined in § 85.1(w) shall be used, except that the fuel tank need not be suitable for testing fuel evaporative emissions.

§ 85.101 Gasoline fuel specifications.

(a) For exhaust emission testing, fuel having specifications as shown in the table in § 85.71(a), or substantially equivalent specifications approved by the Surgeon General, shall be used.

(b) For mileage accumulation, fuel having specifications as shown in the table in § 85.71(b), or substantially equivalent specifications approved by the Surgeon General, shall be used. The octane rating of the fuel used shall be in the range recommended by the vehicle or engine manufacturer. The octane rating of the fuel used shall be reported in the test results submitted under § 85.51.

§ 85.102 Dynamometer operation cycle.

(a) The following 9-mode cycle shall be followed in dynamometer operation tests for all heavy duty vehicles or engines.

Sequence No.	Mode	Manifold vacuum	Time in Mode-Secs	Cumulative Time-Secs	Weighting factors
1	Idle		70	70	0.036
2	Cruise	16" Hg.	23	93	.089
3	PTA	10" Hg.	44	137	.257
4	Cruise	16" Hg.	23	160	.089
5	PTD	19" Hg.	17	177	.047
6	Cruise	16" Hg.	23	200	.089
7	Fl	3" Hg.	34	234	.283
8	Cruise	16" Hg.	23	257	.089
9	CT		43	300	.021

(b) The following equipment shall be used for dynamometer tests.

(1) Either a chassis dynamometer or engine dynamometer may be used. In either case, the dynamometer must be capable of maintaining nearly constant speed from full throttle to closed throttle motoring (±2 m.p.h. for the chassis dynamometer, or ±100 r.p.m. for the engine dynamometer).

(2) Chassis dynamometer—operated at a constant speed in the range of 25±2 m.p.h. to 40±2 m.p.h. (depending upon dynamometer operating capabilities) while employing a gear selected to provide an engine speed as close to 2,000 r.p.m. as possible but not less than 1,800 r.p.m. or greater than 95 percent of governed speed.

(3) Engine dynamometer—operated at a constant speed of 2,000 r.p.m. ±100 r.p.m. (exception: representative engine speed for a given displacement engine as determined by its application, but not less than 1,800 r.p.m. nor greater than 2,500 r.p.m.).

(4) The idle operating mode, employing either dynamometer, shall be carried out at the manufacturer's recommended engine speed.

(5) A chassis-type exhaust system or substantially equivalent exhaust system, shall be used, with either dynamometer.

(6) Proportional air blower—operated to match equivalent vehicle air speeds. (See appendix C for blower specifications.)

(7) Air deflectors—walls extending from the air blower to the rear of the vehicle positioned along the sides of the dynamometer to direct the ambient air rearward, over the engine, in a manner simulating vehicle road operation. The deflectors shall be positioned 2 feet from the sides of the vehicle and shall extend from the blower to at least 1 foot beyond the rear bumper and from the floor to a height at least 2 feet above the dynamometer rolls. Where the dynamometer rolls are above the surface of the floor, a false floor shall be installed, at the level of the ramp, to extend the full distance of the air deflectors. The minimal height prescribed for the blower outlet (appendix C) shall be measured from the surface of such false floor.

(8) A propellor-type fixed-speed fan may be used instead of a proportional blower: *Provided*, That it has sufficient capacity to maintain engine cooling during sustained operation on the dynamometer. When such option is employed, there shall be no requirement to provide air deflectors as in subparagraph (7) of this paragraph.

§ 85.103 Dynamometer procedures.

(a) An initial 5-minute idle, two warmup cycles, and two hot cycles constitute a complete dynamometer run. Idle modes may be run at the beginning and end of each test, thus eliminating the need to change engine speed between cycles. One idle mode preceding the first cycle and one following the fourth cycle is sufficient. The results of the first idle are used for calculation of the second cycle emissions and the fourth idle results are used for calculation of the third cycle emissions.

(b) Special considerations:

(1) When a vehicle is tested, it shall be nearly level in order to prevent fuel distribution unusual from that normally observed.

(2) Dynamometer run shall be made with hood down and proportional blower directed at front of vehicle. The blower outlet shall be positioned 8 inches from the front bumper. When the fixed speed fan option is employed it shall be positioned between 8 and 12 inches from the grill and directed squarely at the radiator (exception: air-cooled engines) and the dynamometer run shall be made with hood up.

§ 85.104 Sampling and analytical system for measuring exhaust emissions.

The same sampling and analytical system is used for measuring exhaust emissions from gasoline powered heavy duty vehicles and engines as is used for measuring exhaust emissions from gasoline powered passenger cars and light duty trucks. The system used in Federal facilities for testing under the regulations in this part are described in § 85.81 of this part and figure 1 is a schematic drawing of the system.

§ 85.105 Information to be recorded on charts.

The same information recorded on charts in testing exhaust emissions from gasoline powered passenger cars and light duty vehicles is recorded in testing gasoline powered heavy duty vehicle exhaust emissions, as given in § 85.83 of this part except that in paragraph (f) the fuel tank capacity and inertial loading need not be recorded and information called for in paragraph (k) does not apply.

§ 85.106 Calibration and instrument checks.

The same instrument calibration and checking procedures described in § 85.84 of this part for testing exhaust emissions from gasoline powered passenger cars and light duty vehicles are used in regard to instruments used in testing exhaust emissions from gasoline powered heavy duty vehicles.

§ 85.107 Dynamometer test run.

(a) The vehicle or engine and devices shall be allowed to stand with engine turned off for at least 2 hours before the exhaust emission test at an ambient temperature of 60° F. to 86° F. The vehicle or engine shall be stored prior to the emission tests in such a

manner that it is not exposed to precipitation or condensation. During the dynamometer run, the ambient temperature shall be between 68° F and 86° F.

(b) The following steps shall be taken for each test:

(1) The test engine is mounted on the engine dynamometer; a test vehicle would be placed on the chassis dynamometer during the engine-idle period.

(2) Clean condensate traps, change filter elements, and check sampling train for leaks.

(3) Purge entire sampling system by allowing air to enter at probe.

(4) Purge instruments with nitrogen. Turn on chart drive and adjust the zero. Check span.

(5) Stop the nitrogen purge and switch the analyzers to the exhaust sampling train. Adjust each flow rate. Note and record the sample system pressures on the chart.

(6) Stop cooling fan. For chassis dynamometer test, vehicle hood may be open depending upon choice of proportional blower or fixed speed fan.

(7) Start engine and idle at 1,000–1,200 r.p.m. for 5 minutes.

(8) Obtain normal idle speed, record it, and start exhaust sampling.

(9) Run four 9-mode cycles.

(10) Disconnect sampling line from probe and determine air response (hang-up). As a guide, the hydrocarbon concentration should drop to 5 percent of scale in 10 seconds, and 2–4 percent of scale in 2–3 minutes. If it does not, the test is questionable.

(11) Record nitrogen zero, and check span. If either zero or span drift is in excess of 3 percent of the span concentration during run, the results are questionable.

(12) Severe methods to reduce "hang-up" may be practiced, including use of deceleration-dilution, or dual sampling systems.

§ 85.108 Chart reading.

The recorder response for measuring exhaust gas concentrations always lags the engine's operation because of a variable exhaust system delay and a fixed sample system delay. Therefore, the concentrations for each mode will not be located on the charts at a point corresponding to the exact time of the mode. For each warmup cycle to be evaluated, proceed as follows:

(a) Determine whether the cycle was driven in accordance with the specified cycle timing by observing either chart pips, speed trace, manifold vacuum trace, or concentration traces. Deviation by more than 2 seconds from the specified time for each mode make the data of questionable value.

(b) Time correlate the hydrocarbon, carbon monoxide, and carbon dioxide charts. Use all clues available to determine the location on the chart of concentrations corresponding to each mode. Use judgment in recognizing and compensating for trace abnormalities.

(c) For all open throttle (3", 10", 16", and 19" Hg) and idle modes, integrate the last 3 seconds of the HC, CO and CO_2 traces.

(d) The values recorded for the initial idle mode are used for both warmup cycles 1 and 2. The final mode values are applied to hot cycles 3 and 4.

(e) Integrate the complete HC, CO, and CO_2 traces during the final, 43-second closed throttle, mode of each cycle.

§ 85.109 Calculations.

The final reported test results shall be derived through the following steps:

(a) Determine composite hydrocarbon and carbon monoxide concentrations for the first and second cycles. The results of these two cycles are combined and then averaged.

(b) Determine composite hydrocarbon and carbon monoxide concentrations for the third and fourth cycles. These two cycles are then averaged.

(c) Combine the results of (a) and (b) according to the formula: 0.35(a) plus 0.65(b).

Since hydrocarbon, carbon monoxide, and carbon dioxide are all measured with essentially the same moisture content, no moisture correction is required to convert the results to a dry basis. The correction factor:

$$\frac{15}{\frac{1}{2}(\%CO)+(\%CO_2)+10(\%HC)}$$

is applied to the measured concentrations of hydrocarbon and carbon monoxide to correct these observed values for dilution of the exhaust.

§ 85.110 Test vehicles.

(a) *Emission data vehicles or engines.* Two vehicles or engines of each engine displacement-exhaust control system combination will be run for emission data. When an engine displacement projected sales volume represents less than one-half of 1 percent of the last full model year's total U.S. sales of all vehicles or engines subject to this section, then only one vehicle or engine would be required for that displacement-control system combination. Each manufacturer, however, must accumulate data on a minimum of two vehicles or engines to qualify for certification, unless a lesser number is agreed to by the Surgeon General as meeting the objectives of this procedure.

(b) *Durability data vehicles or engines.* The durability data vehicles or engines shall comprise a minimum of two and a maximum of six. The number shall be determined by selection of those engine displacement-control system combinations which represent at least 70 percent of the manufacturer's projected sales in the United States during the full model year for which certification is sought, selected in order of sales volume. *Provided, however,* That when such manufacturer's projected full model year sales in the United States represents less than 10 percent of all domestic sales of vehicles or engines subject to this section, the number of durability data vehicles or engines shall be determined by the number of engine displacement-emission control system combinations comprising at least 50 percent of domestic sales by the manufacturer projected for such model year, but in no event shall there be less than two vehicles or engines unless a lesser number is agreed to by the Surgeon General as meeting the objectives of this procedure.

§ 85.111 Test conditions.

(a) Maintenance:

(1) A complete record of all pertinent maintenance performed on the test vehicles will be supplied with the application for certification.

(2) Maintenance on the durability vehicles will be performed only as a result of part failure or gross vehicle malfunction with the following exceptions:

(i) Only one major engine tuneup may be performed (at approximately 25,000 miles of scheduled driving or 750 hours of dynamometer operation): *Provided,* That three such tuneups may be performed for vehicles with an engine displacement of 200 cubic inches or less, at approximately 12,500-mile intervals of scheduled driving. A major engine tuneup shall consist of the following: Replace spark plugs; inspect ignition wiring and distributor cap and replace as required; replace distributor breaker points and condenser; lubricate distributor cam; check distributor advance and breaker point dwell angle and adjust as required; check, and tighten, if necessary, intake manifold bolt torque; adjust tappets if required; check automatic choke for free operation and adjust as required; adjust carburetor idle speed and mixture; check for free operation of exhaust heat control valve and adjust as required; adjust belt tension.

(ii) Spark plugs may be changed if misfire is detected at 35 m.p.h. or below during the 0–70 m.p.h. WOT acceleration in the modified AMA driving schedule (see § 85.91).

(iii) Normal vehicle lubrication services (engine and transmission oil change and oil, fuel, and air filter servicing) will be allowed at recommended mileage intervals.

(iv) Crankcase emission control system may be serviced at 12,000 miles, or longer.

(v) Adjust choke or idle settings only if there is a problem of stalling at stops, or at permitted major tuneups.

(b) Complete emission tests (see §§ 85.100–85.109) shall be run before and after any vehicle maintenance which can be expected to affect emissions.

§ 85.112 Mileage accumulation and emission measurements.

The route for mileage accumulation should be representative of urban driving with an average speed of 32 m.p.h. or less. The AMA city route (appendix A) or modification thereof approved by the Surgeon General will meet this requirement. An example of an approved modification is shown in appendix B. Laboratory dynamometer operation approximating the mileage accumulation route may be substituted for vehicle mileage accumulation. The dynamometer mileage accumulation schedule shall consist of several operating conditions which give the same percentage of time at various manifold vacuums and the modes as specified in the emission test cycle. The

average speed shall be between 1,650 and 1,700 r.p.m. with some operation at 3,200 r.p.m. or governed speed, whichever is lower. Maximum cycle time shall be 15 minutes. The cycle employed shall be subject to approval by the Surgeon General.

(a) *Emission data vehicles or engines.* Each vehicle or engine will be operated a minimum of 4,000 miles or 125 hours, respectively, with all atmospheric emission control systems installed and operating. The results of emission tests conducted at 4,000 miles or 125 hours shall be supplied with the application for certification to establish the low-mileage emission level of each vehicle or engine.

(b) *Durability data engines or vehicles.* Each vehicle or engine will be operated 50,000 miles or 1,500 hours, respectively, with all atmospheric emission control systems installed and operating. Emission measurements, as prescribed, shall be made at least every 4,000 miles or 125 hours.

§ 85.113 Compliance with emission standards.

(a) The emission standards in the regulations in this part apply to the lifetime emissions of equipped vehicles in public use. Prior to certification, lifetime emissions can be obtained by projection of test data to lifetime normal service. Normal service in an urban area (or its dynamometer operation equivalent) for 100,000 miles is taken as the basis for "lifetime emissions."

(b) It is expected that emission control efficiency will change with mileage accumulation on the vehicle. It is assumed that emissions corresponding to 50,000 miles in normal service or 1,500 hours of dynamometer operation is the average emission of vehicles over their lifetime. (With some cars, emission deterioration rate could conceivably be greater in the second 50,000 miles or 1,500 hours of dynamometer operation. Unless normal service data with particular equipped vehicles after long service indicates to the contrary, however, it will be assumed that 50,000 miles of normal service or 1,500 hours of dynamometer operation is the proper average for the whole period.)

(c) The basic procedure for determining compliance with emission standards of systems or devices, installed on or incorporated in vehicles or engines, is as follows:

(1) Emission deterioration factors will be determined from the emission results of the combined durability data vehicles and/or engines.

(i) All applicable results will be plotted as a function of mileage or dynamometer hours and the best fit straight line will be drawn through these data points.

(ii) The deterioration factors will be calculated as follows:

$$\text{factor} = \frac{\text{emission interpolated to: (50,000 miles) or (1500 hours)}}{\text{emissions interpolated to: (4,000 miles) or (125 hours)}}$$

(2) The emission test results from the emission data vehicles for each engine displacement will be averaged with equal weighting to each test vehicle.

(3) The emissions to compare with the standard will be the emissions of subparagraph (2) of this paragraph multiplied by the respective factors of subparagraph (1) of this paragraph.

Subpart J—Test Procedures for Vehicle and Engine Exhaust Emissions (Diesel Engines) (Heavy Duty Vehicles)

§ 85.120 Introduction.

(a) The following procedure will be used in the testing program under section 206 of the Act to determine the conformity of new motor vehicles and new motor vehicle engines with the standards for exhaust set forth in this part.

(b) The test consists of a prescribed sequence of vehicle or engine operating conditions on either chassis or engine dynamometer with continuous examination of the exhaust gases. The test is applicable equally to controlled vehicles and engines equipped with means or devices for preventing or eliminating exhaust smoke emissions and to uncontrolled vehicles. The test applies to all diesel-powered vehicles.

(c) The basic test is designed to determine the density of exhaust smoke produced during those engine operating conditions which tend to promote smoke from diesel-powered vehicles. The test consists of two events:

(1) An acceleration function, in which a change-of-state engine operating condition is applied against a load;

(2) A lugging function in which a load, of steadily increasing magnitude, is applied against a steady-state engine operating condition. The exhaust emanating from the pipe or stack is scanned continuously for its opacity to a beam of light.

§ 85.121 Diesel fuel specifications.

(a) The diesel fuels employed shall be clean and bright, with pour and cloud points adequate for operability. The fuels may contain nonmetallic additives as follows: Cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, and dispersant.

(b) Fuel meeting the following specifications, or substantially equivalent specifications approved by the Surgeon General, shall be used in exhaust emission testing. The grade of fuel recommended by the vehicle or engine manufacturer, commercially designated as "Type 1" or "Type 2" shall be used.

Item	ASTM test method No.	Type 1	Type 2
Cetane	D 613	49–53	44–48
Distillation range	D 86		
IBP, °F		330–390	350–390
10 percent point, °F		370–430	410–460
50 percent point, °F		410–480	480–530
90 percent point, °F		460–520	570–610
EP, °F		500–560	610–660
Gravity, °API	D 287	41–43	33–35
Total sulfur, percent	D 129	0.05–0.20	0.3–0.5
Hydrocarbon composition	D 1319		
Aromatics, percent		8–15	30 (Min.)
Paraffins, Naphthenes, Olefins		Remainder	Remainder
Flash point, °F Min	D 93	130	130
Viscosity, centipoises	D 445	1.6–2.0	2.3–3.2

(c) Fuel meeting the following specifications, or substantially equivalent specifications approved by the Surgeon General shall be used in mileage accumulation. The grade of fuel recommended by the vehicle or engine manufacturer, commercially designated as "Type 1" or "Type 2", shall be used.

Item	ASTM test method No.	Type 1	Type 2
Cetane	D 613	49–53	44–55
Distillation range	D 86		
IBP, °F		330–390	350–410
10 percent point, °F		370–430	410–470
50 percent point, °F		410–480	470–540
90 percent point, °F		460–520	550–610
EP, °F		500–560	580–660
Gravity, °API	D 287	41–43	33–40
Total sulfur, percent maximum	D 129	0.05–0.20	0.2–0.5
Flash point, °F (Min.)	D 93	130	130
Viscosity, centipoises	D 445	1.6–2.0	2.0–3.2

(d) The type fuel, including additive and other specifications, used under paragraphs (b) and (c) of this section shall be reported in test results submitted under § 85.51.

§ 85.122 Dynamometer operation cycle.

(a) The following sequence of operations will be performed in chassis or engine dynamometer testing:

(1) Idle—the engine is caused to idle for 5 minutes at minimum idle speed and engine power output.

(2) Acceleration—the engine is accelerated at full rack throttle position, against a dynamometer load to no less than 85 percent of the (maximum) brake horsepower speed. This operation is performed at a uniform rate of acceleration over a period of 25±5 seconds.

(3) Lugging—proceeding from the acceleration test sequence, the dynamometer controls shall be adjusted to permit the engine to attain maximum governed speed. Then gradual dynamometer adjustment is made to slow the engine at full-rack throttle position to below the speed of maximum torque to a point where the observed brake horsepower is 90 percent of the observed brake horsepower at maximum torque or to an engine speed of 1,200 r.p.m., whichever comes first. The operation is performed smoothly over a period of 35±5 seconds.

(b) The following equipment shall be used for dynamometer tests (either a chassis or engine dynamometer may be used):

(1) Chassis dynamometer—with adequate electrical and mechanical inertial and road-load power absorption characteristics.

(2) Engine dynamometer—adequate to absorb full engine power and to limit engine acceleration rate at full rack from idle to rated speed.

(3) Fan having sufficient capacity to maintain engine cooling during sustained operation on dynamometer.

(4) A noninsulated exhaust system extending 12 feet from the exhaust manifold of the engine and presenting a back pressure at the limit established by the engine manufacturer for vehicle application shall be used with either dynamometer. No muffler shall be permitted in the exhaust system during the test. The exhaust pipe for at least the last 2 feet before the point of exhaust discharge shall be of circular cross section and shall have a diameter in accordance with the engine being tested, as specified below:

Rated engine horsepower	*Exhaust pipe size*
Less than 101	3"
101-200	4"
201-300	5"
301 or more	6"

The diameter of the terminal 2 feet of the exhaust pipe may be smaller than specified above if the applicant presents evidence, satisfactory to the Surgeon General, that such smaller pipe is used on essentially all of the vehicles in which the particular engine is used.

§ 85.123 Dynamometer procedure.

(a) The vehicle or engine shall be tested from a warmed condition. Three events, performed in sequence, representing engine idle, acceleration, and lugging operations make a complete test.

(b) Special considerations:

(1) When a vehicle is tested, it shall be nearly level in order to prevent fuel distribution unusual from that normally observed.

(2) Test shall be made with fan directed at radiator; for vehicle testing the hood shall be up. Alternate: Hood down, proportional air blower.

(3) When the engine is tested in a vehicle on a chassis dynamometer, the transmission shall be shifted into neutral and the clutch, if so equipped, shall be engaged.

§ 85.124 Sampling and analytical system.

(a) *Schematic drawing.* The following figure (Figure 7) is a schematic drawing of the optical system of the light extinction meter. Figure 8 shows the meter with a means for adapting the optical unit to the engine exhaust system.

Figure 7
TYPICAL SMOKEMETER OPTICAL SYSTEM
(Schematic)

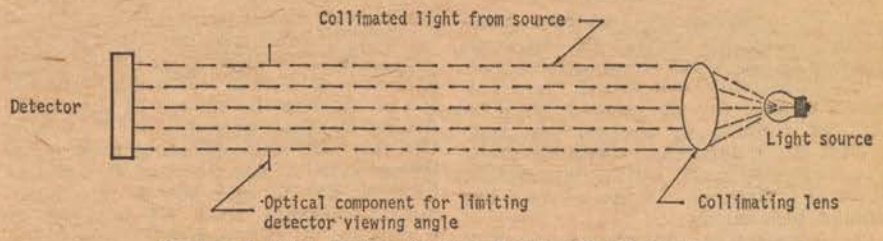
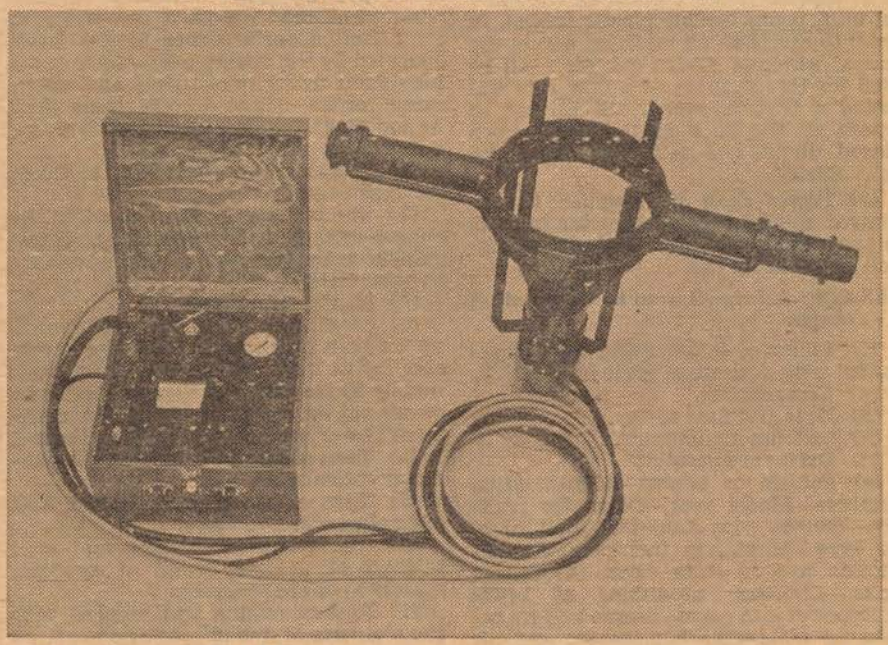


FIGURE 8—U.S. Public Health Service Smokemeter



(b) *Equipment.* The following equipment is used in the system:

(1) Adapter—for mounting the light extinction meter on the open exhaust pipe. The normal unrestricted shape of the exhaust plume shall not be modified by either the adapter, the meter, or any ventilation system used to remove the exhaust from the test site.

(2) Smoke meter (light extinction meter)—continuous recording, full-flow light obscuration meter. It shall be mounted on the exhaust pipe so that a built-in light beam traverses the smoke plume which issues from the pipe at right angles to the axis of the plume. The light source is an incandescent lamp operated at constant voltage within 15 percent of the manufacturer's specified voltage. The lamp output is collimated to a beam with a diameter within 0.75 to 1.125 inches. The angle of divergence of the collimated beam shall be within 4° included angle. A light detector, directly opposed to the light source, measures the amount of light blocked by the smoke in the exhaust. The detector sensitivity is restricted to the visual range and comparable to that of the human eye. A collimating tube with apertures equal to the beam diameter is attached to the detector. It restricts the viewing angle of the detector to within 16° included angle. An amplified signal corresponding to the amount of light blocked is recorded continuously on a remote recorder. An air curtain is maintained across the light source and detector window assemblies to minimize the deposition of smoke particles on those surfaces. The meter consists of two units, an optical unit, which

is mounted on the exhaust pipe, and a remote control unit. Light extinction meters employing substantially identical measurement principles and producing substantially equivalent results but which employ more sophisticated electronic and optical techniques for zeroing, spanning, and calibration than those described, are deemed to be acceptable substitutes.

(3) Recorder—10-inch, continuous, strip chart (or substantially equivalent) recorder with variable chart speed from approximately ½ to 8 inches per minute. The recorder scale may be calibrated to read 0–100 percent light obscuration, full scale.

(4) The smokemeter—recorder combination shall be capable of full-scale response in less than one-half second.

(c) *Assembling equipment.* (1) The optical unit of the smokemeter shall be mounted radially to the exhaust pipe so that the measurement will be made at right angles to the axis of the exhaust plume at a distance of 9 inches from the exhaust pipe outlet.

(2) A source of compressed air shall be connected to the fittings on the optical unit, using flexible plastic tubing, in order to establish air curtains across the optical windows. Clean dry air shall be used for this purpose at a flow rate adjusted so that air movement can just be sensed by the back of the hand when placed about one-half inch from the light shield.

(3) Power shall be supplied to the control unit of the smokemeter in time to allow at least 15 minutes for stabilization prior to its use.

§ 85.125 Information to be recorded on charts.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) Date and time of day.

(c) Instrument operator.

(d) Driver or operator.

(e) Vehicle or engine—Identification numbers—Model year—Odometer reading—Exhaust pipe diameter—Fuel injector type—Maximum fuel rate—Air induction system—Idle r.p.m.—Governed r.p.m.—Limiting conditions of brake horsepower and r.p.m., torque and r.p.m., exhause system back pressure, and air inlet restriction.

(f) Smokemeter. Number—Zero control setting—Calibration control setting—Gain.

(g) Recorder Chart. Identify zero traces, calibration traces, steady-state traces, change-of-state traces, and start and finish of each test.

(h) Ambient temperature.

§ 85.126 Calibration and instrument checks.

The smokemeter shall be calibrated according to the following procedure prior to each test:

(a) The optical surfaces of the optical section shall be checked to verify that they are clean and free of foreign material and fingerprints. They shall be cleaned if necessary; a fresh cotton swab and alcohol is useful for this purpose.

(b) The zero control shall be adjusted under conditions of "no smoke" to give a recorder trace of zero.

(c) The span control shall be adjusted under conditions of "no light" to give full-scale recorder response. A standard, neutral density calibration filter having a light obscuration in the range of 40–60 percent shall be employed to check the efficiency of the optics by inserting the filter in the light path and noting the recorder response. Deviations in excess of 1 percent will necessitate cleaning or renewal of the optics.

§ 85.127 Test run.

(a) When the test vehicle or engine is stored prior to the emission test, it shall be stored in such a manner that it is not exposed to precipitation or condensation and the minimum allowable ambient temperature in the vicinity of the engine during the soak period is 60° F. During the run, the ambient temperature and temperature of the supplied air shall be between 68° F. and 86° F. The barometric pressure shall be between 26 inches and 31 inches Hg.

(b) The governor and fuel system shall have been adjusted previously to limit engine performance at the levels specified by the engine manufacturer for maximum brake horsepower and maximum torque. These specifications shall be supplied with the data submitted under § 85.51.

(c) The following steps shall be taken for each test:

(1) The test engine is mounted on the engine-dynamometer assembly; a test vehicle would be placed on the chassis dynamometer.

(2) Start cooling fan.

(3) Start engine and allow it to warm up through operation on the dynamometer for at least 50 minutes at approximately 50 percent of governed speed at a power output of 50 percent of the maximum power produced at governed speed.

(4) Turn off engine and install smokemeter optical unit.

(5) Turn on purge air to optical unit of smokemeter.

(6) Check and record zero and span settings at a chart speed of approximately 1 inch per minute.

(7) Restart engine and proceed with the sequence of dynamometer operations described in §§ 85.122 and 85.123.

(8) Record the continuous smoke measurement readings at a chart speed of approximately 1 inch per minute during the idle event and 8 inches per minute during the acceleration and lugging events.

(9) Turn off engine.

(10) Check zero and reset, if necessary, and check span. If either zero or span drift is in excess of 3 percent of the chart scale, the results are questionable.

§ 85.128 Chart reading.

(a) The following procedure shall be employed in reading the smokemeter recorder chart.

(1) Locate and note the 10 highest ½-second readings during the acceleration and lugging events.

(2) Locate and note the five next highest ½-second readings during the acceleration and lugging events.

(3) The percent obscuration represented by the individual readings may be obtained by reference to a calibration table relating percent obscuration to percent recorder scale.

§ 85.129 Calculations.

(a) Take the average of the five readings in § 85.128(a)(2) and designate the value as "a".

(b) Take the average of the 10 readings in § 85.128(a)(1) and designate the value as "b".

§ 85.130 Test vehicles and engines.

(a) Test vehicles or engines shall be selected according to engine design features. These features include combustion cycle, cylinder design, methods of air aspiration and fuel feed per stroke. Separate emission-durability test fleets shall be established for 2-cycle and 4-cycle engines.

(b) Emission data vehicles or engines. In a family of engines of identical cylinder design one vehicle or engine for each method of air aspiration shall be run for emission data: *Provided further,* That a minimum of two vehicles or engines would be required for each family of identical cylinder design and for each test fleet. Within these categories, that engine which features the highest fuel feed per stroke, primarily during engine lugging conditions and secondarily during normal engine operating conditions, would be selected.

(c) Durability data vehicles or engines. The durability data vehicles or engines in each test fleet shall comprise a minimum of two and a maximum of six, the number being determined by selection of those combinations of engine cylinder design, method of air aspiration, and fuel feed per stroke which represent at least 70 percent of the manufacturer's total sales in the United States during the latest full model year for which sales statistics are available, selected in order of sales volume: *Provided, however,* That when such manufacturer's total latest full model year sales in the United States represent less than 10 percent of all domestic sales of vehicles or engines subject to this subpart, the number of durability data vehicles or engines shall be determined by the number of cylinder design and air aspiration options comprising at least 50 percent of domestic sales by the manufacturer during such model year, but in no event shall there be less than two vehicles or engines per test fleet unless a lesser number is agreed to by the Surgeon General as meeting the objectives of this procedure.

§ 85.131 Test conditions.

(a) Maintenance:

(1) A complete record of all pertinent maintenance performed on the test engines and vehicles shall be supplied with the application for certification.

(2) Maintenance on the durability vehicles and engines may be performed only as a result of part failure or gross

vehicle malfunction with the following exceptions:

(i) Only one major engine tuneup may be performed, at approximately 500 hours of dynamometer operation.

(ii) Normal vehicle lubrication services (engine and transmission oil change and oil, fuel, and air filter servicing) will be allowed at recommended intervals.

(b) Complete dynamometer-exhaust emission tests (see §§ 85.120 through 85.128) shall be run before and after any vehicle or engine maintenance which can be expected to affect emissions.

§ 85.132 Mileage accumulation and emission measurements.

(a) Mileage accumulation shall be simulated by operation of a vehicle or engine on a dynamometer.

(b) Emission data vehicles or engines: Each vehicle or engine shall be operated on a dynamometer for 125 hours with the dynamometer and engine adjusted so that the engine is operating at 95–100 percent of maximum governed r.p.m. and at 95–100 percent of full rated horsepower. The results of all exhaust smoke tests conducted after 125 hours of operation will be supplied with the application for certification to establish the low-mileage emission level of each vehicle or engine.

(c) Durability data vehicles or engines: Each vehicle or engine shall be operated on a dynamometer for 1,000 hours with the dynamometer and engine adjusted so that the engine is operating at 95–100 percent of maximum governed r.p.m. and at 95–100 percent of full-rated horsepower. Exhaust smoke measurements will be made at least every 125 hours of operation. The results will be supplied with the application for certification and are used to establish the deterioration factors (see § 85.133).

§ 85.133 Compliance with emission standards.

(a) The emission standards in the regulations in this part apply to the lifetime emissions of equipped vehicles in public use. Prior to certification, lifetime emissions can be obtained by projection of test data to lifetime normal service. Lifetime normal service or its equivalent is taken to be 2,000 hours of prescribed dynamometer operation.

(b) It is expected that the density of visible exhaust emission will change with use of the vehicle or engine. It is assumed that emissions corresponding to 1,000 hours of prescribed dynamometer operation is the average emission of vehicles or engines over their lifetime. (With some vehicles or engines, emission deterioration rate could conceivably be greater in the second 1,000 hours. Unless normal service data indicate to the contrary, however, it will be assumed that the prescribed usage is the proper average for the whole lifetime.)

(c) The basic procedure for determining compliance with exhaust smoke emission standards in diesel-powered vehicles or engines, is as follows:

(1) Emission deterioration factors "A" and "B" will be established separately for 2- and 4-cycle engine test fleets. They shall be determined from the emission results "a" and "b", respectively, of the durability data vehicles or engines. (§ 85.129)

(i) All smoke test "a" and "b" results will be plotted separately as functions of hours of operation and the best fit straight lines will be drawn through these data points.

(ii) The deterioration factors will be calculated as follows:

$$A = \frac{\%\text{ obscuration "a", interpolated to 1,000 hours}}{\%\text{ obscuration "a", interpolated to 125 hours}}$$

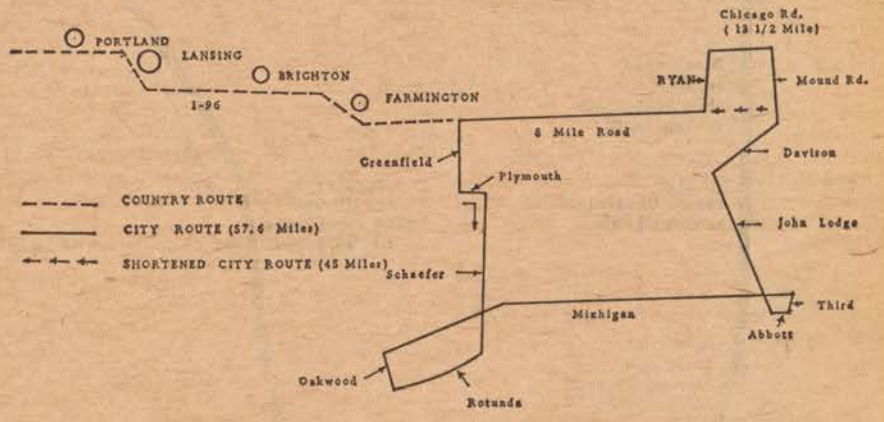
$$B = \frac{\text{peak }\%\text{ obscuration "b" interpolated to 1,000 hours}}{\text{peak }\%\text{ obscuration "b" interpolated to 125 hours}}$$

(2) The percent light obscurations to compare with the standards will be the percent light obscuration values "a" and "b" of each emission data vehicle multiplied by the respective factors A and B of subparagraph (1) of this paragraph.

APPENDIX A

AMA TEST ROUTE—DETROIT, MICHIGAN, AND VICINITY

(Average Speed 32 m.p.h.)



NOTE:

1. Observe all speed limits.
2. Drive at the speed limit whenever possible.

APPENDIX B

MODIFIED AMA CITY DRIVING SCHEDULE

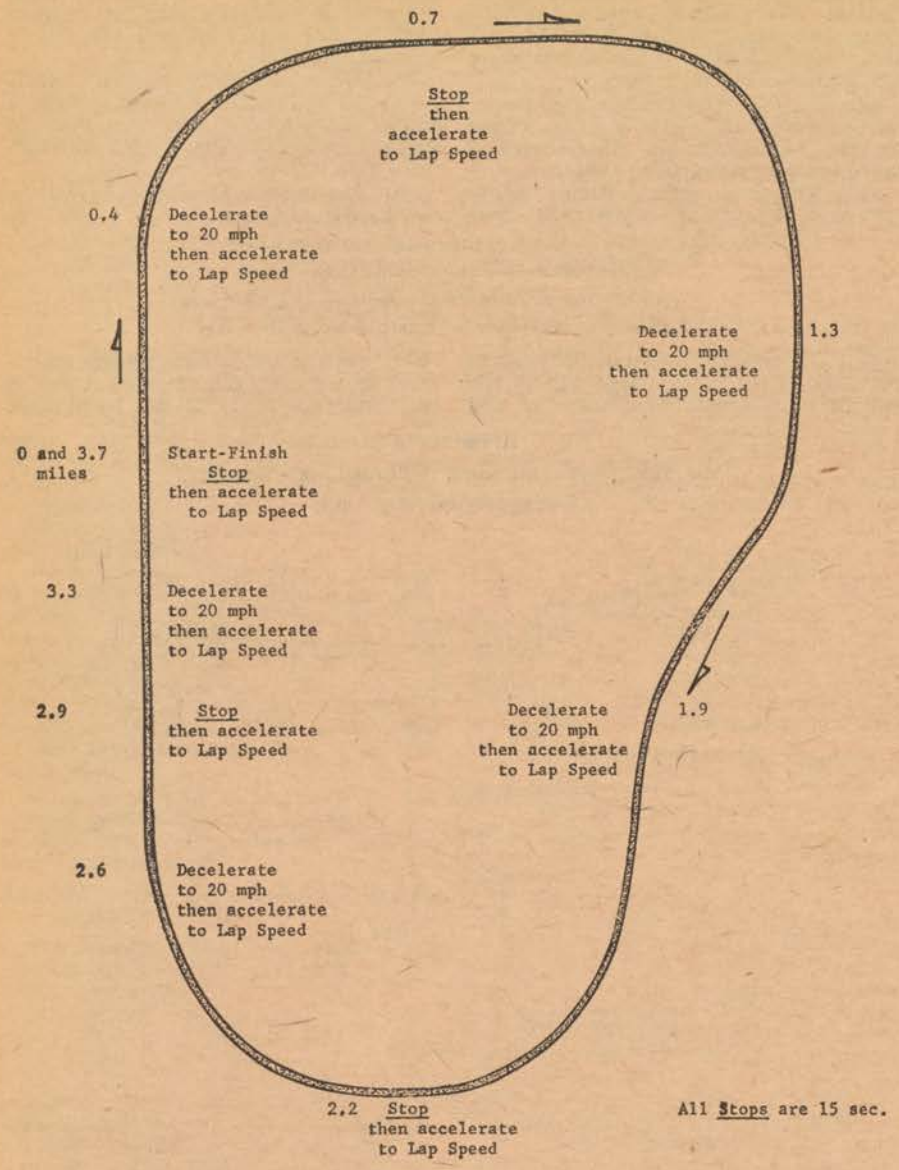
The schedule consists basically of 11 laps of 3.7 mile course. The basic vehicle speed for each lap is listed below:

Lap	*Speed-m.p.h.*
1	40
2	30
3	40
4	40
5	35
6	30
7	35
8	45
9	35
10	55
11	70

During each of the first nine laps there are 4 stops with 15 second idle. Normal accelerations and decelerations are used. In addition, there are 5 light decelerations each lap from the base speed to 20 m.p.h. followed by light accelerations to the base speed.

The 10th lap is run at a constant speed of 55 m.p.h.

The 11th lap is begun with a wide open throttle acceleration from stop to 70 m.p.h. A normal deceleration to idle followed by a second wide open throttle acceleration occurs at the mid-point of the lap.



APPENDIX C

DYNAMOMETER BLOWER DESCRIPTION

Cooling air to the vehicle is supplied by a proportional blower which is controlled by the dynamometer speed to deliver air to match the vehicle air speed up to 50 m.p.h. The blower outlet, minimal dimensions: 36" high by 48" wide, is provided with straightening vanes which are divided into rectangular grid sections no larger than 9 inches to the side.

The blower exit velocity measurement is determined by taking velocity pressure measurements at the center of each grid section using a pitot tube connected differentially to a 0–2-inch inclined water manometer. These measurements shall be made with the test vehicle positioned on the dynamometer, with 8" separating the blower outlet from the front bumper.

The velocity of the blower air (v), in miles per hour, is computed according to the following formula:

$$v = 12.457\ (P_v/d)^{1/2}$$

where:

P_v = Velocity pressure in inches of water, and

d = Air density in pounds per cubic foot

The air density (d), in pounds per cubic foot, is computed by the following formula:

$$d = 1.325\frac{P_B}{T}$$

where:

P_B = Barometric pressure in inches of mercury, and

T = Absolute temperature (° F. plus 460)

The blower air velocity, at each grid section, shall not deviate from the simulated vehicle velocity by more than 10 percent.

APPENDIX D

SUMMARY EXAMPLE OF SEQUENCE OF EVENTS AND TEST CONDITIONS FOR COMBINED TESTING OF FUEL EVAPORATIVE EMISSIONS AND EXHAUST EMISSIONS

Vehicle preconditioning (§ 85.73).

(1) Drain fuel tank and replace with a volume of test fuel not to exceed 40 percent tank capacity.

(2) Operate vehicle on dynamometer stand through 9 x 7-mode cycles—ambient temperature: 68° F.–86° F.

(3) Permit vehicle to soak for 1 hour—ambient temperature: 76° F.–86° F.

(4) Drain fuel tank.

Standard Test Procedure (§ 85.74).

(5) Collect diurnal breathing losses.

Ambient Heating Option (Ambient temperature 60° F.–86° F.):

(a) Prepare vehicle for evaporative emission testing (§ 85.72).

(b) Add specified test fuel to specified volume—temperature of fuel is 60° F.±2° F.

(c) Install evaporative emission collection traps.

(d) Soak for 11 hours.

Artificial Heating Option (Ambient temperature 60° F.–86° F):

(a) Soak for 10 hours from the time of completion of Step No. 3 above.

(b) Prepare vehicle for evaporative emission testing during the soak period.

(c) Add specified test fuel to specified volume—temperature of fuel is 60° F.±2° F.

(d) Install evaporative emission collection traps.

(e) Force-heat fuel in tank to the "tank fuel parking temperature" at a linear rate over a period of 1 hour—ambient temperature: 76° F.–86° F.

(6) Perform exhaust emission test and collect running losses for evaporative emission test. Operate test vehicle on dynamometer stand through 9 x 7-mode cycles—ambient temperature: 68° F.–86° F.

(7) Collect tank and carburetor hot soak losses. Permit vehicle to soak for 1 hour—ambient temperature: 76° F.–86° F.

[F.R. Doc. 68–3; Filed, Jan. 3, 1968; 8:45 a.m.]